

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT
STATEMENT (FSEIS) FOR

CORNWALL COMMONS PLANNED ADULT
COMMUNITY

TOWN OF CORNWALL, ORANGE COUNTY, NEW YORK

Planning Board Accepted: November 3, 2008
Document Filed: November 6, 2008

Lead Agency:
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II. SUMMARY

This is a Final Supplemental Environmental Impact Statement (FSEIS) prepared for the Town of Cornwall Planning Board, Cornwall, Orange County, New York, the lead agency, under the New York State Environmental Quality Review Act (SEQRA) (Environmental Conservation Law, Article 8) and implementing regulations (6 NYCRR Part 617).

The applicant, Cornwall Commons, LLC, ("the applicant" or "project sponsor") has submitted an application to the Town of Cornwall Planning Board for the development of a Planned Adult Community (PAC). The subject property is located on the northwest side of NYS Route 9W, identified on the Town of Cornwall Tax Map as Section 9, Block 1 and Lot 25.22. The overall project involves the subdivision and development of a 197.7 acre parcel into 9 commercial lots and 1 residential lot and site plan and special use permit approval of the PAC. The property has already received a preliminary subdivision approval, most recently in September, 2006 for a 10 lot subdivision intended to accommodate the PAC. The site was granted a PAC special permit from the Town of Cornwall Town Board on June 5, 2006. While elements of the overall site PAC are before the Planning Board (including but not limited to drainage, traffic, ecology for the overall site), the trigger for this supplemental SEQR review is the submittal of a PAC residential site plan for proposed Lot 10, which constitutes the residential portion of the PAC. Lots 1 through 9 are proposed to be developed commercially, and each lot shall require its own separate site plan review.

This FSEIS has been prepared to respond to comments from the public hearing held on the Draft Supplemental Environmental Impact Statement (DSEIS) on July 7, 2008. The extended public comment period ended on July 17, 2008. Comments received during the comment period include:

1. July 7, 2008, Public Hearing Comments;
2. Letter from Palisades Interstate Park Commission dated July 17, 2008;
3. Letter from Village of Cornwall-on-Hudson received July 17, 2008;
4. Letter from Riverkeeper dated July 17, 2008;
5. Letter from Cornwall Conservation Advisory Council dated July 17, 2008;
6. Letter from Gary Haugland dated July 15, 2008;
7. Letter from Anthony L. Smith, received on July 16, 2008;
8. Letter from Richard A. Mitchell, Esq., New York Military Academy, dated July 16, 2007;
9. Letter from Katherine B. Goodspeed, dated June 11, 2008;
10. Letter from Frank T. Simeone, Esq., Vails Gate and Canterbury Fire Districts, dated July 14, 2008;
11. Memo from Mark Edsall, P.E., McGoey, Hauser & Edsall Consulting Engineers P.C., dated July 7, 2008; and
12. Letter from Fred and Anne Diehl, dated June 17, 2008.

Other correspondence received concerning the DSEIS prior to the public comment period include the following:

1. Letter from Kristen C. Sebesta-Boyle, Administrative Assistant, Cornwall Volunteer Ambulance Corps., dated May 28, 2008;
2. Letter from William Schuster, PhD, dated March 13, 2008; and
3. Letter from Katherine B. Goodspeed, Cornwall Conservation Advisory Council, dated February 4, 2008.

The comments raised during the public hearing and the public comment period for the DSEIS are included in this FSEIS. Copies of the public hearing transcript and letters received during the public comment period are included in Appendix A and B, respectively. Copies of all other correspondence received prior to the public comment period and the report from the Orange County Department of Planning are included in Appendix C.

Following the close of the public hearing, a letter from the project sponsor to the Planning Board was submitted concerning road width alternatives and a memo from the Town Engineer to the Planning Board was prepared in response to this letter. For completeness, the Planning Board requested that these letters be addressed in the FSEIS. A copy of the letters can be found in Exhibit "6" and discussion has been integrated into the section which follows.

This FSEIS consists of one volume and includes the Draft Supplemental Environmental Impact Statement by reference.

SITE PLAN

In the DSEIS, alternative road width plans were included depicting the internal roadway in the residential community at road pavement widths varying from 24 feet to 28 feet (Exhibit "W" of the DSEIS). Four alternatives were identified by the Town Planning Board for consideration. In all of the alternatives, the road width in the multiple family and attached single family dwellings section were proposed to be 26 feet (Exhibit "O" of the DSEIS). Based on the comments received from the Planning Board, its consultants, and the Canterbury Fire District concerning safe emergency vehicle access, the project sponsor determined to proceed with Alternative #3, private roads and a 40 foot right of way with a 28 foot wide pavement with parking on one side.

This alternative provides four more feet of traveled way to address the comments regarding safe emergency vehicle access. The project engineer has determined that the proposed stormwater improvements on site are capable of treating stormwater runoff under this alternative. This alternative will also provide significant benefits to the Town of Cornwall since highway taxes would be paid, but there would be no demand on Town services for snow and ice control, street maintenance, street repairs, street reconstruction, curb maintenance repairs or construction except within the main looped access road.

The Planning Board adopted a resolution on August 4, 2008, recommending that the Town Board approve private roads in accordance with Alternative #3 within the Planned Adult Community residential development. On August 11, 2008, the Town Board approved the use of private roads in accordance with Alternative #3 within the residential component of the Cornwall Commons PACdevelopment.

Based on the recommendations of the Board's consultants, the site plan was reviewed to determine whether a 50 foot right-of-way could be provided. This evaluation was requested in case, in the future, the Town might want to accept dedication of the roads as public roads. Although this is unlikely, the plan was reviewed and it was determined that a 50 foot right-of-way could be provided subject to the following impacts:

The right-of-way line will encroach on Unit No. 64;
There will be approximately four to five feet between the site of Unit 289 and the Road "E" right-of-way line;
There will be approximately eight feet between Unit 211 and the Road "I" right-of-way line;
There will be approximately twelve feet from the back of the townhouse units to the right-of-way line; and
Other units at road intersections (41, 51, 79, 127, 147, etc.) will have a distance of approximately ten feet between the building and the right-of-way line.

RESPONSES TO COMMENTS RECEIVED DURING AND PRIOR TO AND AFTER THE PUBLIC COMMENT PERIOD ON THE DSEIS AND SITE PLAN APPLICATION

LAND USE, PLANNING AND ZONING

Comment No. 1:

We support the development of Cornwall Commons and urge the board to approve this PAC and the additional site after the July 7th public hearing. Cornwall and the surrounding area will benefit from having a community of this kind within its boundaries. (Diehl letter dated June 17, 2008).

Response: Comment noted.

Comment No. 2:

The document does not list the two fire districts as interested agencies. It is my understanding that each should be so listed (see II. Summary p. 4/5 & section C. p.15). (Edsall letter dated June 7, 2008).

Response: Both the Canterbury Fire District and Vails Gate Fire District were included on the Notice of Acceptance and Notice of Joint Public Hearing and received a copy of the site plan application for review and comment. The Fire Districts do not have permit authority with respect to the proposed action; however, both districts have been kept fully apprised of the project through numerous communications and meetings in order to provide them with opportunities to advise and comment regarding the proposed action.

Comment No. 3:

Project Roadway Alternatives: The document identifies four alternatives, as follows:

- Alt. #1 – 24-foot Road (private) with 40-foot ROW and one-side parking*
- Alt. #2 – 24-foot Road (private) with 40-foot ROW and no parking*
- Alt. #3 – 28-foot Road (private) with 40-foot ROW and one-side parking*
- Alt. #4 – 28-foot Road (public) with 50-foot ROW and one-side parking*

It is unclear why the document indicates that the alternative #4 road would have a 19% increase in impervious area vs. the alternative #3 roads 16.6% increase, when both roads are the same width. (Edsall letter dated July 7, 2008).

Response: Alternative #4 (public roads) requires that some of the roads be lengthened and the horizontal curves adjusted to meet Town standards. These lengthening and adjustments increase the amount of impervious surface.

Comment No. 4:

The document provides code text reference on the top of page 20 which is in our opinion misleading since it does not provide reference to all the provisions of the code (as were clearly outlined by the Attorney to the Planning Board) which give the Planning Board flexibility in requirements for roadways in PACs. (Edsall letter dated July 7, 2008).

Response: Comment noted. There was no intent to mislead. A copy of the memo from the Planning Board Attorney dated January 29, 2008, is annexed as Exhibit "1".

Comment No. 5:

In the document's analysis of the 28 foot road (with one side parking) vs. the 24 foot road (with no parking) the conclusion appears to be made with the assumption that parking is both permitted and will exist at all times in all areas of the roadway. (Edsall letter dated July 7, 2008).

Response: The DSEIS applies the PAC local law to the roadway alternatives. There is no assumption made. PAC local law Section 158-21X states:

The applicant shall determine, prior to final approval, which roads are to be private or public roads. All roads shall be constructed to town specifications for the road bed and pavement depths and pavement width shall be eighteen (18) feet for a one-way street, twenty-four (24) feet for a two-way street with parking on one side, and thirty-two (32) feet for a two-way street with parking on two sides.

The concern with regard to road width and parking has been resolved, in any case, by way of the commitment of the applicant to incorporate the private road alternative with a forty (40) foot right-of-way with a twenty-eight (28) foot pavement and parking on one side, as set forth in the Cornwall Commons LLC letter of July 17, 2008 and appended to the FSEIS as Exhibit 6.

Comment No. 6:

It is unclear why the cost for construction for the amphibian crossing and increased road width are an issue pertinent to the environmental analysis. (Edsall letter dated July 7, 2008).

Response: SEQR requires the balancing of environmental and economic considerations, and mitigation of potential environmental impacts to the extent practicable.

Comment No. 7:

The document indicates that the "internal roadways have been designed to accommodate fire vehicles and other emergency service vehicles" (p. 58). The adequacy of the roadway with respect to width has been raised by the Fire District. We anticipate further input from the Fire Districts in this regard. (Edsall letter dated July 7, 2008).

Response: Comment noted. A copy of the site plan was provided to both fire districts with the Notice of Acceptance and Notice of Joint Public Hearing. The site plan was presented to Canterbury Fire District on June 11, 2008, to discuss emergency access. To date, no additional comments have been received from either fire district.

The concern with regard to road width and parking has been resolved, in any case, by way of the commitment of the applicant to incorporate the private road alternative with a forty (40) foot right-of-way with a twenty-eight (28) foot pavement and parking on one side, as set forth in the Cornwall Commons LLC letter of July 17, 2008 and appended to the FSEIS as Exhibit 6.

Comment No. 8:

There appear to be editorial preference comments within the document regarding Alternative #4. (Edsall letter dated July 7, 2008).

Response: The text of the DSEIS correctly noted that alternative #4 is the least desirable alternative to the project sponsor.

The concern with regard to road width and parking has been resolved, in any case, by way of the commitment of the applicant to incorporate the private road alternative with a forty (40) foot right-of-way with a twenty-eight (28) foot pavement and parking on one side, as set forth in the Cornwall Commons LLC letter of July 17, 2008 and appended to the FSEIS as Exhibit 6.

Comment No. 9:

The applicant has now raised the issue of seasonal high groundwater conditions. This should be addressed in both the Public and Private roadway designs. Curtain Drains and Roadway Stabilization Fabric may be appropriate in all such areas. (Edsall letter dated July 7, 2008).

Response: The installation of curtain drains and geotextile may be required in areas where seasonal high groundwater may occur, based upon the geotechnical report prepared by Melick-Tully and Associates found in Appendix "C" of the DSEIS. The determination for the installation of the curtain drains and geotextile fabric will be made at the time of construction jointly by the Project Engineer and Town Engineer. The Plans will be updated to provide details for the curtain drain and installation of geotextile fabric under the roadway, in the event that these items are required.

Comment No. 10:

I have watched this for some time and the situation in Cornwall has changed so much in the period of time that I have watched this and I know what the quality of these projects are that these people put together and what it will add to our community that at this point I simply would request that the soonest possible approval of this project proceed with the board and the public. I do not see any negatives. This is the only project in 25 years that I have lived in this community that brings the qualities that it does to our community. And I'm speaking particularly from the exacerbated tax situation. We all live in, those of us that have seen that over 25 years this project addresses that like no other project in 25 years has and to my knowledge no project on the books addresses those issues about taxes and might blight the increase in taxes the way this project does. Given the quality of the project, given what it brings to the community I totally support this community getting behind the project. (Public Hearing, July 7, 2008, Rohe).

Response: Comment noted. The previously designated zoning for the property allowed a wide range of non-residential, industrial and similar uses which impacts were identified in the GEIS and found to have greater potential adverse impacts. In addition, the project does offer significant cost positive benefits and a variety of housing types.

The benefits of the proposed action, as discussed in the 2005 Town Comprehensive Plan, include provision to existing and future senior residents a range of housing and recreational opportunities, a range of commercial opportunities for Town residents and others, positive impacts on the school budget, limited traffic generation, volunteers for community programs, revenues for the recreation system, revenues for improvements to the sewer and water systems, and assistance to the economic support of downtown Cornwall.

Comment No. 11:

And the second point I would like to make is that the process and again this goes beyond this particular project but it's very important, having the public hearing understand this is near the end of the SEQRA process but for the site plan public hearing, the procedure is somewhat backwards from the public points of view in that we have a public hearing near the beginning when there is a preliminary site plan before you then there's usually with bigger projects a long period of several meetings and discussion among the board and its consultants the public doesn't get a chance to listen to all that and then comment after it. The public has to come in whenever we have a chance to learn about the project early in the process, that's all that we know and again, I don't know exactly how much of that is codified in the town's regulations versus how much is just planning board practice and policy but

especially for bigger projects I would ask you to consider either keeping the hearing open or having a second public hearing later on down the road, so really there's a balancing, we don't want to have a hearing at the very end cause you have done all your work but somewhere in the middle after some of the, all of that information and discussion has come out, it would be very useful and I think fairer and more open process. (Public Hearing, July 7, 2008, Gruber).

Response: The procedures followed by the Town Boards fully comply with the applicable state and local laws governing SEQR and land use approvals in the Town of Cornwall. Typically, plans receive a substantial amount of technical review before they are deemed ripe for a public hearing. There is a valid reason for that: it saves both the public's time and the Board's time not to open for public comment a plan that fails to meet certain basic technical requirements. Even so, even during these early pre-hearing stages, the review process is transparent and members of the public sometimes opt to write letters to the Board during this stage to flag certain issues for the Board's attention, and the Board always receives and notes such correspondence. But when the public review period is finally opened for a very large project such as this, the public often expresses frustration due to the large amount of material that there is to digest in a short time frame. In compliance with the SEQR timelines, this is unavoidable.

Comment No. 12:

One, I don't know to what extent the senior build out is going to happen if it's going to be gradual. I'm concerned only because of the current senior project that's underway right now and they're having a very difficult time selling those units. What will happen if they cannot be sold as senior units? Will we have vacant buildings or will they open it up to general population or, you know, and is so many of them, are any of them income based or all just outright sale? Because as we all know, this is a very difficult time in the real estate market and this is such a huge undertaking and a lot of the seniors cannot afford to purchase, it's a beautiful project, but I don't know how many people are going to be able to afford it cause they can't sell their current homes and many of them are doing that now. (Public Hearing, July 7, 2008, Regan).

Response: The project will be phased based on market conditions and the logical progress for development of the property. A phasing plan has been submitted and will be addressed as part of the approvals and SEQRA findings. Annexed as Exhibit "11" is a proposed section plan, which sections have been identified for purposes of development and construction, financing and marketing.

Pursuant to Town of Cornwall Zoning Code, the occupancy of a PAC is restricted to persons 55 years of age or older. The Zoning Code requires the applicant to provide a deed restriction in every deed conveying title to each lot or dwelling unit imposing the age restriction. Since the age restriction is a provision of the zoning code, disregard of that limitation is a violation of the code and the terms of the developer's agreement. Enforcement is available to the Town by way of Notice of Violation and then court proceedings for penalties such as fine or imprisonment or both, by injunction.

The project is a market rate project and, therefore, dwelling units will be available to the general public, 55 years of age or older. Markets vary from time to time and this project will be reflective of those conditions.

Comment No. 13:

One other comment I'm sure Gerry would have no problem confirming is that the market is not going to drive the change by virtue of it not becoming a senior project, obviously, it's proposed as a senior project and that's what the approval that's being considered. (Public Hearing, July 7, 2008, Edsall).

Response: See response above.

Comment No. 14:

Sorry, Eileen Regan, one of the comments were about rateables and, you know, reducing the impact of the taxes, industries are rateables and they will reduce taxes but homes and services in my opinion actually cause them to go up so I'd like to hear that addressed please. (Public Hearing, July 7, 2008, Regan).

Response: This project has a tax positive economic impact as set forth in the GEIS and SEIS (see page 63 of SEIS and pages 2-17, 3-14, 4-5 of GEIS). The project consists of a large component of non-residential improvements which will generate significant real property taxes. The housing component is also tax positive based on the limited demand on public services and the anticipated tax revenues.

Comment No. 15:

Finally, the applicant frames the "Beneficial Environmental Impacts" section of the DSEIS solely in terms of economic benefits, including: commercial opportunities for Town residents and others; Volunteers for community programs; and to assist in economic support of downtown Cornwall. No actual environmental benefits area proposed. The DSEIS lists all the indirect benefits that additional tax revenue and additional consumers may bring to the community, but fails to list significant indirect adverse environmental effects. Until the applicant's EIS explains how the expected economic benefits will mitigate, rather than outweigh the significant environmental impacts, the Town Planning Board cannot accept it as final under SEQR. (Riverkeeper letter dated July 17, 2008).

Response: The SEQR Regulations 6 NYCRR Part 617.1(d) states the following:

"It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision-making."

There is nothing in this language that specifically *requires* any economic benefits of a project to outweigh the environmental effects of a given decision; it merely requires that they be considered together. And it is important to remember that, while a weighing and balancing of economic and environmental factors should be made, the two are often not directly comparable.

The DSEIS cites to all the environmental and community benefits of the proposed action, as also discussed in the 2005 Town Comprehensive Plan, which include provision of a range of housing and recreational opportunities to existing and future senior residents, a range of commercial opportunities for Town residents and others, positive impacts on the school budget, limited traffic generation, volunteers for community programs, revenues for the recreation system, revenues for improvements to the sewer and water systems, and assistance to the economy of downtown Cornwall and preservation of many features of the site's natural environment (see Exhibit "G" of the DSEIS). The environmental benefits provided by this project include the undisturbed buffer proposed to remain on the northern and westerly portions of the site; establishment of woodland areas on the site which will include native plant varieties; and central sewer and water service to the site. It is also important to remember that the applicant is entitled to some reasonable use of its property pursuant to the zoning law.

The potential environmental impacts of the project are discussed on pages 1-14 of Section 3 of the GEIS and pages 25-66 of the DSEIS, and the mitigation of any potentially significant adverse impacts are addressed. Given the mitigation measures, the DSEIS finds that no significant unmitigated adverse environmental impacts are created by the project as proposed.

Comment No. 16:

The current plan, despite the lengthy and arduous review, revision and comment process the Planning Board and the applicant have endured, still includes a number of highly questionable design elements and what seem to be significant environmental impacts that are not being mitigated. These are summarized below. We propose that many of these environmental impacts can at least be reduced by one, simple step: significantly reduce the footprint of this project on the site. Make the lot sizes for the proposed single-family homes smaller, and reduce the footprint of the other residential development. While this may not affect certain off-site impacts, such as traffic, this single step can: 1) reduce stormwater runoff, together with associated water quality and erosion risks; 2) reduce the need for destroying intact woodland and mature trees, which is clearly the intent of the Town's Comprehensive Plan; 3) preserve more mature trees, as the Town's tree code requires; 4) provide a better opportunity for preserving the important wetland habitat on this site, including the unusual concentrations of mole salamander species in wetlands; 5) allow for wider forested buffers around the wetlands, and along the perimeter of the project site, to better ensure that visual impacts to state parkland, the Moodna Creek, and other scenic and recreation areas (existing and proposed) are minimized. Without these changes, the environmental impacts of this project will be significant and the mitigation measures proposed are inadequate to meet the intent of SEQRA. (Cornwall Conservation Advisory Commission letter dated July 17, 2008).

Response: The Town Board issued a special use permit authorizing the use of cluster design to provide for preservation of contiguous open space and important environmental resources while allowing flexibility in design. Based on the permitted density calculation, the project site could be developed with up to 556 units; however, the project sponsor is proposing 490 units. The GEIS and

DSEIS detail the modified development plans and mitigation measures that avoid any significant adverse environmental impacts. In particular, the Lot 10 plans are consistent with the GEIS Findings, as will be set forth in greater detail and specificity in the Planning Board's Lead Agency Supplemental SEQR Findings that form the conclusion of the Supplemental SEQR review process.

Comment No. 17:

You now have before you a proposal that claims to have heard our concerns by leaving random small clusters of trees and forming concrete circles around the ponds and wetlands. A plan that states we as a community will not be significantly impacted by either the new construction, which could go on indefinitely, the expanded number of vehicles using Route 9W with its three single lane choke points, or the new traffic patterns that we know will emerge through the narrow streets of the Village of Cornwall on-Hudson as well as the greater Cornwall area.

What this plan lacks — has always lacked - is a progressive orientation to the future of such a planned, exclusive neighborhood, one that Cornwall would be especially proud of in a world of changing sensibilities, instead of the same old substantially clear cut clusters of homes centered on a clubhouse model. It is intended to be an island unto itself. For instance, the plan does not indicate how it will work with the town to provide safe pedestrian access to the business district in order to accommodate reduced reliance on gasoline powered vehicles. Residents of Cornwall Commons can only walk in circles.

This plan also fails to acknowledge the long term goals of this community as expressed in its Town Of Cornwall Comprehensive Plan as well as the Glynwood Center report, which was based on intensive visits with the people who live and work and play and go to school in this town. Yes I know the Town hasn't passed all the zoning laws. That puts the onus on you, the Planning Board, to reaffirm these community values. (Haugland letter dated July 15, 2008).

Response: The site plan does not propose concrete circles around ponds or wetlands. The site specific landscaping plans incorporate existing mature trees and new plantings, as discussed on pages 38-42 of the DSEIS. The site plan provides for retaining one-third of the site- 52.80 acres – as undisturbed woodland, an area that includes freshwater wetlands and some upland areas adjacent to some wetlands documented as mole salamander breeding sites. In addition to the existing wooded area to remain, a total of 5.41 acres of rear yard and other significant areas shown on the Naturalistic Planting plan will be planted in a native woodland type of planting (see Map “Y” in the DSEIS). This woodland planting will provide additional shade and wildlife habitat in rear yards and areas bordering the preserved native woodland. The woodland areas that are to remain in an undisturbed condition were evaluated on May 14, 2008, for each location on the site as depicted on the Naturalistic Planting plan (see Map “Y” in the DSEIS).

A supplemental traffic report was prepared showing that the proposed PAC will have less traffic impact than the project studied in the GEIS (see pages 49-57 of the DSEIS). The traffic study that was performed as part of the GEIS considered potential maximum traffic generation for the property, utilizing uses that were higher traffic generators and higher peak time traffic generators. Not only is there less traffic under the proposed use than as studied in the GEIS, the nature of the traffic is considerably different and has less impact. The contribution to peak hour traffic is reduced. The number of trucks and commercial vehicles is substantially reduced. The updated report addresses the

recent improvements to US Route 9W, proposed improvements and the current timetable for the completion of those improvements. As a result of the improvements to Route 9W and the change in the nature and volume of vehicle traffic under the proposed plan, the updated traffic report concludes that vehicular trips will not cause a significant adverse environmental impact.

Cornwall Commons is not designed to be an entirely self-contained residential area. The residents can and will use the site sidewalks and trails to connect to existing pedestrian routes. In addition, a walking route is proposed and included via Frost Lane to Willow Avenue to Main Street to encourage pedestrian traffic between the business district and Cornwall Commons. A walking route has also been proposed and included via the proposed sidewalks on the Stonehollow access road to Willow Avenue to Main Street. Pedestrian traffic is discussed on pages 57-58 of the DSEIS. See also response to Comment No. 60.

The long term goals of the Town of Cornwall are set forth in the Town Comprehensive Plan, which specifically designates this property for the development of a PAC. In order to achieve this goal, the Town Board approved the annexation of property from the Town of New Windsor to the Town of Cornwall. The Town Board determined that the annexation allowed and facilitated construction of a PAC in this portion of the Town of Cornwall, which furthers the objectives of the Town's Comprehensive Plan; that annexation will allow the unified development of the entire property, which promotes good planning and use of land and efficient governmental services and administration; that the property will not generate additional school children, but will produce significant tax revenue for the School District; that the Town of Cornwall water district, sewer district and ambulance district will provide service to the entire development, providing for unified services and governmental efficiency; and that user charges and any special assessments paid by the property will benefit the districts. The annexation of the New Windsor property eliminated the preliminary approved use of 69 single family homes which would have generated school age children. The Town Board has also approved the use of private roads within the residential component of the PAC which will provide significant benefits to the Town since highway taxes will be paid but there would be no demand on the Town services for street repair and maintenance. The main loop road through the PAC will be a town road providing vehicular access to the residential community and the commercial lots.

The Glynwood Report, which preceded the Town's adopted Comprehensive Plan, recommended among other things that the Town should consider adopting a mixed use development zone and encourage flexibility in design. The GEIS states that the potential adverse impacts associated with such mixed use development, as planned here, are less than the impacts of the previously permitted as-of-right uses in the property's previous zoning district designation, which was Planned Industrial Development in the Town of Cornwall. The Town Board's adoption of the PAC zoning law was in accordance with the recommendations of the Town Comprehensive Plan and the Glynwood Report. When the GEIS was prepared, a PAC was not a permitted use on this property. Therefore, the GEIS analyzed the adoption by the Town Board of zoning changes in accordance with the recommendations of the Comprehensive Plan that had been formally adopted and that was preceded by the Glynwood Report.

Comment No. 18:

So I believe the Planning Board needs to be somewhat creative in how it approves this project. For instance, if the developer claims there will be only so much impact of a particular feature of the plan, say the amount of impervious surface, or new traffic patterns, or the viability of wetlands, then you should establish monitoring points and reserve the right to stop the development should certain negative benchmarks be attained. At such points, mitigation plans would have to be agreed upon before work goes forward. (Haugland letter dated July 15, 2008).

Response: Lot No. 10 will be developed as a residential community in accordance with the current zoning, and will consist of a club house, recreational amenities, single-family detached dwellings, single-family attached dwellings, and multiple family dwellings developed consistent with the site plans and the Supplemental SEQR analysis and Supplemental Findings Statement. The largest single family home will be constructed within the 60' x 45' building envelope depicted on the site plan, excluding cornices, roof overhangs, trim elements, and handicapped ramps. A smaller home may be constructed within this envelope, but the SEIS considers the maximum building footprint disturbance for the single family homes. The club house, recreational amenities, single-family detached dwellings, single-family attached dwellings, and multiple family dwellings must be constructed in accordance with the site plan approved by the Planning Board.

The total project area is 197.716 acres. After deducting 9.530 acres for regulated wetlands and 2.730 for easements, there is a total of 185.456 acres of usable lot area. All buildings shall not exceed 35% of the usable site area. The lot coverage for proposed Lot No. 10 is no more than 15.52% of the usable site area; this is a "worst-case" analysis in that it assumes and provides for the maximum building footprint for each single family lot.

Each lot within the proposed 10-lot subdivision will require site plan approval from the Planning Board prior to the development of each lot. Each of those approvals will require the submission of detailed plans showing compliance with all applicable laws and each approval will be subject to a SEQR consistency determination. If any of the necessary approvals would have impacts exceeding the conditions and thresholds of the GEIS and Findings Statement or other impacts not identified during the previous environmental review, then further environmental analysis may be appropriate at that time.

Comment No. 19:

Remember also that whatever the overall economic impact of this plan may be, it remains to be seen what the cumulative impact of the other 9 lots would be. Critics of the plan have long maintained that it is deceptively simple to only talk about lot 10 when the other 9 lots are such unknown quantities and could multiply the community impacts. If Cornwall is counting on those ratables to offset the impacts, it needs to begin some serious long-term analysis. (Haugland letter dated July 15, 2008).

Response: The DSEIS was prepared to address the overall development of the Planned Adult Community, including specifically the development of the site plan application for Lot No. 10, as well as to some extent the cumulative effects of developing the entire site (including Lot Nos. 1-9), to determine whether any of the necessary approvals and development would have impacts exceeding the conditions and thresholds of the GEIS and the Findings Statement adopted by the Town of Cornwall Planning Board. This is entirely proper and consistent with SEQR regulations, as a further

step in the generic review process.

Each lot within the proposed 10-lot subdivision will require site plan approval from the Planning Board prior to the development of each lot. Each of those approvals will require the submission of detailed plans showing compliance with all applicable laws and each approval will be subject to its own SEQR consistency determination with the original Generic Findings Statement and more particularly, with the Supplemental Findings Statement that will be adopted as the culmination of this phase of the Supplemental SEQR review process. If any of the necessary approvals would have impacts exceeding the conditions and thresholds of the GEIS and the aforementioned Findings Statements, or if other impacts not previously identified during the previous environmental review are found, then further environmental analysis would be undertaken at that time, specific to those impacts. SEQR compliance – whether a consistency determination with previous Findings Statements, or whether targeted supplemental analysis of new impacts – is always required for Planning Board actions for the site.

As to the commenter's specific concern about offsetting impacts, the PAC does not rely on the development of commercial lots 1 through 9 and their ratable to offset any impacts from the development of lot 10. The development of lot 10 is already tax-positive, and with the plan modifications and other project revisions that took place in the course of the Planning Board's SEQR review, other potential physical environmental impacts have been reduced, avoided or mitigated to the maximum extent practicable.

Comment No. 20:

Cornwall Commons will be an exclusive community with no meaningful ties to Cornwall. It is true that the population over age 55 is unlikely to add to the needs of the school system, but it is not clear what other demands they will place on this community. While it is late to ask if this is what we really want, it is not too late to make it responsive to the expressed desires of the Town's population. The Planning Board should require contingency plans for such time as the predictions are wrong and the community is adversely impacted. If all goes well, they will not need to be invoked. (Haugland letter dated July 15, 2008).

Response: The development of a PAC is consistent with the Town of Cornwall Comprehensive Plan and the zoning, therefore it is considered to be consistent with the desires of the Town's population. The Planning Board can only administer the Town's adopted plan and zoning regulations.

The potential demands on the community were studied and evaluated in the DSEIS on pages 62-65 and on pages 3-12 through 3-14 in the GEIS. Both the GEIS and SEIS find that no significant adverse impacts are created.

Comment No. 21:

Public comment has now started and we believe this is the appropriate time for the Planning Board to request our review of the current site plan with regard to how it addresses the concerns we raised. It is our intent after our review to provide a single document with our consolidated CCAC comments. We will of course be drawing on the

extensive expertise of our individual members in developing these comments. (Goodspeed letter dated June 11, 2008).

Response: A detailed site plan, consisting of 57 pages, is attached to and part of the DSEIS, and the CCAC received a copy of the plans through its Planning Board liaison.

SURFACE AND GROUNDWATER

Comment No. 22:

The document references identified stormwater management provisions. Stormwater management has been reviewed in concept with the submittal and review of a preliminary Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is subject to final review as site development detail progresses both for the PAC Lot #10, as well as the other commercial lots. In addition, once the road width issue is resolved, the SWPPP may require further revisions. (Edsall letter dated July 7, 2008).

Response: A Stormwater Pollution Prevention Plan (SWPPP) has been developed in accordance with the manuals entitled "New York State Stormwater Management Design Manual" and "New York Standards and Specifications for Erosion and Sediment Control". A copy of the SWPPP, dated August 9, 2007, can be found in Volume 2 of the DSEIS. The stormwater ponds located throughout the entire project site have been sized to handle the runoff from the loop road, the maximum build out of the commercial sites, and the entire development of Lot No. 10, including 28 feet private roads.

Comment No. 23:

Our office, in a memorandum dated 31 March 2008 (copy provided to applicant with 7 April 2008 Review Comments) has also noted concern that the applicant has failed to take benefit of available and recognized alternative Stormwater Quality Approaches, which are identified in the New York State Design Manual, such as Rain Gardens (bioretention), Wet Swales, Dry Swales, Surface Sand Filters, Perimeter Sand Filters, Cartridge Filter Systems, etc. in the design of the stormwater management system. These alternatives would not only benefit the environment through improved treatment, but could also easily offset any impact from greater roadway widths currently under discussion. In the document, it is stated that "seasonal high groundwater level and the soils consisting of fragipan" prohibit these other approaches.

We are perplexed that these conditions have not been previously identified, and were not taken into account with the SWPPP previously submitted. Clearly such conditions would likely effect the stormwater basin designs, but the applicant has not raised the concern as part of that preliminary design. We now request this be addressed. The applicants attention is directed to Table 7.2 of the NYS Stormwater Management Design Manual, which would appear to provide adequate flexibility such that these other techniques can be included in the site stormwater design. We believe the document should provide more concrete technical reasons why these available alternative treatments can not be utilized. (Edsall letter dated July 7, 2008).

Response: In response to this request, the applicant has considered the use and benefit of alternative stormwater quality measures at the site.

Several different methods of water quality treatment are currently proposed at the site. All are recognized as proper by NYS DEC. The main method used is permanent pool/extended detention treatment in the five proposed stormwater ponds (NYSDEC P-3 design). Dry swales are proposed behind the dwellings along the inside of Road G, behind unit number 100, and between Wetland Area D and condominium units 2, 3, and 7. Gravel diaphragms are proposed along the west edges of pavement in the condominium area as pre-treatment for the dry swales.

Alternative water quality treatment options were investigated for the project. However, the seasonal high water level and fragipan make infiltration and filtration practices at the site impractical. In addition to the unsuitable subsurface conditions, there are several other reasons that these practices are not practical for the site, including required maintenance, initial cost, and area constraints. Filtration practices have a tendency to plug with silt and debris, requiring costly cleaning and replacement of filtration media. In addition, construction of additional water quality systems would most likely enlarge the areas disturbed during construction, which would be inconsistent with the Planning Board's expressed desire to reduce and avoid disturbance at the site where possible.

The current proposed site layout does not have any areas that would be suitable for alternative practices because of grading, location of dwellings, constrained limits of disturbance, and site design requirements. The area available around the dwellings is limited for practices such as rain gardens, bio-retention and surface sand filters, which require stormwater to enter at or near the ground surface and overflow into the stormwater drainage system. Furthermore, the overflow and underdrains for these systems would need to be tied into the drainage system in the roads, thereby greatly increasing the cost and complexity of the overall stormwater system.

It is important to note that providing additional water quality treatment for this project will not allow the proposed stormwater ponds to be made smaller, since the restricting factor for the stormwater pond design is quantity control. Calculations have been performed that show the ponds have adequate capacity to handle quality and quantity requirements for site roads up to 28 feet in width.

Site-specific groundwater conditions and soil types were taken into account in the decision to use stormwater ponds at the site. Separation of drainage structures from groundwater is only required in sole source aquifer recharge areas, and does not pertain to this site. Seasonally high groundwater, fragipan, and groundwater seepage in test pits indicate that groundwater base flow is present and will help maintain the stormwater pond permanent pools.

Tables 7.1 through 7.5 from the Stormwater Management Design Manual show that based on the conditions at the site and the proposed land use, stormwater ponds are the most appropriate method for water quality treatment at the site.

Comment No. 24:

Stormwater — Water Quality, Erosion Risks and Hazardous Waste Risks. The site plan as currently configured maximizes lot coverage and development potential at the expense of

environmental quality. In addition to impacts on trees, wetlands, and scenic quality, this approach to site design will increase the total volume of stormwater being discharged from the site. Because of the topography of the site and adjacent properties, this design presents significant risks for erosion of adjacent properties. It is not equitable for this developer to discharge stormwater off site in a way that creates these risks to adjoining owners. Because the adjacent properties on the northern and western sides include very steep slopes, discharging stormwater in these areas will create a major risk of erosion and property damage.

In particular, we note two locations in particular that present exceptional risks in this regard: 1) The discharge from stormwater pond B is particularly problematic because the map seems to show a concentrated discharge of stormwater in an area where the slope appears to be in the 36-48% range. This is an extremely steep slope and available information on erosion control practices indicates that it's not advisable to create concentrated discharges on slope of more than 10-15% maximum. 2) The Outfall G on the western boundary of the site appears to discharge uphill of two old hazardous waste lagoons, formerly used by the old carpet mill, which have never been cleaned up or remediated. Documents submitted to the Planning Board for this project, including a letter from NYS DEC dated May 10, 2000, addressed to Mr. Gerald Jacobowitz (as an owner of the property in question), state that materials in these ponds "require removal or solidification in place." While these ponds are not shown on the site plan, from other mapping it seems that they are located downhill of the proposed Outfall G. This appears to create a high risk that stormwater will flow downhill, into these old hazardous waste ponds, and from there into the Moodna Creek. This is clearly not a good plan. The Planning Board must obtain more information about the status of these ponds and ensure that runoff from this site will not combine with existing hazardous waste conditions to create a risk to environmental quality or human health.

There are several other areas shown on the plan where it appears that new stormwater discharges will be flowing down relatively steep hillsides towards the Moodna Creek.

All of these issues should be addressed before the stormwater plan is finalized. As noted above, the volume of runoff, an underlying driver of all of these issues, can be significantly reduced by minimizing the footprint of the development on this site. (Cornwall Conservation Advisory Council letter dated July 17, 2008).

Response: The applicant has conducted a detailed drainage study and prepared a Stormwater Pollution Prevention Plan (SWPPP) for the entire project site. The SWPPP includes the design of the proposed drainage system, erosion and sediment control, and construction phasing plans using "Best Management Practices," as recommended by the New York State Department of Environmental Conservation, in its Stormwater Management Design Manual. Based upon the drainage study, a total of five stormwater basins will be located on the property, with three of the stormwater basins being located within Lot No.10. The drainage basins have been designed to treat the runoff from the site for quality, and to provide for no net increase in the rate of flow leaving the site, and the stormwater management plan will actually reduce the rate of flow to below the predevelopment runoff rates.

The pre-development plan found within the SWPPP shows the current location as to where the existing drainage from the site discharges to points off site. Currently there are seven discharge points along the back of the project where the existing runoff discharges, and then runs down to the abandoned railroad, where it is collected in a swale line, and then carried through existing culvert

pipes. There is a significant existing elevation change between the subject property and the railroad bed, and a similar significant existing elevation change between the railroad bed and the Moodna Creek.

All proposed discharge locations are at locations where water currently runs off the site. The discharge rates at these locations, including stormwater pond B, have been designed to meet NYSDEC standards. The areas beyond the outlets are supplemented with rock to dissipate the velocity of the water leaving the pipe, and to prevent erosion of the ground.

The discharge from stormwater facility "D" drains in to Wetland "E", which then drains over the bank onto the southerly side of the abandoned railroad bed. From this point, the water drains in an easterly direction along the south side of the tracks, and then runs through existing culvert pipes at various locations that run under the railroad bed. Based upon site observations, water running along the tracks infiltrates into the soils prior to reaching the culverts running under the railroad bed. It was further observed that there was no seepage from the bank below the railroad bed, or swales or drainage channels from the culverts towards the lagoons to indicate that water was running towards the lagoons. There is no evidence or indication that stormwater run-off will flow into the lagoons.

Comment No. 25:

We ask for the following information to be clearly depicted and/or explained by the applicant:

The applicant should be required to state how much untreated water will be conveyed off site, into the Moodna Creek and its floodplain.

The plans should clearly depict how level spreaders and grassed swales will be used at the outfall locations, considering the high slopes.

The applicant should clearly demonstrate that the owners of the adjacent properties have allowed use of their properties (e.g. granted drainage easements) for storm water outfalls.

This Department is very concerned about the amount of water being conveyed off property and into the immediate vicinity of the Moodna Creek. It is unclear how the storm water will be distributed out of the proposed outfalls and we are concerned with the number of outfalls draining onto private property. The SDEIS states that grass swales and level spreaders will be used at these points to mitigate erosion and storm water impacts to the Creek. It is unclear whether these provisions will be effective seeing as many of the outfalls are located along a relatively steep slope.

We are also concerned with proposed outfalls draining onto the existing industrial parcel just west of the Cornwall Commons property (old carpet and weaving factory), SBL 43--1. It has come to our attention that the parcel has some pollution on site that may greatly impact the Moodna if water were allowed to drain through it.

It is noted that this area of the Moodna is surrounded by existing and proposed development that is or is proposed to drain, like Cornwall Commons, into the Creek. It is further noted that heavy erosion along its steep banks has already occurred in some parts.

As stated in our letter dated March 6, 2006, one of our primary concerns is the impact that multiple developments will have regarding the recreational quality of Moodna Creek; water quality degradation; reduction in biological diversity for both terrestrial (streamside) and aquatic (streambed) areas; and degradation of riparian habitat quality due to vegetation removal and land conversion. We further stated that conservation of the Moodna Creek is a priority for multiple agencies and organizations including the State of New York, the Open Space Institute, the Moodna Creek Coalition and the County of Orange. (Orange County Department of Planning letter dated July 18, 2008).

Response: See responses to Comment Nos. 23 and 24 above. There is no stormwater leaving the site that is not treated, as all stormwater that leaves the site is treated in accordance with NYSDEC requirements. This is also true of all other large proposed development plans in this general area, since all land use developments with disturbances in excess of 1 acre must comply with state stormwater management regulations. Stormwater is collected through a drainage system, and runs through dry swales and stormwater ponds for water quality and quantity management in accordance with current state regulations.

The plans depict the use of level spreaders and drainage channels armored with stone to dissipate the velocity of the stormwater leaving the outfall pipes in order to reduce and/or eliminate erosion of channels. The areas beyond the outfalls are also lined with geotextile fabric, prior to lining with stone, to help further reduce erosion.

Obtaining drainage easements from the surrounding property owners is not necessary. The location of the proposed drainage outfalls are the same pre-development and post development, and therefore does not drain through or otherwise impact the lagoons on the adjoining property referenced by the Department. The project is using existing drainage channels, and is not altering the location from which drainage currently leaves the site. The post-construction flow rates at these drainage points are either equal to or less than pre-construction flow rates from the site.

Comment No. 26:

The proposed project should be referred to the Orange County Soil and Water Conservation District for review. (Orange County Department of Planning letter dated July 18, 2008).

Response: There is no requirement in the Town of Cornwall Zoning Code that requires the Planning Board to refer this project to the Orange County Soil and Water Conservation District for review, and the Planning Board has not opted to refer it voluntarily, as it has already been reviewed and commented on by the Town of Cornwall Engineer.

Comment No. 27:

We suggest that the applicant Improve the project's storm water management provisions:

More storm water should be kept within Cornwall Commons' boundaries.

The applicant could employ Low Impact Design (LID) methods to preserve water quality and hereon groundwater recharge, while reducing the water draining offsite. Some examples of LID technique include the use bio-retention areas, grassed swales, and permeable pavements. Low impact design can also intrude an improved landscaping plan that provides vegetation to fall build-out, the purpose for which would be not only aesthetics but to mitigate water quality impacts as well. To obtain more examples of such, the applicant could consult the website for Center for Watershed Protection at cwp.org.

In light of the suggestions made above regarding the existing vernal pool as well as water quality and increased storm water impacts, this Department suggests that the applicant reduce the number of homes on site. (Orange County Department of Planning letter dated July 18, 2008).

Response: Although there is no provision in the Town of Cornwall Code or the State law and regulations that require the use of such alternative types of treatment, the applicant has considered the use and benefit of alternative stormwater quality measures at the request of the Town Engineer. See responses to Comment Nos. 23 and 25 above for discussion of alternative stormwater quality measures investigated for this project. The stormwater management plan addresses water quality impacts, and naturalistic landscaping is provided for in the plans, along with retained areas of existing vegetation and supplemental plantings in naturalized areas.

The Town Board issued a special use permit authorizing the use of cluster design to provide for preservation of contiguous open space and important environmental resources while allowing flexibility in design. Based on the permitted density calculation, the project site could be developed with up to 556 units; however, the project sponsor is proposing 490 units. The GEIS and DSEIS detail the modified development plans and mitigation measures that avoid any significant adverse environmental impacts.

Comment No. 28:

We recommend that the applicant reconfigure the site plan to allow for a substantial buffer around the wetland and vernal pool.

This Department is concerned about the proposed impacts on the existing vernal pool in Watershed B4. Vernal pools are hydrologically isolated and therefore not regulated by the Army Coro of Engineers. They are important, however, because of their scarcity and the rare natural community they house. Best Development Practices (Metropolitan Conservation Alliance Paper No. 5; 2002) states that the Vernal Pool Envelope (defined as 100 ft around the Vernal Pool Depression) should be left free of development. It further states that only 25% of the Critical Terrestrial Habitat lands (defined by 750 ft around the vernal pool depression) should be developed. In addition, Hudsonia's Biodiversity Assessment Manual for the Hudson River Estuary Corridor (page 130) states that vernal pools (there called Intermittent Woodland Pool habitat) "should be preserved in an unaltered state where possible."

We do not believe that the existing vernal pool will remain a functioning habitat if development around it proceeds as proposed. Furthermore, we do not believe that the proposed

culverts will act as sufficient mitigation for the displacement of the associated species. (Orange County Department of Planning letter dated July 18, 2008).

Response: The MCA Paper correctly states that New York State does not specifically recognize vernal pools and would only be subject to regulation in accordance with the conditions set forth in Article 24 of the Environmental Conservation Law. Because the proposed project site does not meet any of these conditions, the vernal pool habitat in Wetland C is not subject to regulation. However, the applicant has agreed to significantly retain nonjurisdictional Wetland C, which will protect the vernal pool habitat and will help to preserve the breeding environment for the mole salamander and other species that reside in the adjoining upland woodland. The modified site design, including the site grading and redesign of rear yards and areas in the vicinity of the recreation facility, will allow the preservation of more native woodland which buffers the wetland, providing for additional habitat for wetland species. This proposal is in accordance with the Generic Findings Statement adopted by the Planning Board and the MCA Paper which notes that clustering development away from vernal pools and other key resources is an important planning tool (page 6). Various sources differ as to the amount of upland area that is needed for habitat purposes adjacent to a vernal pool. This project layout has been revised to help protect the volume and quality of stormwater sustaining nonjurisdictional Wetland C, as well as to protect most of the wetland and a reasonable amount of wooded upland area consistent with a reasonable use of the site pursuant to the Town's zoning.

Comment No. 29:

It is beneficial that the largest existing wetlands on the property (A, C, and D) are not proposed to be directly destroyed. Cornwall, in similar fashion to much of our country, has experienced substantial losses of natural wetlands. Their importance in flood control, regulating runoff, and promoting infiltration and groundwater recharge cannot be overstated. We currently pay the price for their removal in most heavy precipitation events. Also, wetlands provide needed habitat for many sensitive and threatened species, and occasionally for listed Endangered species. Despite the proposed preservation of the limits of the wetland areas, I am concerned that the heavy development proposed surrounding these wetlands, the small proposed buffer areas, and the proposed reductions of substantial contributing watershed area fail to "avoid to the extent practicable the disturbance of these wetland areas". The plans as shown on the site map may significantly reduce the function or ultimately destroy these wetlands. Substantial reduction to water supply and insufficient preservation of adjacent upland habitat will doom resident populations of mole salamanders and other wetland creatures dependent on this habitat (Calhoun and Klemens 2002). In particular, the environmental impacts of this proposed project would be substantially reduced if the applicant were to propose significantly more preserved wetland buffer area.

For wetland A this should be accomplished by moving the entrance road to the east-northeast by at least 50 feet. Where roads do traverse near such wetlands, large funneling culverts under roadways should be used to permit seasonal migrations (e.g. Jackson 2003). Where significant populations of breeding amphibians exist, appropriate barriers along road edges should be installed to dissuade animals from directly crossing the roadway, instead guiding them to the culverts. On the west side of wetland A homes and condominiums are proposed within 25 feet of the wetland margin. These should be moved back to preserve a 100 foot buffer.

For wetlands C and D to remain viable the plans should be adjusted to retain more functional contributing watershed and also to preserve more adjoining upland habitat. The scoping document requires that "Short and long term impacts to wetlands shall be evaluated". It seems that this has been insufficiently addressed to date in the document. Calhoun and Klemens (2002) recommend preservation of a minimum of 750 feet of appropriate upland habitat surrounding 3/4 of a vernal pool for long term protection of amphibian populations. The extent of these recommendations could potentially be reduced if the upland habitat areas actually used by amphibians are delineated in advance by more field studies. (Schuster letter dated March 13, 2008).

Response: Pre & post drainage plans have been prepared to show the drainage areas to each of the wetlands (see Maps "S" & "T" in the DSEIS). The DSEIS contains tables showing the current drainage to each of the wetlands and the drainage to each of the wetlands after construction is completed. The plan does not significantly reduce the function of or the water supply to the wetlands. Consistent with the GEIS Findings, the site plan incorporates a stormwater management regime that includes discharging stormwater into each of the preserved wetland areas to maintain the present hydrologic conditions necessary to maintain the wetland habitat. Attached in Exhibit "8" is a revised peak flow and stormwater runoff quantity summary based on the site plan revisions to provide for 28 foot wide paved roadways.

At the Planning Board's request, and consistent with the GEIS Findings, the site development plans were modified to include an additional 6 acres of undisturbed woodland – 46.87 acres previously, and 53.06 acres currently (see Grading Comparison Plan annexed as Map "U" in the DSEIS). Much of this additional woodland is in the immediate vicinity of the preserved wetland areas, particularly non-jurisdictional Wetland C, which in combination with the adjoining upland areas serves as mole salamander habitat. The additional woodland areas that border the wetlands will aid in the provision of shade for wetland plants, and provide upland habitat for any amphibians that may exist in the wetlands. In addition to the preserved wooded areas, a total of 5.41 acres of rear yard and other significant areas, shown on the Naturalistic Planting plan (Map "Y" of the DSEIS), will be planted with native woodland type plantings to provide additional shade and wildlife habitat areas bordering the native woodland.

Wetland A was not reported to contain aquatic plants or amphibians of interest, so the suggested mitigation measure to move the entrance road would not be necessary for protecting the function of this ACOE wetland. It is not feasible to move the entrance road as suggested because that would significantly reduce and/or possibly eliminate the commercial lot(s) planned on the other side of the road in this mixed use development. This project element was previously sited as part of the subdivision, which had been the subject of a preliminary subdivision approval after the adoption of the GEIS Findings Statement in 2003. The location of the roadway was approved in conjunction with the subdivision application for the overall property, after evaluation of the wetland and its functions. The site plan as modified, and the overall subdivision, are consistent with the GEIS Findings with respect to this wetland function.

The site grading throughout the site has been modified to enable the preservation of additional native woodland habitat in areas adjacent to Wetlands C and D to preserve the breeding environment for the mole salamander and other species that reside in the adjoining woodland. Wetland C is the large vernal pool wetland that is a non jurisdictional wetland, but is being significantly retained. This

wetland contains a significant amount of moisture for the spring through early summer months for a variety of amphibians, birds, insects, plants and other various wildlife. Some of the wooded border along the west, south-west, north and north-west sides of this wetland will be removed, and native planting will be added on the north and north-west areas bordering the wetland habitat, which will assist in restoring adjacent woodland and shrub habitat for this wetland. The area to the east of this wetland will remain natural with additional plantings to be installed. Wetland D is wooded and will remain undisturbed with several areas of adjacent woodland remaining in the southerly, southeasterly and southwesterly areas and additional plantings will be installed along the east side of this wetland. Wetland E is a wooded wetland caused by groundwater seepage that runs down slope to the west and does not contain any significant habitat, and will remain largely undisturbed to the north and west sides of this wetland.

Mole salamanders were specifically studied and evaluated in the DSEIS on pages 32 and 42-43 and on pages 4-5 of Section 2 and page 6 in Section 3 of the GEIS. The protection of the vernal pool habitat in Wetland C will help to preserve the breeding environment for the mole salamander and other species that reside in the adjoining woodland. Given the planned site development in the area near the wetland, some stormwater will enter this wetland during all rain events during the entire year. At present, during summer months and most fall months, much of the precipitation that falls in the wooded areas surrounding the wetland seeps into the ground and does not enter the wetland/vernal pool habitat. The site plan was previously modified specifically to mitigate against potential impacts. The modified design, including modified site grading and redesign of rear yards and areas in the vicinity of the recreation facility, will allow the preservation of more native woodland which buffers the wetland, providing for additional habitat for wetland species.

In order to provide suitable passageways for amphibians, two 6' PVC pipes will be installed under Road "B", along with mountable curbing along both sides of Road "B", to allow for the movements of amphibians from one area to the other. This design has previously received approval from the New York State Department of Environmental Conservation in similar projects.

Based on the mitigation measures summarized above and as fully set forth in the DSEIS and FSEIS, there will be no significant adverse environmental impacts to the wetlands that currently contain any species of concern.

Comment No. 30:

The ecology studies accomplished to date are too cursory to truly know what threatened and/or endangered species are in these wetlands. In particular, I would recommend a thorough sedge study (genus Carex) by a qualified expert in the appropriate season (June-August when sedges are in fruit). The EIS states that rare and NYS Threatened weak stellate sedge (C. seorsa) is found in wetland C and perhaps on other wetlands on the site (each iteration of the EIS differs on this, so I feel that the true distribution of C. seorsa on the site is still uncertain). The NYS Endangered narrow-leaved sedge (C. amphibola) has been found not far to the north on the Qnassaick Creek (Barbour 2004). NYS Endangered glaucous sedge (Carex flaccosperma var. glaucodea) has been found nearby in Black Rock Forest. A full sedge survey has not yet been accomplished for this site and these findings suggest that a good, hard look for rare and endangered sedges should be accomplished before any permits are issued. (Schuster letter dated March 13, 2008).

Response: An intensive site inspection and biological study was conducted by Charles I. Keane, Biologist, in the months of May and June, which is the time of year when sedge species are conspicuously in bloom. This study includes a full and thorough analysis of the presence of sedge species on the site. (See pages 2-4 of the DGEIS and supplement thereto pages 1-5). In the first study, *Carex scorsa* was found in the vicinity of only one of the wetlands located on the site, wetland D. This sedge is listed as threatened in this portion of New York State due to climatic impacts as well as from development impacts that reduce vernal pool and freshwater wetland habitats. Wetland D is not proposed to be disturbed. The reference in the SEIS that this sedge may be found in other wetlands to a more limited extent acknowledges the occurrence of this sedge in the region and the possibility of future isolated occurrences. The FGEIS indicated that the sedge was prevalent in wetlands C, D and E. In addition, the majority of the wetlands on the site will be preserved, along with an inflow of treated stormwater that sustains them, and some areas of adjoining woodlands on this site will be preserved which will continue to provide suitable habitat for sedge and other wetland and wetland edge species.

Comment No. 31:

The EIS states that mole salamanders are "quite common in native woodlands associated with vernal pools in the northeastern US". However, that statement conflicts with the fact that most are listed Species of Special Concern in New York State. Of the mole salamanders, only spotted salamanders are common across New York. Marbled salamanders are only found in southeastern New York and are generally uncommon in our area, but they do occur on Lot 10. Jefferson's and blue-spotted salamanders are truly rare in our area. I recommend that a series of pitfall traps be installed around the wetlands during the months of March and April and that these be censused frequently during this breeding period. This is the best way to know exactly which salamanders depend on these wetlands as breeding areas. Quantification of spermatophores and egg masses in April and May should then be pursued so the Planning Board can evaluate just how important the areas are, or are not, to reproduction of these species. I expect that these surveys will reveal that Wetlands C and D, especially, are species rich and worthy of preservation, that Wetland A is also a wetland of high quality, and that Wetlands B, E, and F, are less important. But only more thorough investigation can be used as a basis for such differentiation. (Schuster letter dated March 13, 2008).

Response: An additional site investigation was conducted by Charles Keane, Biologist, (see page 2-5 of the DGEIS) for the purpose of investigating the possible presence of various salamanders on this site. The GEIS and DSEIS found that wetlands C and D are important for wetland habitat and other functions and that wetlands A, B, E, and F do not share these characteristics. Accordingly, wetlands C and D will be significantly retained by this project.

The GEIS and DSEIS found that the protection of the vernal pool habitat in Wetland C will help to preserve the breeding environment for the mole salamander and other species that reside in the adjoining woodland. The modified site design, including the site grading and redesign of rear yards and areas in the vicinity of the recreation facility, will allow the preservation of more native woodland which buffers the wetland, providing for additional habitat for wetland species. Wetland D is wooded and will remain undisturbed with several areas of adjacent woodland remaining in the southerly, southeasterly and southwesterly areas. See also response 29.

Comment No. 32:

One example of how to readily reduce the environmental impacts of the proposed project would be to eliminate the plans for about 10% of the proposed single family homes: those proposed in the area between Wetlands C and D. If the roadways and building envelopes are also pulled back somewhat in the immediate vicinity of all the wetlands, and if "critter crossings" are established along roadways, the overall environmental impacts would be greatly reduced. Less disturbance area would be less costly, would preserve ecological integrity, would reduce the needs for stormwater protection facilities, provide retention of more mature native forest, enhance wildlife habitat, enhance the beauty of the project area, would increase the attractiveness and value of the development, and would provide more screening within and from outside of the project area. (Schuster letter dated March 13, 2008).

Response: All of the issues are addressed in the EIS documents, and those documents show that potentially significant adverse environmental impacts are mitigated. SEQR requires the consideration of environmental and economic factors. The proposed project is permitted by zoning, and whatever the zoning of the site, some reasonable use of the site is contemplated by municipal zoning laws, consistent with other applicable laws and regulations. Project modifications requested by the Planning Board will result in the retention of more mature forest, which will enhance habitat and cause less disturbance than the applicant's originally submitted site plan layout for Lot 10.. In response to the specific comment, two 6' PVC pipes will be installed under Road "B", along with mountable curbing along both sides of Road "B", to allow for the movements of amphibians from one area to another. These crossings are depicted on the site plan for Lot No. 10. This design has previously received approval from the New York State Department of Environmental Conservation in similar projects.

As mentioned previously, design modifications to retain additional areas of undisturbed woodland throughout the site, as well as along portions of existing wetland habitats, will ensure that habitat exists on many parts of this site for a wide range of plant and animal species. Additional plantings in areas adjoining these native woodland areas will be installed in a native plant environment will minimize any potentially significant adverse effects of visual change.

Comment No. 33:

Finally, regarding the isolated nature of Wetland C, the DSEIS states that "there is no outlet to this wetland". But there is a seasonal outlet to Wetland C, and a seasonal connectivity of this wetland to surrounding waterways. Wetland C is in all likelihood discharging right now. The document should be revised to clarify this fact. Irrespective of that fact, the ruling that isolated wetlands should not be legally regulated does a disservice to the people of Cornwall and to all Americans, since the degree of "connectedness" of all wetlands varies along temporal and physical continua. Even those wetlands currently defined as "isolated" generally do provide all of the environmental benefits of "connected" wetlands. This recent ruling, bereft of scientific merit, will in all likelihood eventually be overturned, a fact that should be considered in all local deliberations in

the interim. (Schuster letter dated March 13, 2008).

Response: The Planning Board cannot regulate based on speculation as to any likely future legal action affecting another agency's jurisdiction, or lack thereof. Wetland C is classified by the U.S. Army Corps of Engineer as a nonjurisdictional isolated wetland. Two extensive site investigations conducted in June 6, 2001 and June 24, 2003, by Brian Orzel, with the U.S. Army Corps of Engineers found no adequate evidence of a permanent stream outflow from this wetland to classify it as a protected wetland. In the summer of 2007, a team of ACOE specialists visited the site and reached the same conclusion. Even though disturbance of this nonjurisdictional isolated wetland is not regulated, very little disturbance is proposed to this wetland. In addition, several areas of woodland adjoining this nonjurisdictional isolated wetland will remain and woodland plantings are proposed in several areas to further provide habitat for amphibians and plants. This nonjurisdictional isolated wetland is seasonally flooded and contains a significant amount of ponding for much of the spring and early summer.

WASTEWATER MANAGEMENT

Comment No. 34:

The document has indicated two possible routes for the sewer force main. The applicant should select a final route and prepare complete plans for the forcemain design, such that the same can be reviewed by the Town prior to preparation of the application to the New York State Department of Environmental Conservation. (ref p. 7 & 37). (Edsall letter dated July 7, 2008).

Response: Comment noted.

Comment No. 35:

It is our understanding that the applicant intends to dedicate the sewer pump station and force main to the Town. As such, the applications to the NYSDEC must be signed by the Town Supervisor prior to submittal. (see p. 7, 18). (Edsall letter dated July 7, 2008).

Response: Comment noted.

Comment No. 36:

The SEIS makes no mention of the existing problems at the Town of Cornwall wastewater treatment plant, including excessive flows during wet weather, overflows of partially treated sewage at the treatment plant, overflows from manholes at several locations in the collection system, and the apparent lack of any plan or funding to address these problems. The Village is very interested in protecting and enhancing recreation, ecology, aesthetics, and water quality in the Hudson River in the vicinity, including at the Village's Donahue Memorial Park, and at other Village owned land on the river. The Village has obtained a grant to develop a waterfront plan for these areas. Given the failure of both the GEIS and SEIS to adequately address these issues, we request that the Town of Cornwall Planning Board take this opportunity to more fully consider how the Cornwall Commons project, as well as other new development from which wastewater is planned to discharge to the

town's sewer system and will affect water quality, before finalizing the SEIS. The SEIS should evaluate the current situation, including all available information about infiltration and inflow problems that are causing these periodic overflows of wastewater, discuss whether and how the Cornwall Commons project may exacerbate these problems, and address mitigation measures. (Village of Cornwall-on-Hudson letter received July 17, 2008).

Response: The GEIS and Generic Findings Statement evaluated alternatives and identified the preferred alternative as a connection to the existing sanitary sewage system in the Town of Cornwall. This sewage treatment plant has a SPDES permit to treat up to 1.2 million gallons per day. The proposed development of Lot No. 10 is estimated to generate 117,600 gallons of sewage per day. The remaining nine commercial lots are estimated to generate 39,650 gallons of sewage per day. This project will not cause the treatment plant to exceed its permit. The GEIS and GEIS Findings Statement determined that the preferred connection was to the existing sanitary sewer system in the Town of Cornwall and only if the project demand exceeded 200,000 gallons per day would an additional study be warranted. The SEIS data indicate that the project as now proposed would generate only 78% of the sewage generated by the project evaluated in the GEIS. Further, it must be noted that the total sewage generation would be at buildout, which will be several years hence in any scenario.

This property is located in the Town of Cornwall Sewer District. The special district tax assessments and other user charges paid by this property will be used towards maintenance and repair of the existing system and to fund capital improvements, all at the Town Board's discretion. In addition, the off-site improvements proposed by the project will improve operations of the existing system.

There is no evidence that water quality standards have been exceeded or that discharges have caused adverse environmental impact. There is no evidence that additional sewage flow generated by this project will cause an adverse environmental impact. This project is not responsible to correct any deficiencies in the Town's sewer system and this SEQR process is not the proper forum to address potential mitigation of any system-wide deficiencies. No further SEQR compliance is required or authorized since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and Findings Statement.

The project sponsor has already paid \$100,000.00 to the Town as consideration for reserving sewer treatment capacity for use by this project in accordance with the developer's agreement (see Exhibit "A" of the DSEIS). These funds can be used by the Town to perform additional studies to determine what, if any, improvements are necessary and/or to make improvements to the existing system. In any case, that is the purview of the Town Board.

Comment No. 37:

The Town should not accept the DSEIS without requiring a Final EIS because the applicant misleadingly indicates there will be no significant impacts on the public sewer system. Ongoing efforts by state and local agencies to preserve and protect the habitat of the Hudson River Estuary and Moodna Creek Watershed will be compromised by the Project, and the applicant must address these significant impacts in their EIS. The DSEIS misleadingly states that there are "no known problems with overflow or restrictions" in the pipes leading from the planned connection point

to the Town's Waste Water Treatment Plant on Shore Road. This statement ignores overflow problems at the Waste Water Treatment Plant ("WWTP"). A preliminary search of noncompliance through the EPA's Enforcement and Compliance History Online Database shows that the WWTP was not in compliance during 8 out of 12 quarters in the last three years for which records are available.

Riverkeeper has received reports from concerned members of the public noting frequent overflows at the WWTP into Moodna Creek. Riverkeeper has filed a request for discharge records under New York State's Freedom of Information Law and will be investigating the matter further. Contributing an additional 157,250 gallons of sewage per day, according to the estimate provided in the DSEIS, will overburden an already stressed sewer system and could incur significant costs to the Town if mitigation measures are not taken prior to development. (Riverkeeper letter dated July 17, 2008).

Response: Any system wide deficiencies must be addressed by the Town Board. See response to Comment No. 36 above. The DSEIS states that there is 400,000 gallons of excess capacity at the sewage treatment plant and that 200,000 gallons have been reserved by this project by a payment already made to the Town pursuant to the developer's agreement (see Exhibit "A" of the DSEIS). This project will be phased over a period of time in which STP operations and inflow and infiltration conditions will be addressed on an ongoing basis. Other projects served by the Town sewer system are required to address inflow and infiltration conditions. The Town also applied for a grant to update the sewer plant and repair the sewer line on Mailler Avenue, where problems currently exist in a location that will not be adversely affected by any of the project's proposed sewer main routing alternatives.

The GEIS and DSEIS accurately identify the existing problem with the sewer trunk line in Mailler Avenue, mitigation of such problem, and the alternatives for connection to the existing system, and preferred alternative. There is no evidence that this project would exacerbate any condition at the sewage treatment plant. The sewer treatment capacity for this project has been contractually reserved subject to the terms of the developer's agreement (see Exhibit "A" of the DSEIS). No further SEQR compliance is required or authorized since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and Generic Findings Statement.

Comment No. 38:

The Town should consider issuing a public sewer moratorium for new developments until it can implement a comprehensive plan to adequately reduce the volume of untreated sewage being discharged into Moodna Creek. To allow the Town the time needed to correct sewer overflows at the WWTP; the Planning Board and the Town Board of Cornwall should seriously consider the health benefits of issuing a public sewer moratorium; which would condition development of the Project on the construction of a private sewage treatment plant on the premises. Requiring the developer to construct a private sewage treatment plant would also limit the Town's liability in the event that the public sewer System continues to fail.

Issuing a sewer moratorium is a valid legal use of the Town's authority and would not constitute a taking of the property that the applicant plans to develop. A sewer moratorium was recently put in place in another Orange County municipality while the town board addresses possible solutions to ongoing problems with overflow, and the sewer moratorium put into place by Orange County for communities served by the

Harriman Waste Water Treatment Plant survived a court challenge by developers in 2001. It would also conform to the overall development scheme adopted by the County in 2003 in its Comprehensive Plan.

In the alternative, Page, 12 of the DSEIS lists "revenues for improvement to the sewer and water stems" as one of the Beneficial Environmental Impacts of the Proposed Action. Without additional sewer financing specifically targeted for sewer system -upgrades, revenues will not necessarily be successful in repairing both the existing sewage overflow problem and the additional burden placed upon the sewer system by the Project. If the Town plans to address the sewage overflow problem before development is completed, it should condition the Project on providing funds for sewer infrastructure to accommodate the increase in daily sewage. (Riverkeeper letter dated July 17, 2008).

Response: See responses above. The Planning Board has no authority to impose such a moratorium, nor does it have the power to induce the Town Board to do so. The imposition of a sewer moratorium is unlawful unless there is an emergency or crisis. It is unlawful for a municipality to prevent use of the sewer facilities by a property entitled to connect to the system or to require that a specific project remedy the claimed conditions that are the responsibility of the community as a whole.

The project site is located in the Town of Cornwall Sewer District and is entitled to sewer service. The property has been and will continue to be charged sewer district assessments and such assessments will benefit the sewer district and fund improvements and upgrades to the existing system deemed prudent by the Town Board. It is unlawful to require additional payments as a condition of project approval. In any event, no moratorium will be applicable to this project because the sewer treatment capacity has been reserved for use by this project as discussed above.

Comment No. 39:

Wastewater Discharges — Existing Overflows at Wastewater Plant and Sewer System.
Discharge monitoring reports submitted by the Town to NYS DEC indicate that the discharge from the Town's wastewater treatment plant frequently exceeds the permitted flow by a significant percentage. Available information from the period 2002-2006 suggests that the flow is very often more than double the permitted flow, and at times far more than this. (Note — while the Town's Comprehensive Plan states the permitted capacity is 1.5 MGD, the SEIS lists it as being 1.2 MGD.) On one occasion, the Town's records submitted to DEC show the flow exceeding 10 MGD in October 2005. The SEIS is deficient and fails to discuss these problems at all. Previous correspondence from NYS DEC staff to the Town includes a statement requiring a plan for addressing infiltration and inflow problems in the collection system. This plan was originally supposed to be submitted to DEC by Nov. 2005 and it is unknown whether any plan was submitted. The SEIS for Cornwall Commons includes no information that would allow a reasonable review of the current status of this situation. It states that wastewater from the site will flow to Manhole 102 in the Town's sewer system, and states there are no known problems in the lines flowing from this location to the Town's treatment plant, but the SEIS apparently includes no maps or other documentation to support this. Even if the flow path from Manhole 102 to the treatment plant has no overflow problems, the treatment plant itself is not able to adequately treat the volume of wastewater it receives, and it therefore overflows in wet weather. This creates potential risks to public health, not to mention environmental impacts on the Moodna Creek and the Hudson River. It does not make sense to exacerbate these problems by approving a new hookup without addressing these issues first. At minimum, the SEIS should at least provide a detailed description of current conditions, what the Town is doing to address the problems, and enough information to allow the public to evaluate the

proposed discharge route from the site to Manhole 102 and from there to the wastewater treatment plant. Without this information it's not possible to review the SEIS and provide fully meaningful comments, so we request that the SEIS be revised accordingly and another opportunity for public comment be provided before it is finalized. (Cornwall Conservation Advisory Council letter dated July 17, 2008).

Response: The GEIS contains discussion as to the existing conditions in the sewer main in Mailler Avenue and the Town engineer's recommendations for the preferred alternatives for service, including connection to Manhole 102. (See page 2-15 of the DGEIS annexed as Exhibit "8"). See also pages 36-37 of the DSEIS.

This project does not involve any sanitary sewage discharge to the Moodna Creek. With respect to comments on the Town's treatment plant and other system wide matters, see responses above.

WATER SUPPLY

Comment No. 40:

Water District Extension. Summary of the document indicates that the Town of Cornwall Town Board approved the extension of water. It is our understanding that this would apply to the Water District. Verify date of extension of water district to include both the original town parcel and the annexation property. (see p. 5) (Edsall letter dated July 7, 2008)

Response: The Town of Cornwall approved the extension of the water district to include the portion of the property annexed into the Town of Cornwall on December 12, 2005. A copy of the order is annexed hereto as Exhibit "2". The portion of the Cornwall Commons property historically located in the Town of Cornwall is also located in the Town of Cornwall Water District. A copy of the order is annexed as Exhibit "2".

Comment No. 41:

Water Supply. The document notes three alternatives for providing water supply to the project. It is noted that the Village Engineer performed an analysis of the system and proposed project supply. Input will be needed directly from the Village Engineers to the Town as to acceptance of the alternative selected by the applicant. This communication should occur before the NYSDEC and OCDOH utility applications are prepared. (see p. 7, 18, 37). Correct reference to Forest Lane in first paragraph of E.a. on page 37. (Edsall letter dated July 7, 2008).

Response: Comment noted. The Village of Cornwall-on-Hudson has completed a water study funded by the project sponsor which evaluated the water distribution system for the proposed development, including alternative distribution system improvements. All three alternatives provide sufficient pressures and flows for the development of the project. Currently the project sponsor is looking at two of the alternatives discussed within the Stantec report.

The water study (Exhibit "D" of the DSEIS) prepared by the Village evaluated the water distribution system and concluded that all three alternatives provide sufficient pressures and flows for the development of the project. No further SEQR compliance is required since the proposed application

will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and its Findings Statement.

Comment No. 42:

Water Conservation. The SEIS includes brief references to water conservation in the Energy Consumption section (p.66), which lists "low flow showers and toilets in the dwelling units" as measures that will be used. It also states that "Where feasible, the project sponsor will attempt to use the following: clothes washers and dishwashers that use less water." In order for the Lead Agency and the Village Board of Trustees, in its capacity as an Involved Agency, to adequately assess appropriate alternative mitigation measures for the project's cumulative impacts on water supply, the SEIS must include a much more detailed plan for incorporating water conservation into the overall project, including the commercial development proposed for lots 1-9, and the residential development on lot 10. This plan should address water use in the buildings, as well as water used for outdoor irrigation. Specific opportunities we would like to see addressed include:

Specifications for low-flow toilets, sinks, showers, dishwashers, and clothes washers, including the potential to use dual flush toilets to reduce water consumption below the levels required for standard low-flush toilets, which are required by code in any case;

A detailed plan and specifications for minimizing consumption of potable water for maintaining landscaping and lawns. This plan should include capture and reuse of runoff from roofs and potentially other impervious surfaces for irrigation, using cisterns or other storage systems to hold water. It should include more details on the irrigation requirements for proposed landscaping. It should also address how the proposed project management plan will address ongoing water use for irrigation — the SEIS describes formation of homeowners associations (HOAs) for the residential development, to maintain lawns, the recreation center, stormwater systems and other facilities, but provides no details about how water conservation goals and standards will be incorporated into the management plan. In addition, we note that HOAs historically have a poor track record and often fail to effectively maintain facilities under their responsibility. The SEIS does note that the Town will be asked to form a drainage district, but does not explain how this proposed district would take the place of, or perhaps work with, the proposed HOAs. We request that these details be addressed now and described in the SEIS, as they are critical for effective, long term operation of facilities that will affect water use for the life of this project.

Use of "low-impact development" stormwater infiltration practices to increase groundwater recharge on site. These can potentially be integrated with runoff storage and re-use for irrigation. Rain gardens and other landscaped bioretention areas should be included in the site design. Where space is not available, runoff capture can also be accomplished using underground tanks designed for use under parking areas. (Village of Cornwall-on-Hudson letter received on July 17, 2008).

Response: The proposed 490 dwelling unit residential project for Lot No. 10 is estimated to use approximately 117,600 gallons of water per day. The estimated total daily demand for the nine commercial lots and Lot No. 10 together is 157,250 gallons per day. The GEIS and Generic Findings Statement state that the Town of Cornwall has contracted with the Village of Cornwall-on-Hudson to provide water service to this property and that unless the demand exceeds 200,000 gallons per day,

no additional study is warranted as the proposed project entails 78%. The Village of Cornwall-on-Hudson has completed a water study funded by the project sponsor which evaluated the water distribution system for the proposed development, including alternative distribution system improvements. All three alternatives provide sufficient pressures and flows for the development of the project.

With respect to water conservation, the project sponsor has committed at a minimum to install low-flow showers and toilets in the dwelling units (which as noted, is required by code in any case) and has incorporated native plantings in the Lot No. 10 landscaping plan, which need very little water to thrive. The native plantings need very little water to thrive once established, but there will be additional water use needed for irrigation when plantings are first installed. Specific arrangements and details for the irrigation will be reviewed by the Planning Board and Town Engineer as part of a detailed site plan approval. The project will be constructed in phases which will mitigate the water demands for the plantings. The irrigation used to water the initial plantings will be temporary and the responsibility of the HOA. No specific water conservation plan was required in the scope of the SEIS. No further SEQR compliance is required since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and the Findings Statement.

The project sponsor will also petition the Town Board to form a drainage district to encompass the entire project to address operation, maintenance and repair of the drainage facilities, as further discussed on page 65 of the DSEIS. If the HOA fails to maintain the drainage facilities, the Town would have the authority to enter the property and maintain and/or repair the facilities and charge the cost of such work to the property. As an additional measure, the Town is requiring the project sponsor to enter into a stormwater agreement, which will require all of the land within the Cornwall Commons project to be responsible for the stormwater improvements and the maintenance of the median landscaping.

Alternative water quality treatment options for the project were investigated and analyzed (see response to Comment 23 for additional information). The seasonal high water level and fragipan make infiltration and filtration practices at the site impractical. Construction of additional water quality systems would also enlarge the areas to be disturbed during construction. The proposed site layout does not have any areas that would be suitable for alternative practices because of grading, constrained limits of disturbance, and site design requirements. The areas around the dwellings are severely limited for practices such rain gardens, bio-retention, and surface sand filters, since these systems require stormwater to enter at or near the ground surface and overflow into the stormwater drainage system.

Comment No. 43:

While the Village Board of Trustees approved an agreement in 2002 to supply water to the project area pursuant to the existing inter-municipal agreement between the Village and the Town, changes in the regulatory environment and more recent information with respect to the Village's sources of water supply, back ups and alternatives, compel the Village to conduct a continuing review and analysis of additional potential sources of water supply. The project area contains potential well fields. Given the relatively high projected daily demand of the Lot 10 project of

117,600 gpd, and the even higher cumulative projected demand of 157,250 gpd for the overall Cornwall Commons project, the SEIS must address potential alternative mitigation measures with respect to demands on the Village's water supply system. Such measures would include the dedication to the Village of sufficient lands for a well or wells and related infrastructure for the water supply system, at a suitably tested location. The Village wants to explore potential acquisition of a parcel of land on this site as a location for new facilities related to the water supply system. Facilities we are interested in developing include a new well or wells; and one or more buildings to house related infrastructure, storage, etc.

The conservation measures described above should extend to the proposed development of lots 1-9. While the Board of Trustees recognizes that the SEIS is intended to address potential impacts of the Planned Adult Community proposed for Lot 10, either the SEIS or a separate Supplement to the overall project's GEIS should describe specific measures for those conservation projects in order to adequately describe potential mitigations for the overall project's cumulative effects.

In addition to reducing demand for potable water, an effective conservation plan can reduce the volume of water discharged to the Town's sewer system from this project, thus contributing incrementally to alleviating the existing overflows of wastewater at the treatment plant during wet weather. (Village of Cornwall-on-Hudson letter received on July 17, 2008)

Response: The GEIS and Generic Findings Statement correctly states that the Town of Cornwall has contracted with the Village of Cornwall-on-Hudson to provide water service to the property and that there is sufficient capacity to serve this site. The water study (Exhibit "D" of the DSEIS) prepared by the Village evaluated the water distribution system and concluded that all three alternatives provide sufficient pressures and flows for the development of the project. No further SEQR compliance is required since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and the Generic Findings Statement adopted by the Lead Agency, the Town of Cornwall Planning Board.

The project sponsor and the Village of Cornwall-on-Hudson entered into an agreement in which the Village agreed to provide water service to this property (see Exhibit "S" of the DSEIS). This agreement does not require the applicant to provide the Village with an additional source of water supply. Based on the layout of the project, development of a well and related infrastructure would not be feasible because of required setback limitations. If the Village intends to acquire additional water supply, the Village would be required to submit a permit application to the New York State Department of Environmental Conservation and comply with Article 15 of the Environmental Conservation Law and implementing regulations.

The DSEIS was prepared by the applicant to address the overall development of the Planned Adult Community, including specifically the cumulative effects of developing the entire site (including Lot Nos. 1-9 as well as Lot No. 10), to determine whether any of the necessary approvals and development would have impacts exceeding the conditions and thresholds of the GEIS and the Generic Findings Statement adopted by the Town of Cornwall Planning Board in 2003. The scope of the DSEIS did not require the applicant to address specific water conservation practices.

Nevertheless, the applicant has agreed to take steps, such as the use of native plants that require less water to thrive and use of low flow showers and toilets, to conserve water.

ECOLOGY

Comment No. 44:

In my opinion, as Town Tree Warden, and Member and Chair of the Cornwall Conversation Advisory Council, it seems that we should look at the impact of allowing such clear cutting when the Town's subdivision code laws say states that all trees 12" dbh and greater "shall be preserved by the subdivider." Therefore, I suggest, as an exercise in enforcing our subdivision code, that we ask for a total tree inventory performed on a plan, that can then be overlayed onto the site plan proposal to see if we can not be more discriminate in selecting to preserve what we can and where we can. As there may be opportunities to preserve more trees. (Goodspeed letter dated February 4, 2008).

Response: The current application before the Planning Board is for site plan approval of the residential component of the Planned Adult Community on Lot No. 10. Accordingly, the section of the subdivision code cited above does not apply to this application. The Planning Board granted preliminary subdivision approval of the ten (10) lot subdivision on September 5, 2006.

For site plans, Section 158-19(B)(3) of the Cornwall Code sets forth the requirements with respect to landscaping and screening, including that existing trees over eight inches in diameter at three feet above the base shall be retained unless the Planning Board approval is obtained to remove them. This code provision allows the Planning Board to grant a blanket approval or generic approval where appropriate. Here, the Planning Board, based on the nature of the site and the proposed site plan, recognized that portions of the site would have clearing while other areas would be undisturbed. The validity of this approach is confirmed by the language of Section 158-19-E(2)(c) of the Code, which addresses the site plan features that are to be shown. Section 158-19-E(2)(c) speaks to requirements that site plans show *isolated* trees over eight inches in diameter at three feet above the base, which clearly shows that the Code requirements were not intended to be used to address each individual tree in large, heavily wooded sites. The Planning Board is reasonably and fairly applying the Town's zoning requirements in this case.

Over the course of review, the site development plans were modified to include an additional 6 acres of undisturbed woodland – 46.87 acres previously, and 53.06 acres currently (see Grading Comparison Plan annexed as Map "U" in the DSEIS). The EISs contain extensive study and evaluation of trees. The woodland areas that are to remain in an undisturbed condition were evaluated for each location on the site, as depicted on the Naturalistic Planting plan (Map "Y" in the DSEIS). Each of the woodland locations were surveyed in the field and stakes identifying each area were placed for identification in the field. A photograph of each area was taken in the vicinity of each staked location (see Exhibit "W" of the DSEIS). The forest type and characteristics were evaluated with respect to the condition of the woodland that will remain following site development in each area. The surrounding woodland in the areas of non-disturbance on this site contains many mature red and white oaks, red and sugar maples, and other trees from 8 inches to 30 inches in caliper that will continue to grow to be significant trees. Additionally, woodland areas to be established as shown on the site plan shall be planted with an assortment of native plant varieties, arranged in

various sizes to replicate a developing forest. On Lot No. 10, approximately 1,036 trees and 4,828 shrubs will be planted, based upon the landscaping plans contained in Exhibit "M" of the DSEIS.

If there is flexibility in unit location of the single family detached dwellings, consideration shall be given to moving the dwelling location, if relocation would preserve a mature tree, in locations where the underlying land does not require grading according to the site plan.

Comment No. 45:

I think that's where this project is headed and but the language in the town's comprehensive plan that I will quote from encourages the preservation of mature trees whether isolated or among stands, I'm paraphrasing here and develop stringent mitigation measures when they're removing trees, clear cutting is to be prohibited for new development. Then the last paragraph of this section the intent of the comprehensive plan that trees be preserved to the greatest extent possible by requiring that the extent of woodland and mature trees be surveyed and identified on plans, every effort should be made to situate future development in a way that preserves mature trees, again, I'm paraphrasing, when their removal cannot be avoided, each specimen tree should be replaced on a one-on-one basis. The intent of this plan clearly and the intent of the SEQRA law is to avoid impacts and mitigate them if necessary. There's over 100 acres of land I'm guessing roughly, you know, somewhere between 100 and probably 130 acres of land here that's basically going to be clear cut and so there's a disconnect between what the town's plan says and I think this is a very clear kind of impact that the public can understand. And so I just would ask that I don't know what more can be done in this project again given the reality of how long it's taken. (Public Hearing, July 7, 2008, Gruber).

Response: The site plan does not propose clear-cutting. The goal set forth in the comprehensive plan is that trees be preserved "to the extent possible". SEQRA states that significant adverse impacts should be mitigated to the extent practicable. This project meets those criteria. Sheet 24 of the site plan specifically depicts the areas of the property that will be undisturbed, with a separate designation of those areas that will receive plantings of trees and bushes to mitigate for construction necessary for site buildings or other improvements. The DSEIS at pages 38-42 contains a narrative describing the manner of treatment of the undisturbed areas and the replanting areas. Also, see response 44 above in regard to the Cornwall Code requirements that apply to this site plan, consistent with the Town's Comprehensive Plan. The applicant is entitled to make some reasonable use of its land, consistent with the Town's zoning law.

Pursuant to the GEIS and the Findings Statement adopted by the Planning Board, the applicant was required in the SEIS to specifically identify the cabbage oaks on the site and where possible, attempt to preserve them in the natural landscape design. Based on a professional evaluation of those trees, most are in poor shape due to decay or structural damage, and do not warrant saving. The surrounding woodland in the areas of non-disturbance on this site, particularly in the vicinity of the cabbage oaks, contains many mature red and white oaks, red and sugar maples, and other trees from 8 inches to 30 inches in caliper that will continue to grow to be significant trees. Additionally, woodland areas to be established as shown on the site plan shall be planted with an assortment of native plant varieties, arranged in various sizes to replicate a developing forest.

Comment No. 46:

I wanted to point out that I believe there's a precedent already a precedent with Willow Woods which may have a different name now, the Ginsberg project, that site did have a tree survey and as I understood I didn't look at the plans before and after but I was told or I heard here that it made a difference that there were some changes to the design so I just again want to point out that that can be done. (Public Hearing, July 7, 2008, Gruber).

Response: The Willow Woods project sought Planning Board approval of a subdivision application. The Planning Board reasonably targets the application of the tree code to suit the nature of the specific project and the resources present on the site based on the flexibility provided in the code. The Ginsberg project had fewer trees of significant size in comparison to this project. This application is for site plan approval, which is subject to separate and distinct code requirements. See response to Comment No. 44 above. Nevertheless, the site development plans here were modified to address tree preservation and natural habitat concerns, include an additional six acres of undisturbed woodland – 46.87 acres previously, and 53.06 acres currently (see Grading Comparison Plan annexed as Map “U” in the DSEIS). As fully set forth in the DSEIS on pages 39-42, a site investigation was performed of the woodland areas that are to remain in an undisturbed condition and each location is depicted on the Naturalistic Planting plan (see Map “Y” in the DSEIS).

Comment No. 47:

And the other comment I'll make that hasn't been brought up to my knowledge before is we have talked about visual impacts, but the visual impacts from Route 9W, again, this is the Gateway to Cornwall and I, you know, it can potentially be a very important and in some ways beneficial to the town, but the visual impacts as people are driving into Cornwall from the north and leaving from the south is something that could be handled with some sensitive design and possibly some additional preservation of trees. (Public Hearing, July 7, 2008, Gruber).

Response: The zoning laws that resulted from two separate Comprehensive Plan efforts and two zoning law revisions provide for a mixed use project of residential and non-residential uses on this property. The non-residential uses are of a type that serve the larger community and therefore are located closest to the main highway so as to facilitate access and convenience. Those uses will all be subject to a site plan review to determine consistency with the findings of the Generic environmental review process and Generic Findings Statement, and the Supplemental environmental review process and Supplemental Findings Statement that will culminate this process. The plan must contain non-residential uses which are best located along the main 9W four-lane divided highway. A large part of the non-residential area is separated from the main state highway both by depth and topographic features. A main component for the success of non-residential uses is visibility and accessibility. Those factors were included in the environmental considerations that were part of the environmental analysis for the two Comprehensive Plans and two zoning revision processes undertaken by the Town over the past six years.

The DSEIS contains a visual assessment, including a photographic survey, in conjunction with line-of-sight profile cross-sections (see Exhibit "B" of the DSEIS) from Route 9W at the north and south project entrances on Route 9W. The DSEIS states that landscape treatments will be incorporated into the plan to provide for aesthetic benefits to the project entrances. The main loop road will be constructed as a boulevard, with fifteen (15) foot lanes in each direction and a ten (10) foot landscaped median located between the lanes. The median will be landscaped and maintained by the HOA. The landscape treatments as well as architectural treatment of the buildings will minimize any potential adverse effect of visual change.

Comment No. 48:

I'm a licensed tree surgeon, I'm a graduate forester, I worked for 14 years as a volunteer on the Cornwall Conservation Commission, I worked very diligently with and made a change to the Cornwall Conservation Advisory Council, I was a member of that group. Trees were our specialty and what we cared most about. This project addresses trees, it is going to do the best thing possible for the trees. I would want no contractor other than Joe Amato to be let loose on the trees that will happen here. I know what trees are all about and I believe this project will address those issues. Thank you. (Public Hearing, July 7, 2008, Rohe).

Response: Comment noted.

Comment No. 49:

The project calls for clear-cutting 100 acres of lot 10. This runs in direct opposition to the Town's 2005 Comprehensive Plan which states under Natural Resource Goal #4 that the Town is to "Encourage existing and future development to compliment the existing scenic beauty of Cornwall" and goes on to state under #5 "Encourage the preservation of mature trees whether isolated or among tree stands and develop stringent mitigation measures when their removal is necessary. Clear cutting is to be prohibited as a tree removal technique for new development." For a review of this issue, please reference Katharine Goodspeed, Town Tree Warden, letter dated March 19, 2006.

We ask that the board explore all possible options to minimize the degree of clear-cutting and site disturbance — which under the current plan is staggering. Building techniques do exist that allow a more harmonious integration of structures with existing forest, but are not as expedient for developers and therefore are disregarded in favor of conventional clear-cutting. It is within your rights to require that the techniques used here conform to the goals of the comprehensive plan. (Palisades Interstate Park Commission letter dated July 17, 2008).

Response: The site plan does not propose clear-cutting. See also the response to Comment 45; the applicant has responded to the Planning Board's requests pursuant to the Cornwall Code and in response to the Generic SEQR Findings Statement adopted by the Planning Board, which required the applicant to provide site specific landscaping plans incorporating existing mature trees, to the extent such trees can be retained, and supplemented by new plantings to create a suitable buffer for screening. The applicant was also required to identify the "cabbage" oaks, evaluate their health, and attempt to preserve the health specimens in a natural landscape design where possible.

As discussed in the DSEIS on pages 39-42, a site investigation was conducted to identify and evaluate the health and overall condition of the cabbage oaks and to identify the "cabbage" oaks which would be preserved. The woodland areas that are proposed to remain undisturbed were also identified on a plan and evaluated, and a landscape plan was prepared depicting the supplemental native woodland type of plantings.

This project does conform with the Comprehensive Plan and Town's zoning law. The Generic Findings Statement adopted by the Planning Board specifically states that the project area has not been identified in the Comprehensive Plan as an area to be protected for open space and that the site is included in an area that is expected to be developed. The Comprehensive Plan specifically states that future land set-asides should be within the two environmental overlays and through clustering of development elsewhere in the Town.

The goal set forth in the comprehensive plan is that trees be preserved "to the extent possible". SEQR states that significant adverse impacts should be mitigated to the extent practicable. This project meets those criteria. Sheet 24 of the site plan specifically depicts the areas of the property that will be undisturbed, with a separate designation of those areas that will receive plantings of trees and bushes to mitigate for construction necessary for site buildings or other improvements. The DSEIS at pages 38-42 contains a narrative describing the manner of treatment of the undisturbed areas and the replanting areas. On Lot No. 10, approximately 1,036 trees and 4,828 shrubs will be planted, based upon the landscaping plans contained in Exhibit "M" of the DSEIS. Also, see response above.

No further SEQR compliance is required since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and Findings Statement.

Comment No. 50:

Tree Preservation. The Town of Cornwall Comprehensive Plan includes the following language on p. 60-61: "Encourage the preservation of mature trees whether isolated or among tree stands and develop stringent mitigation measures when their removal is necessary. Clear-cutting is to be prohibited as a tree removal technique for new development." And: "It is the intent of the Comprehensive Plan that trees be preserved to the greatest extent possible by requiring that the extent of woodland be delineated and mature trees be surveyed and identified on site and subdivision plans. In the case of mature trees... (w)hen their removal cannot be avoided, each specimen tree should be replaced on a one-on-one basis."

The Town's tree code provides additional support for these goals and requirements: the Cornwall Code, Chapter 125, (19), page 12506 states "In general, existing trees over 12 inches in diameter shall be preserved by the subdivider."

The CCAC feels that the current plan, and the design process for this project, has virtually ignored the Town's own code and Comprehensive Plan in this regard. An adjacent project, known as Willow Woods, was required to conduct a real tree survey to identify mature trees and locate them on the plan. It's incomprehensible why the Cornwall Commons project should not be held to the same standard. We request that a tree survey be conducted and this information be used to revise the site plan to maximize protection of trees, including intact stands of woodland. See attached letters from Schuster and Goodspeed for more detail. (Cornwall Conservation Advisory Commission letter dated July

17, 2008).

Response: See responses above, particularly the response to comment 45 in regard to the different requirements for subdivision and site plan review and the action that is currently before the Planning Board. The language of the Town Comprehensive Plan tends to be fairly general. The implementing code requirements were present prior to both the 2003 and 2005 Comprehensive Plans. However, the Planning Board has always exercised reasoned flexibility in terms of its approach to specific mapping requirements. The approval is based on the particulars of both a given site and a specific use and with the understanding that the landowner is entitled to make a reasonable use of the site for purposes allowed in the zoning code.

Comment No. 51:

The Town must follow SEQRA procedures by requiring a comprehensive explanation of the significant adverse impacts the Project will have on the ecological habitat of Moodna Creek; and how the applicant proposes to mitigate those impacts.

The Town must require a full disclosure of expected significant adverse impacts before it can approve the Project. The applicant's DSEIS does not address the significant adverse impacts connecting 490 residential units and additional commercial units to the public sewer system will have on Moodna Creek, the Moodna Watershed, and adjacent federally-protected wetlands. New York State's Environmental Conservation Law defines "environment" as "the physical conditions which will be affected by & proposed action, including land, air, water; minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character." Impacts to the environment must be addressed even if they are cumulative, long-term, or indirect. Despite the indirect impacts on the Moodna Creek that will be caused by connecting the development to the public sewer system, the applicant's DSEIS omits a mitigation section under the Wastewater Management section beginning on page 36, The Final EIS must include what specific mitigation measures will be in place should the Town approve the project.

Requiring the applicant to complete a Final Draft EIS also follows the purpose of state regulations to protect the ecological habitat of New York. The DEC classifies the Moodna Creek as Class C, which mandates that waters be suitable for fish propagation and survival. The New York State Coastal Zone Management Program has designated parts of Moodna Creek and its watershed as irreplaceable Significant Coastal Fish and Wildlife Habitats, and the New York State Natural Heritage Program has recognized Moodna Creek Mouth as a Priority Site for Biodiversity with high biodiversity significance. Intertidal marshes are also the most stringently protected tidal wetlands zones, and the state severely limits the types of land use, and development that are compatible with these areas.

Increasing the amount of untreated sewage discharged into Moodna Creek could also threaten the habitat of numerous species of fish. This section of the river is very important to the spawning of anadromous fish, including alewife, blueback herrings rainbow smelt, white perch, Atlantic and shortnose sturgeon (a Federally-listed endangered species), and striped bass.

Preserving the 75 acres of unique tidal marsh and intertidal mudflats along the lower mile of Moodna Creek, including area adjacent to the proposed deposit location, is important to prevent the further decline of many species of fish in the Hudson. Any potential impacts to Moodna Creek, the Watershed and associated habitats should be studied carefully before the Town approves the applicant's EIS. (Riverkeeper letter dated July 17, 2008).

Response: Stormwater runoff generated from the project will be collected on site through a series of catch basins and storm drainage piping. The runoff will then be conveyed to stormwater ponds located on site, where it will be treated for quality, and then released at a rate equal to or lower than predevelopment runoff rates. Stormwater outfalls exiting the site incorporate stabilization measures so that no scouring or erosion would be anticipated at or below the outfalls.

The GEIS and DSEIS address the potential adverse environmental impacts of the project and mitigation of any potential significant adverse impacts concerning the relationship of the site and site drainage to the Moodna Creek. This project will not create any direct or indirect water quality effects on the Moodna Creek. The scope of the SEIS specifically stated that no off site water quality analysis was required for the Moodna Creek, which was reasonably determined not to be needed because the project as proposed will not be expected to alter water quality in Moodna Creek, given the implementation of the SWPPP and the separation of the site from the stream by intervening properties. No further SEQR compliance is required or authorized since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and Findings Statement.

There is no plan or possibility that sewage will be pumped into the Moodna Creek. This project does not adjoin the Moodna Creek or tidal marsh area. There is no evidence that treated sewage flow generated by this project will be discharged into the Moodna Creek or cause an adverse impact on the Moodna Creek, and therefore there is no discussion of mitigation.

Comment No. 52:

The Town should require complete disclosure of all significant adverse environments impacts; including number of trees and shrubs which will be clear-cut and the permanent loss of open space along an ecologically significant waterway.

The Town Planning Board should not be approving a project that plans to clear-cut approximately 144 acres of existing woodlands without adequate mitigation measures. There is no plan in place to protect existing wetlands other than replanting new trees and shrubs to act as buffers. New flora typically fail in new soil without ongoing management, and it is the developer's responsibility to ensure the Project does not result in the incidental destruction of federally protected wetlands. The Town should require a more comprehensive wetlands protection plan in the Final EIS, including a 5-year maintenance plan and an explanation of total buffer width. The New York Department of Environmental Conservation ("DEC") generally requires 100-foot buffers around state protected wetlands, and the Town should consider requiring this minimum width around each wetland before it approves the project.

Additionally, the applicant did not adequately respond to a question about clear-cutting at the Town Planning Board Meeting held on July 7th, 2008, by claiming that a large number of trees and shrubs will be replanted. In doing so, the applicant failed to approximate the total number of trees and shrubs, or even acres of woodlands, that will be lost. The applicant also did not attempt to approximate the percentage of trees and shrubs that will be replanted. As one resident noted at the meeting, the Town's Comprehensive Plan generally prohibits clear-cutting without replacing trees on a one-to-one basis. Approving such a large sprawling project without requiring mitigation defeats the purpose of the Orange

County Comprehensive Plan and State efforts to preserve open spaces and protect the scenic nature of communities in the County and throughout New York. The Town should require that the EIS clearly state the approximate number of trees and shrubs will be clear-cut, and how the applicant proposes to mitigate the significant adverse environmental impact. (Riverkeeper letter dated July 17, 2008).

Response: The site plan does not propose clear-cutting. See also Response 45, which addresses the Town's requirements regarding tree preservation in land use plans. And in regard to replacement policies discussed in the Comprehensive Plan, it must be recognized that town planning and zoning regulations anticipate some reasonable use of a property in an area designated for development. Where a site is heavily wooded, general policies expressed in a land use plan are not intended to effectuate a "taking" of private property so that it can be preserved for trees. So, in the case of a heavily wooded site, it would be futile to require a one-for-one replacement of trees on the remaining area of the site, or to undertake an itemized tally of each such tree. Nor does the Cornwall Code require such an action. Notwithstanding, the site specific landscaping plans incorporate both retained existing mature trees as well as new plantings, as discussed on pages 38-42 of the DSEIS. The site plan provides for retaining one-third of the site- 52.80 acres – as undisturbed woodland, an area that includes freshwater wetland to remain undisturbed. In addition to the existing wooded area to remain, a total of 5.41 acres of rear yard and other significant areas shown on the Naturalistic Planting plan will be planted in a native woodland type of planting (see Map "Y" in the DSEIS). On Lot No. 10, approximately 1,036 trees and 4,828 shrubs will be planted, based upon the landscaping plans contained in Exhibit "M" of the DSEIS. A homeowners association will be formed to maintain all of the private lands including the lawns and landscaping. The native plantings need very little water to thrive once established, but there will be additional water use needed for irrigation when plantings are first installed. The irrigation used to water the initial plantings will be temporary and the responsibility of the HOA. Erosion control measures incorporated in the plans provide for marking and protecting the edge of areas to be disturbed in the field, so that disturbance does not encroach beyond what is planned.

The Generic Findings Statement adopted by the Planning Board in 2003 specifically states that the project area has not been identified in the Comprehensive Plan as an area to be protected for open space and that the site is included in an area that is expected to be developed. The Comprehensive Plan specifically states that future land set-asides should be within the two environmental overlays, and through clustering of development elsewhere in the Town.

The GEIS and DSEIS addressed the potential adverse environmental impacts concerning disturbance to the wetlands and mitigation measures, such as undisturbed areas and buffers. Given the mitigation measures, the DSEIS finds that no significant adverse environmental impacts are created. The site grading throughout the site has been modified to enable the preservation of additional native woodland habitat in many areas, including adjacent to existing wetland areas (Map "U" and "Y" of the DSEIS), and an undisturbed stream corridor buffer of 25 feet on either side of surface streams on the site have been provided in furtherance of habitat preservation. See also response to Comment No. 29.

Certain freshwater wetlands located on this site are regulated by the U.S. Army Corps of Engineers (A, B, D, and E) and not by the New York State Department of Environmental Conservation. It is New York State that establishes a 100-foot regulated "buffer area"; the federal government does not

currently have such additional regulatory requirements. Even so, New York State regulation does not flatly prohibit *any* use or activity within the 100-foot "adjacent area"; such activities are subject to regulatory requirements, which are explicitly set forth in Article 24 of NYS Environmental Conservation Law., Wetlands C and F on the site are isolated, nonjurisdictional wetlands which are not regulated by the Army Corps. Accordingly, the Planning Board cannot require the applicant to provide a 100-foot buffer around wetland areas. The plans as modified are, however, consistent with the GEIS Generic Findings Statement.

Comment No. 53:

Visual Impacts and Protection of Scenic Quality. The visual impact analysis in the SEIS is deficient and inadequate. It includes no explanation of the methods used for the analysis. The narrative discussion of the findings is vague about whether there will be impacts to the existing scenic views from state parkland, the Moodna Creek, and other existing and proposed parks, trails, and recreation areas. While it includes post-development visual simulations of the views from Rt. 9W, it includes no such simulations from the points of view that have been repeatedly raised in previous public comments, and which were acknowledged in the SEIS. The cross-section diagrams that are apparently intended to show that the tree cover along the site perimeter will provide screening for new buildings, as seen from state parkland and other points of concern, these diagrams depict trees with leaves on them. How much screening will they provide in winter, leaf-off conditions? The SEIS fails to provide enough information to evaluate potential visual impacts. (Cornwall Conservation Advisory Council letter dated July 17, 2008).

Response: As stated in the DSEIS, the visual assessment was conducted in accordance with the NYSDEC guidelines relating to visual impact assessment. The visual assessment includes a photographic survey and a series of line-of-sight profile cross-sections for key locations specified by the SEIS Scoping Document, including Palisades Interstate Park Commission gorge trail, proposed Moodna Greenway-Recreational Corridor and Knox's Headquarters.

The photographic survey was conducted under leaf-off conditions. The survey and evaluation concludes that based on the topography and the intervening vegetation an adequate screen of the project site under leaf-off conditions is provided. (Note: Knox's Headquarters is closed during the period (October through April) of the year when leaf-off conditions exist.) The DSEIS evaluation concludes that the developed portion of the project will remain obscured from view by the buffer of existing trees that are proposed to remain on the northern portions of the site and, therefore, will not affect the viewshed from scenic trails. The DSEIS scope did not require the applicant to submit post development simulations from the view points referenced in the SEIS.

Comment No. 54:

It is noted that the visual impact analysis provided by the applicant does not accurately demonstrate the effect that development will have on the pertinent viewsheds. We praise the applicant for including photos during leaf-off period but require more information for a complete analysis. The photos provided, taken from points identified in the Key Map do not show size and color of homes/buildings possibly proposed within view and may not accurately depict the size of the post-development wooded area. The cross-section diagrams include tree buffers in their leaf-on stage and do not convey an accurate story. Computer simulation of any proposed homes along with post-development wooded area is needed for proper impact analysis.

Just as the applicant has designed a project based on market projections and future road improvements, attention should be paid to planning for less automobile traffic and higher demand for alternative modes of transportation. For example, the submitted traffic impacts do not cover increased number of automobiles traveling to the center of Cornwall not a thorough analysis of alternative modes of transportation. It is assumed that the Town would like to see higher patronage in the Town's main street corridor as a result of such a project but does not wish to see a great increase in automobile traffic in the area.

Attention should be paid to the Firthcliffe area (where CR 32 meets Howard St and becomes Willow Avenue) as a possible neighborhood commercial center for existing and incoming residents. There are three residential projects proposed to be connecting to it, within close walking distance. A steady market for neighborhood commercial developer could be realized as a result of so many incoming residents. Increased commercial space in this area could be beneficial to the Town and the nearby residents without attracting consumers away from the proposed commercial uses within Cornwall Commons. (Orange County Department of Planning letter dated July 18, 2008).

Response: The Generic SEQR Findings Statement adopted by the Planning Board in 2003 states that due to the steep slopes and dense forest of the valley of the Moodna Creek, the project will not be visible from the creek or its valley bottom under any of the proposed development scenarios. Similarly, the topography and vegetation both on and off the site blocks the view of the project site for the Knox Headquarters state historic site which is situated about 2,000 feet from the project site and separated from it by the valley of the Moodna Creek. As part of the SEIS, the applicant was to address the site specific landscape plan and determine post construction view profiles. The post construction view profiles reveal the topographic changes that will occur on the project site and identify the natural vegetation that would remain on the site and supplemental plantings. Given the existing vegetation and mitigation measures, the DSEIS shows that no significant adverse environmental impacts are created, and this information is consistent with the GEIS Findings in this regard. . The Planning Board did not request visual simulations as part of the DSEIS scope, relying on NYSDEC visual impact assessment guidelines, which are fully adequate to complete the requested assessment.

The Firthcliffe area (where CR 32 meets Howard Street and becomes Willow Avenue) is located in the SR-1 Suburban Residential Zoning District. The Town Board would have to rezone this area to allow for the development of a neighborhood commercial center. Under the current zoning, the only commercial uses permitted are home professional offices, conversion of a single family home to a professional office, bed-and breakfast inns and day-care centers. The level of surrounding residential development makes it unlikely and impractical, based on the surrounding density levels, to support another satellite commercial area between the site and downtown. This is not within the scope of the SEIS; and furthermore, it is a Town Board issue. Alternative modes of transportation, such as train, rail and fixed route bus service are not available in the Town. The site plan provides sidewalks in the project to allow for the residents to walk to the recreation amenities provided on site and commercial areas located along the loop road, and in turn reduce traffic on the loop road and interior road system. The residents can also use the interior site sidewalks and trails to connect to existing access routes.

With respect to comments on pedestrian access, see response to Comment No. 60. Multiple pedestrian routes into and out of the site are provided for two-way pedestrian traffic.

Comment No. 55:

I find the information on trees and the plans for protecting trees in this project to be insufficient at this point. Our Town's Master Plan emphasizes tree protection, particularly on properties planned for development. Our Town Code requires trees over 12 inches in diameter to be located on maps and, in general, to be preserved.

The tree survey for Lot 10 is minimal and not consistent with these purposes. The Scoping document states that the "location of significant large trees" should be mapped and directs the applicant to "evaluate mixed age tree stands in remainder of site". Only the locations of several "cabbage oaks" and one shagbark hickory have been mapped, and only two of these are proposed to be preserved. That amounts to only one tree per 99 acres. These may well die anyway after disturbance of the surrounding area. I recommend that a full tree survey be completed for this lot: such a large project should not proceed without a proper tree survey. It is important for the Planning Board to be presented with factual information on the substantial number and locations of large trees on this property. In fact, Lot 10 contains significant mature forest and a large number of large, healthy, and valuable trees. I expect that there are, in fact, hundreds of trees on this property larger than 12 inches in diameter. From my knowledge of this and surrounding areas I expect that there are dozens of trees two to three times this size (i.e. 24 — 36 inches in diameter) on Lot 10, particularly of the following species: red oak, chestnut oak, white oak, scarlet oak, red maple, sugar maple, black cherry, tulip poplar, hickory, and white pine. Several red oak, black oak, and black cherry trees larger than 24 inches in diameter are clearly visible this time of year just by looking into the edge of the property from Route 9W near the location of the proposed entrance road. A view of the top of the canopy indicates that many more are present.

Many of these large trees are undoubtedly between 100 and 150 years old. Black Rock Forest's database documents that, on average quality sites in the Highlands, 12 inch diameter trees are generally more than 100 years of age. It is true that much of Lot 10 was apparently cleared for land uses such as pasture in the past. But the abundance of large trees demonstrates that a significant portion of the property is historic forest of a century or more in age, and certainly the large cabbage oaks are 150 years old or older. The DSEIS states "This parcel was agricultural pastureland perhaps 75 years ago". I expect that, at least for much of the southern 2/3 of Lot 10, this was more like 100 years ago. Airphotos from the 1930s and 1940s should be presented by the applicant to resolve these issues. The DSEIS states the "Forest is comprised of light loving species that seed into abandoned pastureland". But the oaks and hickories cited above are large seeded, intermediate succession species, not early successional species that first volunteer on abandoned pasture. Light loving species that do seed into abandoned pastureland, such as red cedar and gray birch are, I believe, mostly long gone from the mature sections of the site. The DGEIS also states the "Land has been under cultivation for over 100 years". This certainly appears to be incorrect. Perhaps the applicants mean the site was cultivated for over 100 years. If so, the statement should be corrected and evidence provided to support the statement. Certainly a portion of Lot 10 and some of the other lots do exhibit a young woodland character as well as evidence of more recent human activity. A tree age study could be accomplished via increment coring to determine this in more detail. A tree size survey would

be relatively easy to accomplish and age could be reasonably estimated from these data. Certainly this seems like the appropriate information requested by the Scoping document.

Areas of mature forest and large trees are important for many reasons including their value and natural beauty, provision of screening from neighboring properties, enhancing the local climate, protecting soils and reducing runoff, providing seed to ensure regeneration, and as critical food and shelter for a host of native wildlife. I recommend that a thorough tree survey be completed for Lot 10 so that the areas of mature forest can be clearly delineated from younger woodlands. This should include diameter and species as well as grading of trees for landscape value and utility for mammalian habitat. This will enable a more complete analysis of the environmental impacts of the proposed developments. The environmental impacts will be minimized, and the development will benefit, if more mature forest is preserved. (Schuster letter dated March 13, 2008).

Response: See Response 45. The scoping outline states that the applicant must identify “the location of existing significant large trees (cabbage oaks) as identified in the GEIS. Also evaluate mixed age tree stands (choose a few representative sample plots) in the remainder of the site.” (See page 5 of Scoping Outline).

As discussed in the DSEIS on pages 39-42, a site investigation was conducted to identify and evaluate the health and overall condition of the cabbage oaks and to identify the “cabbage” oaks which would be preserved. The woodland areas that are proposed to remain undisturbed were also identified on a plan and evaluated, and a landscape plan was prepared depicting the supplemental native woodland type of plantings. All of these woodland locations were surveyed in the field and stakes were placed for identification purposes. Each location was then evaluated for type and characteristics and a summary of those findings are contained on pages 40-41 of the DSEIS. In general the entire woodland in the proposed residential portion of the site is wooded in a similar habitat- red and sugar maple, red and white oak, American beech in the southwesterly portion of the site, and American elm and black cherry throughout. The mature forest contains the mentioned species from sapling size to 24 to 36 inches in caliper, which suggests the approximate time frame from the end of agricultural operations was 75 to 100 years ago.

On Lot No. 10, approximately 1,036 trees and 4,828 shrubs will be planted, based upon the landscaping plans contained in Exhibit “M” of the DSEIS.

With respect to comments on tree preservation, see also responses to Comment Nos. 44, 45 and 50.

The Planning Board exercises flexibility in terms of its approach to specific mapping requirements, pursuant to Section 158-19-E(2)(c), based on the particulars of both a given site and a specific use and with the understanding that the landowner must still be able to use the site for purposes allowed in the zoning code. The plans provide for some measure of flexibility in unit location of the single family detached dwellings within a specified envelope, and this will allow consideration to be given to shifting the dwelling location within specific parameters, if relocation would preserve a mature tree in locations where the underlying land does not require grading according to the site plan.

No further SEQR compliance is required since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and the Generic Findings Statement.

This project does conform with the Comprehensive Plan. See response to Comment No. 49 above.

TRAFFIC AND TRANSPORTATION

Comment No. 56:

Route 9W/Laurel – Document should acknowledge that Laurel Avenue/Rt 9W traffic signal and improvements are complete, not proposed. (ref p. 52). (Edsall letter dated July 7, 2008).

Response: Comment noted. These improvements are complete.

Comment No. 57:

Route 9W/Forge Hill – The document fails to acknowledge the operational problem of traffic backup during peak periods (primarily PM) at the Rt. 9W Forge Hill Road signal. This should be further considered. (Edsall letter dated July 7, 2008).

Response: In the DSEIS, capacity analysis conducted at the intersection utilizing future traffic volumes indicates that under the future No-Build condition, overall Levels of Service “D” or better are expected for the intersection. However, during the PM Peak Hour, the northbound approach will experience a Level of Service “E” and “F”.

To improve operations, modifications to the existing traffic signal timings could be implemented. Capacity analysis conducted at the intersection utilizing the future No-Build and Build traffic volumes, with the proposed signal timing modifications, indicates that the overall Levels of Service “D” will be experienced with these changes. The project sponsor has offered to undertake implementation of this modification at the appropriate time at its own expense. A mechanism to ensure that such implementation occurs would be to require the project sponsor to post a bond or other financial security as a condition of the site plan approval.

The New York State Department of Transportation, as part of its long-term improvement project, is planning to provide additional lanes to improve the operation of the intersection. No specific design plans are yet available from NYSDOT. In the interim, the applicant will contact NYSDOT to implement traffic signal timing improvements to improve the efficiency of the signal operation.

Comment No. 58:

Academy/Main/Faculty Signal – The document indicates a proposed fair share contribution for the possible traffic signal at Academy Avenue/Main Street/Faculty Road. It is unclear what other projects would contribute toward this improvement or in the lack of other projects, what funding sources would be available. (Edsall letter dated June 7, 2008).

Response: The intersection of Academy Avenue and Faculty Road is identified in the GEIS and DSEIS as an unsignalized intersection which experiences peak hour delays. In order to improve this

condition, a traffic signal would have to be installed. However, based on current traffic volumes the intersection does not satisfy NYSDOT traffic signal warrants. For the signal warrants to be satisfied, increases in traffic volumes would have to occur. If warranted, increases in traffic volumes would be the result of background traffic volume increases, including any additional traffic from the Cornwall Commons project.

The DSEIS recommends that the traffic volumes for the intersection should be collected and submitted to NYSDOT at a later date. The applicant will monitor the traffic volumes at the intersection during the construction of the Lot 10 development and submit them to the Planning Board and the NYSDOT. At that time, if the NYSDOT finds that a traffic signal is warranted, it would be determined what other projects, if any, and other funding sources would contribute toward this improvement. The project sponsor has offered a fair share contribution to the installation of a signal at this intersection. If it is determined by the NYS DOT that a traffic signal would be warranted prior to the completion of Lot 10 development, this project will contribute a fair share percentage based on the traffic generated from the project. A mechanism to ensure that such monitoring and contribution occurs is to limit the number of building permits issued for the residential units on Lot 10 until the project sponsor has updated the Planning Board and the NYS DOT regarding the need for the Academy/Main/Faculty Signal. The fair share calculation shall be the percentage of the project's maximum peak trip generation in relation to the maximum traffic at the intersection.

Comment No. 59:

The "north" entrance of this project is located on the opposite site of the highway of my property, and therefore I have interest in its progress. Overall, I strongly support the Cornwall Commons. The obvious benefit is the increased tax revenue that town will receive without adding a single child to the school district. The Cornwall Commons would also help revitalize the stretch of Rt. 9W that runs through the Town of Cornwall. Currently there are empty offices, a convenience store that no longer sells gas, a vacant restaurant, and other business's that almost give that stretch of highway a "ghost-town" feeling. Ultimately, the Cornwall Commons would draw other commercial projects to the area and take some tax burden off of homeowners. My only concern is how receptive the New York State DOT will be to the project. Rt. 9W has changed significantly over the past 5 years, with plan for even more changes in the future. I would like to know how Cornwall Commons plan for the highway mesh with New York State's plan for the highway...specifically turn around zones, traffic lights, and speed limits. (Smith letter received July 16, 2008).

Response: The New York State Department of Transportation (NYSDOT) has plans for long term improvements to this portion of the U.S. Route 9W corridor that will generally involve safety related improvements. So far, the NYSDOT has installed a traffic signal at the US Route 9W/Laurel Avenue and U.S. Route 9W/Forge Hill Road intersections and has incorporated striping changes on the northbound approach to provide a separate left turn lane. Other long term corridor improvements have been identified for this area and are included in the Transportation Improvement Plan (TIP), including intersection improvements, maintenance and upgrades of existing structures. There is no specific timetable for these long term corridor improvements.

The construction of the new access road connection to Route 9W will be coordinated with the NYSDOT. Under the current development plan, the site can be served by Route 9W via a right turn entry and right turn exit at the northerly portion of the property. The southerly access includes construction of a full-movement signalized intersection. This improvement will include construction of separate turn lanes on Route 9W as well as the installation of a new traffic signal. The access improvements, including separate left and right turn lanes, will be constructed within the existing Route 9W right-of-way or on lands under the control of the applicant. The posted speed limit on this section of roadway currently varies between 45 and 55mph.

Comment No. 60:

This Department asks that alternative modes of transportation be addressed in the following ways:

The applicant should negotiate with the Town on better pedestrian, bike and public transit access outside the development.

Consider moving residences, sidewalks and roads closer to Frost Lane to encourage walking to Willow Avenue.

Alternative modes of transportation have not been properly addressed in the SDEIS nor the Site Plan. For instance, it is noted that the applicant proposes a pedestrian crossing across 9W, presumably to connect to Mailler Avenue via the 9W exit ramp. It is unrealistic to expect residents of Cornwall Commons to use this route of access, as there would be no sidewalks from the project to Mailler.

Frost Lane, a safer alternative than a 9W crossing, is currently being proposed as a walkable alternative but would probably need some sort of improvements to accommodate walkers. It is clear that the Town and applicant need to work together to plan for less automobile use around the site. (Orange County Department of Planning letter dated July 18, 2008).

Response: The residents can use the interior site sidewalks and trails to connect to existing access routes to encourage pedestrian travel between the business district and Cornwall Commons. Three alternative pedestrian access routes have been depicted on plans annexed hereto as Exhibit "7". The first plan provides a walking route via the proposed sidewalks on the Stone Hollow (a.k.a. Willow Woods) access road to Willow Avenue to Main Street. The Stone Hollow development has been approved and is under construction, and this connection will be completed when the multi-family portion of the Cornwall Commons site is built. The second plan provides a walking route designated via Frost Lane to Willow Avenue to Main Street, and this connection too will be completed as the adjoining section of the Cornwall Commons is built. The third plan provides a walking route from the main entrance of the project. As discussed in the DSEIS, there will be a traffic light installed at this point which would allow pedestrians and bicyclists to cross Route 9W, and then residents could travel along Academy Avenue to Mailler to Willow Avenue to Main Street. The applicant is not suggesting that this is a preferred access plan to reach downtown Cornwall. Currently, there are no sidewalks along Route 9W and any sidewalks installed along Route 9W would have to be maintained by the Town of Cornwall. Rather, the safer alternative is for residents to use the access routes

provided for in examples 1 and 2 above, through the residential neighborhood and down Willow Avenue. Depending on what access alternative to the site is approved and finalized by NYSDOT, any possible pedestrian access across 9W may be affected, and this will need to be determined at the time of final subdivision approval. These alternatives will provide safe pedestrian access routes to downtown instead of residents attempting to cross and then walk along a busy highway. A copy of a proposed grading plan is annexed as Exhibit "10", depicting the proposed pedestrian access connection to the sidewalks located in the Stone Hollow project. The project has also been designed to accommodate buses along the main interior boulevard access. A bus pick up area has been located along the loop road, near the main entrance, to allow for public transportation to be used by residents.

Comment No. 61:

Pedestrian Access to Project – The document notes that sidewalks are provided and a walking route exists to Mailler and the "downtown area", and that a controlled pedestrian crossing will exist on Route 9W at the Project entrance. It is unclear as to the detail for the route from the project to Mailler Ave. and Main Street. Additional clarification should be provided. (ref. p. 17 & 57). (Edsall letter dated July 7, 2008).

Response: With respect to comments on pedestrian access, see response to Comment No. 60.

Comment No. 62:

The SEIS and earlier GEIS do not address potential impacts to traffic patterns in most areas of the Village. Specific areas of concern include Shore Road, which may attract increasing use from residents of Cornwall Commons, especially at peak hours when Rt. 9W in the project vicinity already experiences congestion. While the intersections of Academy Avenue with Mailler Avenue and Main Street in the Town are analyzed, and if warrants are satisfied, "a fair share contribution towards signalization" of the Main Street/Faculty Road intersection is proposed by the SEIS as an adequate mitigation measure, the Academy Avenue entrance to the Village is also a concern, including the intersection of Academy Avenue and Hudson Street. Given the failure of both the GEIS and the SEIS to adequately consider and address impacts on Village traffic, the applicant should be required to perform additional supplemental traffic analyses. Potential impacts on scarce Village public parking resources have also not been adequately addressed in the SEIS.

In addition to automobile traffic, the SEIS should include more detailed information about potential access to the site with alternative modes of transportation, including walking, biking, and shuttle buses. The site design should include provisions for reaching the site from areas in the town and village on the east side of Rt. 9W. The discussion at pages 57 and 58 of the SEIS indicates that a traffic light installed on the project's main entrance will allow pedestrians to cross Route 9W and also mentions a walking route via Willow Avenue. There is no specific commitment to a cross walk, signal timing provisions for pedestrians, and pedestrian crossing lights being provided at the proposed traffic light nor is there a description of a "landing zone" and sidewalk or other pedestrian connection to be provided on the opposite side of the highway from the entrance. Furthermore, the SEIS lacks any discussion and analysis of alternatives, including additional or alternative locations for crosswalks and signals, and a pedestrian and bicycle bridge or tunnel, which would obviously provide a safer alternative. Such an analysis will assist the Lead Agency and the New York State

Department of Transportation in reviewing alternatives and incorporating contingencies in the Findings should one alternative, such as a crosswalk at the traffic light, not be approved during the permit process.

The SEIS only discusses routing of pedestrians and bicyclists to "Downtown Cornwall" without addressing access to the Village business and entertainment area, and whether alternative routing to the Village's center, including Academy Avenue in the NYMA vicinity is presently safe or would require improvements in order to mitigate any safety issues that may be presented by pedestrian use impacts of the project.

A transportation access plan that enables linking this project site with other nearby developments, potentially including future development of land owned by New York Military Academy, should be prepared, and should include alternative modes of transport listed above. This plan should specifically address all options for enabling passage across, under or over Rt. 9W. (Village of Cornwall-on-Hudson letter received on July 17, 2008).

Response: The scope of the SEIS only required the applicant to study the same roads and intersections as studied in the GEIS. The applicant was not required to address specific impacts on Village traffic nor to study potential impacts on Village parking. (However, in 2008, the Orange County Department of Planning issued recommendations on the Village's parking analysis contained in the Village's draft Comprehensive Plan and found that the Village has a wealth of existing parking resources.) The Negative Declaration and Consistency Determination adopted by the Planning Board in connection with approval of the preliminary subdivision application stated that a supplemental traffic analysis was submitted showing that the proposed PAC would not generate more traffic than studied in the GEIS. No further SEQR compliance is required since the proposed application will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and Findings Statement.

With respect to comments on pedestrian access, see response to Comment No. 60 above.

Comment No. 63:

We remain concerned about the impacts of this project on traffic in the town and nearby areas. In particular, the site access plan from 9W and Rt. 218 exit and entrance ramps seems cumbersome. The overall traffic plan for this site relies heavily on future improvements to Rt. 9W, which are under the control of NYS DOT, and are reportedly years away. We urge the Planning Board to take adequate time to fully review these impacts and to explore creative opportunities to minimize congestion. We also urge that non-automobile transportation options be more fully addressed, including biking, shuttle buses, and pedestrian options. Given trends in gasoline prices, it seems likely that alternative modes of transport will emerge in coming years, possibly including smaller, electric vehicles designed for short road trips. A safe and attractive means for residents to cross Rt. 9W and travel into the shopping and recreation areas in the town and village, using such vehicles, shuttle buses, bicycles, on foot, or with other modes of travel, should be provided. (Cornwall Conservation Advisory Council letter dated July 17, 2008).

Response: With respect to comments on traffic and pedestrian access, see responses above.

Comment No. 64:

I'd just like to hear how it would be possible to connect this to somebody who wants to go to the Two Alices, someone who wants to go to our restaurant district without using an automobile. (Public Hearing, July 7, 2008, Klosky).

Response: With respect to comments on pedestrian access, see response to Comment No. 60 above.

VISUAL RESOURCES/ CULTURAL RESOURCES

Comment No. 65:

We have reviewed the draft SEIS for Cornwall Commons and thank you for the opportunity to comment as an interested party on this important project. As I'm sure you realize, a project of this scale will irreversibly alter the character and ecology of both the development footprint (100+ acres) and its surroundings. For this reason, we have advocated from our earliest involvement for a site plan that minimizes environmental costs to the greater Moodna Creek area.

We believe the Moodna Creek represents a tremendous yet underappreciated natural asset in Cornwall and one that with some foresight and careful planning could be transformed into an exceptional community resource - the so-called Moodna Creek Greenway and Recreational Corridor. Its assets, to name a few, include a navigable stretch of the Moodna, a pristine forested ravine, an historic farm property, a brownfield site prime for reclamation as parkland, boating, fishing, hiking, and finally, a rail trail tracing much of its course. Notably, the rail trail also traces the northern boundary of the Cornwall Commons property,

Realizing the Moodna's potential as a Greenway will not be easy. It will require the traditional approaches of land acquisition and site remediation (e.g., demolition of the Lafayette Mill site), which PIPC and its partners continue to pursue. But these approaches will not be enough. For success, it will also need local leadership — especially on the Planning and Town Boards -- and a recognition that under the full buildout scenario facing this corner of Cornwall, today's planning decisions will determine the Greenway's future viability. Will future generations look back in disgust at a squandered opportunity or in admiration at the vision and resolve of today's decision makers?

All of this brings us back to the project before you. First, we realize that the project will likely move forward in some form similar to the current proposal. We ask, however, that you consider two issues critical to the Greenway that we believe are not adequately addressed in the SEIS:

(I). The site plan depicts detached single-family housing in a continuous row along the entire northern boundary of the property. In several locations, the homes are a mere 58 feet from the line with the extent of disturbance less than 25 feet. This places the homes nearly on top of the rail trail, which would greatly diminish its future use as a pedestrian way. This would work both ways — neither homeowners nor walkers would want to be in such close proximity to one another. A greater separation distance (i.e., larger forested buffer) would enhance the experience for both constituencies, and better preserve the character of the Greenway. While the applicant may protest this change as an unwarranted hardship, the rail trail would also function as a CC community asset. A larger undisturbed buffer along the northern border would also provide additional screening for views from below, and more natural water filtration. As the visual

assessment did not involve balloon tests or any simulation of the project, we have to take the word of the applicant that the current tree screen is sufficiently thick. The photo provided of the view from the Spaulding Farm Field suggests structures will be silhouetted along the ridgeline after the site is cleared. This can be mitigated through a larger buffer, as was provided along portions of the project to the west within the viewshed of the ravine trail. (Palisades Interstate Park Commission letter dated July 17, 2008).

Response: As stated in the DEIS, the developed portion of the project as proposed will remain obscured from view by the buffer of existing trees that are proposed to remain on the northern portions of the site and, therefore, will not significantly affect the viewshed from scenic trails and homes adjacent to the site. The applicant has further mitigated potential impacts to the surrounding viewshed by increasing the wooded buffer surrounding the northern portion of the project site. The result of the increased buffer will serve to further screen the project from identified areas, particularly along the proposed Moodna Creek nature trails. The non-disturbance area along the north and westerly slopes of the property will also be supplemented with additional plantings where necessary.

A series of photos were taken from the west bank of the Moodna Creek, along the slope at elevations of approximately 120 to 130 feet (Position "A") and at an elevation of approximately 140 feet, from along the tributary trail descending down from Knox's Headquarters to the Moodna Creek (Position "B"). See Exhibit B of the DSEIS).

At Position "A", the foreground depicts a line of fairly densely packed deciduous hardwoods that continue down the slope to the Moodna flood plain, at which they thin out considerably. The opposite slope across the Moodna Creek appears to contain a densely packed cover of deciduous hardwood trees with a canopy height estimated to be approximately 40 to 60 feet. The former rail bed of the New York Ontario & Western Railroad barely can be seen at this location. The proposed project will benefit from the additional 200 feet of screening the intervening natural vegetation provides prior to the limit of disturbance line.

The conditions at Position "B" are similar to Position "A", however the hardwood trees in the foreground are mixed in with several evergreens, screening the view of the opposite bank to an even greater extent. Here, as in Position "A", it is very difficult to view the opposite bank of the Moodna Creek gorge. The proposed development would be well screened by the natural vegetation on both sides of the Creek.

Line of sight profiles were also prepared from these locations. The profiles demonstrate that 150 to 200 feet of hardwood forest exists directly within the line of sight along the slope to the north of the site. This intervening vegetation provides an adequate screen of the project site under off-leaf conditions.

The profile prepared with respect from the view from across the street from Spaulding Farm, which was prepared in the event the old mill building is removed at a later date, demonstrates that the ground elevation rises sharply up a forest slope to the edge of the plateau and beyond that there is at least 150 feet of hardwood forest covering the northeast slope adjacent to the site property which will be sufficient to screen the proposed building from this vantage point.

The project site adjoins the former O&W Railway line which is private property. A past slope failure on the abandoned railroad would require substantial work before it could be used as a contiguous trail.

COMMUNITY SERVICES

Comment No. 66:

Ambulance Services. It should be confirmed in the document that the Ambulance District has been extended to include the annexed lands. A copy of the extension action should be included as a reference. (ref. p.9) (Edsall letter dated July 7, 2008).

Response: The Town of Cornwall approved the extension of the ambulance district to include the portion of the property annexed into the Town of Cornwall on December 12, 2005. A copy of the order is annexed hereto as Exhibit "3". The portion of the Cornwall Commons property historically located in the Town of Cornwall is also located in the Town of Cornwall Ambulance District.

Comment No. 67:

Fire District Boundary Issue. The document indicates that the "... Fire Districts are not interested in altering the boundary line between the Fire Districts ...". This statement is contrary to my understanding based on verbal representations. Written confirmation of the position of each District should be provided. (ref. p. 11 & 65). (Edsall letter dated July 7, 2008).

Response: A copy of a letter from Frank T. Simeone, Esq., Vails Gate and Canterbury Fire Districts, dated July 14, 2008, is annexed hereto in Appendix B. This letter indicates that Canterbury Fire District and Vails Gate Fire District will petition the Town Board of the Town of Cornwall and Town of New Windsor to alter the boundaries between the two districts so that the Cornwall Commons project will be located completely in the Canterbury Fire District.

Comment No. 68:

Main Fire District Issue. The document indicates that the "main issue identified" as a concern by the Canterbury Fire District were structures located in both fire districts. It is my opinion that this statement misrepresents content of the letter which listed nine (9) separate items. (ref. p. 11 & 64). (Edsall letter dated July 7, 2008).

Response: A letter was submitted to the Fire Department addressing each of the issues raised which is contained in Exhibit "J" of the DSEIS.

Comment No. 69:

Solid Waste Generation. The date of the extension of the Refuse and Garbage District should be confirmed in the document. A copy of the extension action should be included as a reference. (ref. p. 9) (Edsall letter dated July 7, 2008).

Response: The Town of Cornwall approved the extension of the refuse and garbage district to include the portion of the property annexed into the Town of Cornwall on December 12, 2005. A copy of the order is annexed hereto as Exhibit "5". The portion of the Cornwall Commons property historically located in the Town of Cornwall is also located in the Town of Cornwall Refuse and Garbage District.

Comment No. 70:

NYMA appreciates that the Planning Board has taken the correct position that the access issue to the 35 needs to be resolved prior to the final plat approval or there will be a note placed on the plat and restrictive covenants required in the deeds of the properties in Cornwall Commons that abut the NYMA property. (Mitchell letter dated July 16, 2008)

Response: In the Determination of Consistency and Negative Declaration adopted by the Planning Board in connection with preliminary subdivision approval, the Board noted that the preliminary subdivision plan provides for at least one access way to the NYMA property and that "the preliminary plan approval does not prevent any alterations to the plan that might arise from future coordination between NYMA and the Cornwall Commons site as to access, utilities, and other matters."

The final site plans have not been completed for Lot Nos. 1 through 9 and therefore a final subdivision plan has not been completed. The uses for Lot Nos. 1 through 9 have not been established and since it is well recognized that commercial uses are site specific and most, if not all, site specific uses require unique footprints with likewise unique site features, the applicant must reserve layout and design flexibility which may affect the precise location of lot lines, buildings, signage and other improvements.

The site plan (page 3 of 57) includes a note which states: That portion of the survey parcel shown hereon designated as Map Lot 2 is subject to a possible future easement for ingress and egress from the portion 1 of the survey parcel hereon designated as filed Map Lot 1 to access NYS Route 9W as recited in Liber 3436 of Deeds at page 104.

There is no development plan for the NYMA parcel. There are various constraints on that property that will affect the use and site specific plans. Well planned access points cannot be identified in the absence of a plan.

Comment No. 71:

As probably most of you know, the academy owns this adjacent property to the proposed Cornwall Commons development and we're not here tonight to speak for or against the project, we feel that that's your responsibility to make those determinations. We only ask that we have the opportunity to meet with Mr. Amato and his representatives to discuss potential future access to our site in conjunction with his overall development plan. Thank you very much. (Public Hearing, July 7, 2008, Brunetti).

Response: The applicant has stated to the Board that there have been and will continue to be discussions with the representatives of NYMA. The Board cannot insert itself into what is a private matter, and can only encourage both parties to reach a constructive agreement. .

Comment No. 72:

In the public hearing I noted comment from NYMA and it's not within the board's purview to take a position on that, however, I encourage good neighbor policy, obviously, we'd hope there would be some discussion amongst the properties but we have no role or responsibility in that area. (Public Hearing, July 7, 2008, Novesky).

Response: See response above.

Comment No. 73:

COVAC has 3 different ambulances which we can utilize for entry to many road types & widths. It is our position that if the fire department has no problem with the roadways, the COVAC will not have any issues. The fire hydrant locates are in fire department issue, and do not matter to COVAC at all. (COVAC letter dated May 28, 2008).

Response: Comment noted.

Comment No. 74:

The SEIS includes no information or discussion about the potential impact of this project on recreational facilities in the community. It merely mentions the proposed club house and other on-site recreation amenities, and briefly discusses recreation fees. Recreation fees in lieu of parkland and improvements at the site will be paid only to the Town and reflect an apparent determination by the Town not to require the applicant to incorporate and dedicate a Town public park in the project in addition to the proposed private recreation facility, notwithstanding the project's size. In discussing pedestrian traffic at page 57, the SEIS states: "Cornwall Commons is not designed to be an entirely self-contained residential living area Donahue Hudson Riverside Park, will continue to provide those services and facilities on a community wide basis." The Village's waterfront park is likely to experience significant increases in use from this project. These potential impacts, and proposed mitigation measures, should be described in detail. (Village of Cornwall-on-Hudson letter received on July 17, 2008).

Response: The Town of Cornwall Zoning Code states that upon determination by the Planning Board that the PAC will create a demand on the Town's recreational facilities, and that the PAC fails to adequately provide for on-site recreation and amenities sufficient to meet the anticipated needs of the PAC residents, a money-in-lieu-of-parkland fee to be used for the acquisition and improvement of recreation areas in the Town may be required.

As stated in the DSEIS (page 64), based on the anticipated impacts of the proposed residential development on the Town's recreational resources, and in light of the PAC providing its own recreational facilities, the Town Board has stipulated that the recreation fees shall not exceed

\$1,000.00 per unit nor be less than \$666.66 per unit. Pursuant to Town Zoning Code Section 158-21X 5(I)[2], the fee shall to be used for the acquisition and improvement of recreation areas in the Town.

ENERGY COMSUMPTION

Comment No. 75:

Will the energy star guidelines be followed? (Public Hearing, July 7, 2008, Eileen Regan).

Response: All construction will comply with the New York State Building Code and Energy Code requirements. When the building improvements are designed, consideration will be given those aspects that strike the appropriate balance between conservation, efficiency and market demands.

APPENDIX A

July 7, 2008

1

TOWN OF CORNWALL

PLANNING BOARD

JULY 7, 2008

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
JANE DEANS
KENNETH BRODMERKEL
WYNN GOLD
LED KLOSKY
WILLIAM GRABE
HELEN BUNT

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

REGULAR_MEETING _____

MR. NOVESKY: I'd like to call to order the July 7, 2008 meeting of the Cornwall Planning Board. All members of the planning board are here and present and accounted for at least physically. I'll forward to you all correspondence.

DISCUSSION _____

CORNWALL_COMMONS_-_PUBLIC_HEARING_#2004-01_&_2006-19

MR. NOVESKY: Cornwall Commons site plan, subdivision.

Gerald Jacobowitz, Esq. appeared before the board for this proposal.

MR. JACOBOWITZ: Good evening, Mr. Chairman, members of the board, I'm here on behalf of Cornwall Commons, my name is Gerry Jacobowitz, our law firm is Jacobowitz & Gubits representing Cornwall Commons. What I'd like to do first Mr. Chairman is provide to Gary for his official record the proof of calling of the hearing which is the affidavit of publication that was published in The Cornwall Local on June 20, the affidavit is signed that day, we have an affidavit of mailing from the building inspector's department on June 13 of notice to property owners that were listed in the list that was provided by his office. And we have a set of receipts for hand delivery or Fed-Ex delivery of the papers to the various agencies and others listed on the approved list so I'll give those to Gary for his records. I'm going to try to make this as short as possible but still meaningful. As you know, we have been before the board over seven years at this point and we're very happy to have arrived at this stage in the process. The project is a mixed use community, it has a, it's a 10 lot subdivision for which preliminary approval was granted. One of those lots, lot 10 is where the residential component of this project is going to be located and the purpose of tonight's hearing is to review the Draft Supplemental Environmental Impact Statement that was directed to be undertaken by your board and secondly and to hear the public comments on it and secondly to review the site plan for lot number 10 and have the public comments on those things. The residential use is a mixed use, it's single family detached single family attached and multiple residence dwellings so it's going to provide a varied type of housing on the property. It will be

served by public water, public sewer and it's going to be a lifestyle community, it will have a clubhouse, it will have amenities for the clubhouse so that people who live here are going to be able to enjoy not just the residential living component but also a lifestyle that will provide them opportunities for other activities, joining organizations, clubs, walking trails, swimming pool, tennis courts and all those things that are part of living today. The history as I said is seven years, we did a Generic Environmental Impact Statement at way, way back. Since then, we have had two town comprehensive plans, we have had two town zoning law revisions, we have had numerous public hearings for this project and we have had numerous meetings at which we have invited the public. So at this point, I think that the word that comes to my mind is that we're ready. And I think we can open it up to the public at this point, we're here to listen tonight to hear what they have to say so we can then evaluate that against what's been submitted to the board. You'll have an opportunity to hear those comments and decide whether those are things that yet are to be taken into consideration in some fashion and I would respectfully ask that I reserve a few minutes to be able to speak at the end of the public participation in case there's something that needs clarification or further explanation based on what it is that the public is going to be saying. So maybe the board has some questions first so I'd be happy to try to answer them if not we're here ready. John Russo is here from Lanc & Tully and Mr. Joseph Amato, the principal of Cornwall Commons is here also. So without further ado, we would surrender the floor.

MR. NOVESKY: Thank you, Mr. Jacobowitz. I will defer any questions from the board until after the public hearing. Any member of the general public wishing to comment on this, please state your name, your address and reserve your comments to approximately three minutes and after everyone's heard we'll get you back

on if there's additional comments to make. We'll open the public hearing at 8:24. Yes, come forward and provide that personal information for us.

MR. ROHE: Good evening, Dan Rohe, 27 Curry Road, Cornwall-on-Hudson, some of you people look familiar. I have watched this for some time and the situation of in Cornwall has changed so much in the period of time that I have watched this and I know what the quality of these projects are that these people put together and what it will add to our community that at this point I simply would request that the soonest possible approval of this project proceed with the board and the public. I do not see any negatives. This is the only project in 25 years that I have lived in this community that brings the qualities that it does to our community. And I'm speaking particularly from the exacerbated tax situation. We all live in, those of us that have seen that over 25 years this project addresses that like no other project in 25 years has and to my knowledge no project on the books addresses those issues about taxes and might blight the increase in taxes the way this project does. Given the quality of the project, given what it brings to the community I totally support this community getting behind the project. Thank you very much.

MR. NOVESKY: Any other member of the general public wishing to make comment on this project?

MR. GRUBER: Hi, Simon Gruber, 77 Duncan Avenue, Cornwall-on-Hudson. I'm going to in my previous comments on this project I have talked a lot about storm water and visual impacts and heard a lot about that and I know a lot of work has been done to address those issues. Since I only have three minutes, I'm going to focus mainly on trees, and it's honestly more of a comment on the planning process than necessarily expecting major new work on this project because I understand that the cow's out of the barn in a sense.

I think that's where this project is headed and but the language in the town's comprehensive plan that I will quote from encourages the preservation of mature trees whether isolated or among stands, I'm paraphrasing here and develop stringent mitigation measures when they're removing trees, clear cutting is to be prohibited for new development. Then the last paragraph of this section the intent of the comprehensive plan that trees be preserved to the greatest extent possible by requiring that the extent of woodland and mature trees be surveyed and identified on plans, every effort should be made to situate future development in a way that preserves mature trees, again, I'm paraphrasing, when their removal cannot be avoided, each specimen tree should be replaced on a one-on-one basis. The intent of this plan clearly and the intent of the SEQRA law is to avoid impacts and mitigate them if necessary. There's over 100 acres of land I'm guessing roughly, you know, somewhere between 100 and probably 130 acres of land here that's basically going to be clear cut and so there's a disconnect between what the town's plan says and I think this is a very clear kind of impact that the public can understand. And so I just would ask that I don't know what more can be done in this project again given the reality of how long it's taken.

MR. BRODMERKEL: You have 30 seconds, Simon.

MR. GRUBER: I would certainly like to see more effort to identify individual trees for preservation. And the other comment I'll make that hasn't been brought up to my knowledge before is we have talked about visual impacts, but the visual impacts from Route 9W, again, this is the Gteway to Cornwall and I, you know, it can potentially be a very important and in some ways beneficial to the town, but the visual impacts as people are driving into Cornwall from the north and leaving from the south is something that could be handled with some sensitive design and possibly some additional preservation of trees. Thank you.

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MR. NOVESKY: Thank you, Mr. Gruber. Any other member of the public wishing to make comment on this project?

MR. BRUNETTI: Good evening, ladies and gentlemen, my name is John Brunetti, Jr., Vice President of the Board of Trustees of New York Military Academy, 78 Academy Avenue, Cornwall-on-Hudson, New York. As probably most of you know, the academy owns this adjacent property to the proposed Cornwall Commons development and we're not here tonight to speak for or against the project, we feel that that's your responsibility to make those determinations. We only ask that we have the opportunity to meet with Mr. Amato and his representatives to discuss potential future access to our site in conjunction with his overall development plan. Thank you very much.

MR. NOVESKY: Thank you. Any other member of the general public wishing to make comment or express comment?

MR. GRUBER: I have one more.

MR. NOVESKY: If there are no other members of the public, I will allow Mr. Gruber another three minutes to comment.

MR. GRUBER: Try to keep it to one and a half. Just reiterating what I was talking about before with the way that the board and the town handle tree preservation goals for sites. I wanted to point out that I believe there's a precedent already a precedent with Willow Woods which may have a different name now, the Ginsberg project, that site did have a tree survey and as I understood I didn't look at the plans before and after but I was told or I heard here that it made a difference that there were some changes to the design so I just again want to point out that that can be done. And the second point I would like to make is

that the process and again this goes beyond this particular project but it's very important, having the public hearing understand this is near the end of the SEQRA process but for the site plan public hearing, the procedure is somewhat backwards from the public points of view in that we have a public hearing near the beginning when there is a preliminary site plan before you then there's usually with bigger projects a long period of several meetings and discussion among the board and its consultants the public doesn't get a chance to listen to all that and then comment after it. The public has to come in whenever we have a chance to learn about the project early in the process, that's all that we know and again, I don't know exactly how much of that is codified in the town's regulations verses how much is just planning board practice and policy but especially for bigger projects I would ask you to consider either keeping the hearing open or having a second public hearing later on down the road, so really there's a balancing, we don't want to have a hearing at the very end cause you have done all your work but somewhere in the middle after some of the, all of that information and discussion has come out, it would be very useful and I think fairer and more open process. Thank you.

MR. NOVESKY: Thank you, Simon, for the, I'm sorry, Dominic, for the record process and procedure is codified, correct?

MR. CORDISCO: Yes, we're following state procedure as far as SEQRA is concerned and the town's procedure as far as the site plan.

MR. NOVESKY: Just wanted to make sure. Mr. Rohe?

MR. ROHE: Thirty seconds, if I could, I'm a licensed tree surgeon, I'm a graduate forester, I worked for 14 years as a volunteer on the Cornwall Conservation Commission, I worked very diligently with that group

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and made a change to the Cornwall Conservation Advisory Council, I was a member of that group. Trees were our specialty and what we cared most about. This project addresses trees, it is going to do the best thing possible for the trees. I would want no contractor other than Joe Amato to be let loose on the trees that will happen here. I know what trees are all about and I believe this project will address those issues. Thank you.

MR. NOVESKY: Thank you, Mr. Rohe. Any other comments from the public? Yes, ma'am?

MS. REGAN: My name is Eileen Regan and my address is 120 Pleasant Hill Road, Mountainville. And I have a question, two questions, actually. One, I don't know to what extent the senior buildout is going to happen if it's going to be gradual. I'm concerned only because of the current senior project that's underway right now and they're having a very difficult time selling those units. What will happen if they cannot be sold as senior units? Will we have vacant buildings or will they open it up to general population or, you know, and is so many of them, are any of them income based or all just outright sale? Because as we all know, this is a very difficult time in the real estate market and this is such a huge undertaking and a lot of the seniors cannot afford to purchase, it's a beautiful project, but I don't know how many people are going to be able to afford it cause they can't sell their current homes and many of them are doing that now. The other thing I'd like to know is whether or not any Energy Star guidelines are going to be in place? Again, such a large project will have a dramatic impact and I would like to see something like that done if possible.

MR. NOVESKY: Okay, Eileen, we'll ask Mr. Jacobowitz or Mr. Amato to address that. Any other member wishing to comment?

MR. BRODMERKEL: Is it proper to close the public meeting and then ask, allow for comments from the builder?

MR. CORDISCO: Yes, of course since they're the applicant they can address the board at any time but you don't need to have the public hearing open for that. If there's no additional public comment that tonight's SEQRA does require that you accept written comment for an additional 10 days.

MR. NOVESKY: On the record, we'll accept additional comments for 10 days from the close of this hearing.

MS. REGAN: Can I make one other comment? Sorry, Eileen Regan, one of the comments were about rateables and, you know, reducing the impact of the taxes, industries are rateables and they will reduce taxes but homes and services in my opinion actually cause them to go up so I'd like to hear that addressed please.

MR. NOVESKY: I'm pointing out that this is an older childless project at which point the balance and the weight of what you're talking about relates to the cost of sending children to school.

MS. REGAN: Services, yeah, so if that could be addressed.

MR. NOVESKY: Balance of services is quite different on a senior or no children project than it would be on an open development.

MS. REGAN: Is there not a portion of that development that's not senior related?

MR. NOVESKY: We'll put that under the itinerary of the questions to answer. Any other member wishing to comment other than Mr. Brodmerkel?

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MR. BRODMERKEL: Make a motion we close the public hearing.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE
MR. NOVESKY	AYE

MR. GRABE: I'd like to comment on Mr. Gruber's statement. All these meetings are open to the public and every meeting that Cornwall Commons had the public, it was announced in the paper that the meetings were going on and after we do all the public hearing we scope the issues that the public makes. So for him to make a statement that it wasn't fair to the public I think was unfair for you to say that.

MR. NOVESKY: I will add that Mr. Cordisco pointed out that it was proper procedure by New York State.

MR. GRABE: Yes.

MR. BRODMERKEL: Also there are minutes from every meeting available.

MR. NOVESKY: Motion on the floor and a second to close the public hearing. All in favor?

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE

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MR. GRABE . AYE
MR. BRODMERKEL AYE
MS. BUNT AYE
MR. GOLD AYE
MR. NOVESKY AYE

MR. NOVESKY: I'd ask Mr. Amato to address the questions or Mr. Jacobowitz, whichever.

MR. JACOBOWITZ: The procedure that I think you're going to be following subject to your consultants' advice that we're going to wait for 10 days for written comments and then our job is to provide responses to everything said here plus whatever else comes in in writing subsequent to today and that your consultants then get a chance to approve or disapprove of those responses to these comments.

MR. NOVESKY: Or you can choose, Mr. Jacobowitz, to respond to the questions now on the record. Miss Regan's questions can be addressed.

MR. JACOBOWITZ: Is that going to be satisfactory for FEIS purposes?

MR. CORDISCO: I think it perhaps might be more prudent to wait to see what comments come in in writing and in addition to those of course the County Planning Department will be providing its report as well so I think perhaps some of Miss Regan's questions could be answered and that might be helpful, it's just I don't know that all the questions can be answered.

MR. NOVESKY: Well, whatever you feel you can answer, you can answer.

MR. JACOBOWITZ: The last question she raised is one we can spend all night on and into the next week discussing the concept of whether industry pays its way and residences don't pay their way. You can find

studies of all kinds on that. We seriously disagree with what she said but it's irrelevant because this project has as part of it a significant non-residential component that's going to have very little affect on the issue of school-aged children, services, et cetera. So we're very comfortable and I believe it's in what we have presented to you that the cost benefit analysis from this project is very positive and it's not even a close case, so I don't think there's a concern there. As far as whether we're going to build houses that we can't sell, I don't believe that that's good business and Mr. Amato is not known for being a bad businessman so we're not going to build houses that are going to sit idle. Whether we'll sell them to somebody, I think she implied income, some kind of subsidized housing, she didn't use that word, but I think that was one of her questions, that's not our intent to have subsidized housing. They are, this is a market project and we're not building for today. If everything goes wonderful from today forward, we're not going to be in the ground for probably 18 months to two years and the market that will be here then is a market that is not going to be the market that we had two years ago. And it won't be this market. So I don't know that we're, we have to be worried about whether we're going to build and have empty houses here, that's not good business, we're not going to do that and we hope that this project is going to be such a nice project and done so well that there will be a market for it. There's a market out there today even with all the doom and gloom that we have heard from everybody there still is a market out there and if there's good product, fairly priced and in a community of Cornwall with Cornwall's reputation we're comfortable that this is going to be done right and we'll be successful. So I know those are kind of generalized responses. Maybe in the submission we make for the FEIS we'll provide more specific numbers to help flesh that out.

MR. NOVESKY: The only other question that was raised

was the Energy Star guidelines, whether there are any alternative energy or I guess she didn't say alternative energy, but innovative technology.

MR. AMATO: I'd prefer not to address that this evening, I will address it in the comments, I'd be very happy to do that.

MR. JACOBOWITZ: There's a wide range everybody is talking let's go green, I don't think anybody's really defined it completely, yet there are many things that can be done to help deal with the energy issue, it's a smorgasbord, if there's 100, you may use 60, if it's, you may use 40, you may use 70, maybe 10 of them you use are the most effective ones out of 100, so that's something that will be looked at in more detail as we get closer to having to deal with design plan for a building. Right now, we haven't gotten that far, we have got some nice pictures, we have shown to you the look that we want here but to go beyond that we haven't, it's just been premature, we're, you know, we're still a ways to go.

MR. EDSALL: One other comment I'm sure Gerry would have no problem confirming is that the market is not going to drive the change by virtue of it not becoming a senior project, obviously, it's proposed as a senior project and that's what the approval that's being considered.

MR. NOVESKY: It's 55 and over or senior?

MR. EDSALL: Fifty-five and over.

MR. NOVESKY: Being 56, I appreciate the--

MR. EDSALL: Well, you've made it, I'm right behind you. But clearly the market doesn't drive the type of approval that's being granted.

MR. AMATO: Also conceptually we have designed this with a lot more open space, a lot of green areas as opposed to what's being built in closer to town and it's primarily single family homes on small lots, they are smaller homes and also I also wish to remind you that in the text of the SEIS there's a section the town consultants suggested that we consider some green issues and we did, there's a section in there which talks about certain green things that we propose and will do.

MR. GOLD: One issue that was raised during the public hearing that you may or may not feel comfortable addressing but since the comment was made that this is going to be clear cut, can you tell me are you planning on clear cutting this property?

MR. AMATO: To answer the question this way, in the body of the SEIS there's certain sections dealing with the type and quality of the trees. There's also a section which says that I believe we're planting in excess of, John, correct me if I'm wrong.

MR. RUSSO: As far as trees we're replanting over 1,000 trees and almost 5,000 shrubs that's not including street trees.

MR. AMATO: I believe we proposed in the course which is in the text again in the SEIS approximately 1,100 trees plus 4 or 5,000 types of bushes that go around the houses so and special attention was also called to the cabbage trees whatever you call them cabbage oak trees, I think of the Cabbage Patch Kids, but cabbage oak trees but I think if you look at the text I think you'll be comfortable with the analysis we made of what's there and our proposal to replant and I'm very comfortable we worked on that section a long time, we had many, many people in the field and the evidence is in the body.

MR. JACOBOWITZ: There's a specific reference if I might to follow through on that sheet there's one sheet in the pack that shows the undisturbed areas in one symbol and then the replanting areas in another symbol and there's one sheet that shows all of that activity. And the trees that we're talking about now are not street trees, these are in addition to what you require for street stress and the idea was to do, replant in places where we had to do some more work and that might otherwise have been desirable and we have provided for it and if you look at that sheet and we'll give you the number of it so you can all have a chance to look at it at your leisure that shows undisturbed areas and the areas that will be re-forested.

MR. NOVESKY: I'm sorry, Eileen, the public hearing is closed.

MS. REGAN: Just for the record, I would like to say something that was misunderstood. I was not talking about subsidized housing, I would just like the record to reflect that.

MR. NOVESKY: Public hearing is closed.

MR. KLOSKY: Mr. Chairman, to amplify on Eileen's question about green building, there's one thing that I would very much like you to address in your responses to the public hearing and that is connections of the project to the community by means other than automobiles. I'd just like to hear how it would be possible to connect this to somebody who wants to go to the Two Alices, someone who wants to go to our restaurant district without using an automobile.

MR. AMATO: That's addressed already.

MR. KLOSKY: If you can point me to that section in the response cause I just feel it's an important thing for the community to know about.

MR. AMATO: Okay.

MR. NOVESKY: Any other member of the board wishing to comment? In terms of action, Dominic?

MR. CORDISCO: At this point as the board previously noticed you have 10 days for additional public comment by writing and of course we're also waiting for the County Planning Department's 239 report. It's my understanding they are currently reviewing the plan and so we expect to have comments from them. And at this point at next month's meeting you can evaluate the public comment and then make a decision at that point whether or not additional analysis or responses are required.

MR. BRODMERKEL: In our discussion before we were saying that there was an action we can take to ask that, have a document be prepared, I've forgotten the proper name of that document.

MR. CORDISCO: Well, there's two possible courses of action, if the comments that were made were deemed significant or substantive by the board, the board would then require the preparation of what's called a Final Supplemental Environmental Impact Statement and the Final Supplemental Environmental Impact Statement is a listing of all the comments and responses and it may also involve additional analysis or additional plans to respond to the comments. That's one avenue for the board to consider. And of course making that determination as to whether that's going to be required or not will depend in part on what comes in in writing as well. Assuming, however, that there are no in the board's opinion significant or substantive comments, the board could omit the step of preparing a response to comments because there will be no need for that scenario of preparing a response to comments that were not significant or substantive. In that case, you can

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go right to the final document which is a SEQRA findings statement.

MR. KLOSKY: That would be after we have taken a look at what comes in in writing.

MR. CORDISCO: Correct, you can't judge whether or not the comments are going to be significant or substantive cause you haven't seen them yet.

MR. NOVESKY: If I might, are there any other questions amongst the board? I just have one point to make. In the public hearing I noted comment from NYMA and it's not within the board's purview to take a position on that, however, I encourage good neighbor policy, obviously, we'd hope there would be some discussion amongst the properties but we have no role or responsibility in that area.

MR. CORDISCO: You're speaking to the NYMA issue?

MR. NOVESKY: Yes.

MR. CORDISCO: I'm glad you brought that up because that's something that the board has addressed previously. Of course there's been requests by NYMA to address that previously and just to remind the board the position that the board took when they granted preliminary approval for the 10 lot subdivision and bear in mind that this preliminary approval has not been finalized yet because they have not applied yet for final approval, they'll need to do that prior to obtaining approval for lot 10 because right now lot 10 technically does not exist, only been preliminary approval, no final approval.

MR. NOVESKY: Would that require another public hearing?

MR. CORDISCO: It would require a determination as to

whether or not the final plat is in substantial conformity to the preliminary plat and so in other words, if there's no real changes between the preliminary and final plat, there's no requirement for a second public hearing. But nevertheless, getting back to the NYMA issue in particular, it is my understanding that there's an undefined right-of-way to the NYMA property to be serviced from the Cornwall Commons property, the board has encouraged and I believe continues to encourage Cornwall Commons and NYMA to define exactly where that right-of-way would be appropriate, if for whatever reason they are unable to do so at the time of a final approval for the subdivision, notes will be placed on the plat and perhaps declaration of restrictions may also be required to be filed that would indicate to any potential owner of those commercial lots that it may be subject to a right-of-way, so I think that that would be a significant encouragement to resolve that issue now.

MR. NOVESKY: Okay, are there any other questions or comments from the board? Okay, hearing none, I don't know that we have anything else.

MR. BRODMERKEL: Make a motion we close the meeting.

MRS. DEANS: Second it.

ROLL CALL

MR. KLOSKY	AYE
MRS. DEANS	AYE
MR. GRABE	AYE
MR. BRODMERKEL	AYE
MS. BUNT	AYE
MR. GOLD	AYE

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MR. NOVESKY

AYE

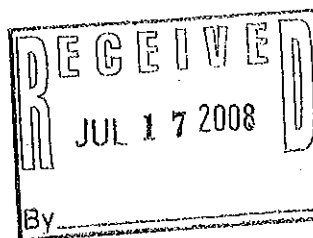
Respectfully Submitted By:

Frances Roth
Stenographer

APPENDIX B

Palleades Interstate Park Commission
Administration Building
Bear Mountain, NY 10911-0427
Tel: 845-786-2701
Fax: 845-786-2776

Mr. Neil Novesky, Chairman
Town Planning Board
183 Main Street
Cornwall, NY 12518



Re: Cornwall Commons DSEIS

July 17, 2008

Dear Mr. Novesky,

We have reviewed the draft SEIS for Cornwall Commons and thank you for the opportunity to comment as an interested party on this important project. As I'm sure you realize, a project of this scale will irreversibly alter the character and ecology of both the development footprint (100+ acres) and its surroundings. For this reason, we have advocated from our earliest involvement for a site plan that minimizes environmental costs to the greater Moodna Creek area.

We believe the Moodna Creek represents a tremendous yet underappreciated natural asset in Cornwall and one that with some foresight and careful planning could be transformed into an exceptional community resource - the so-called Moodna Creek Greenway and Recreational Corridor. Its assets, to name a few, include a navigable stretch of the Moodna, a pristine forested ravine, an historic farm property, a brownfield site prime for reclamation as parkland, boating, fishing, hiking, and finally, a rail trail tracing much of its course. Notably, the rail trail also traces the northern boundary of the Cornwall Commons property.

Realizing the Moodna's potential as a Greenway will not be easy. It will require the traditional approaches of land acquisition and site remediation (e.g., demolition of the Lafayette Mill site), which PIPC and its partners continue to pursue. But these approaches will not be enough. For success, it will also need local leadership - especially on the Planning and Town Boards - and a recognition that under the full build-out scenario facing this corner of Cornwall, today's planning decisions will determine the Greenway's future viability. Will future generations look back in disgust at a squandered opportunity or in admiration at the vision and resolve of today's decision makers?

All of this brings us back to the project before you. First, we realize that the project will likely move forward in some form similar to the current proposal. We ask, however, that you consider two issues critical to the Greenway that we believe are not adequately addressed in the SEIS:

- (1). The site plan depicts detached single-family housing in a continuous row along the entire northern boundary of the property. In several locations, the homes are a mere 58 feet from the line with the extent of disturbance less than 25 feet. This places the homes nearly on top of the rail trail, which would greatly diminish its future use as a pedestrian way. This would work both ways - neither homeowners nor walkers would want to be in such close proximity to one

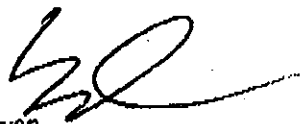
another. A greater separation distance (i.e., larger forested buffer) would enhance the experience for both constituencies, and better preserve the character of the Greenway. While the applicant may protest this change as an unwarranted hardship, the rail trail would also function as a CC community asset. A larger undisturbed buffer along the northern border would also provide additional screening for views from below, and more natural water filtration. As the visual assessment did not involve balloon tests or any simulation of the project, we have to take the word of the applicant that the current tree screen is sufficiently thick. The photo provided of the view from the Spaulding Farm Field suggests structures will be silhouetted along the ridgeline after the site is cleared. This can be mitigated through a larger buffer, as was provided along portions of the project to the west within the viewshed of the ravine trail.

- (2.) The project calls for clear-cutting ca. 100 acres of lot 10. This runs in direct opposition to the Town's 2005 Comprehensive Plan which states under Natural Resource Goal #4 that the Town is to "Encourage existing and future development to compliment the existing scenic beauty of Cornwall" and goes on to state under #5 "Encourage the preservation of mature trees whether isolated or among tree stands and develop stringent mitigation measures when their removal is necessary. Clear cutting is to be prohibited as a tree removal technique for new development." For a review of this issue, please reference Katharine Goodspeed, Town Tree Warden, letter dated March 19, 2006.

We ask that the board explore all possible options to minimize the degree of clear-cutting and site disturbance – which under the current plan is staggering. Building techniques do exist that allow a more harmonious integration of structures with existing forest, but are not as expedient for developers and therefore are disregarded in favor of conventional clear-cutting. It is within your rights to require that the techniques used here conform to the goals of the comprehensive plan.

Again, we thank you for the opportunity to comment. We are currently working on a detailed map of the proposed Greenway and will provide it to you as a reference as soon as it is completed and available for distribution.

Sincerely,



Ed McGowan
Director of Science
Palisades Interstate Park Commission

Gary

FROM JOE GROSS
RECEIVED
JUL 17 2008
TOWN CLERK
TOWN OF CORNWALL

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES
COMMENTS ON THE
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
FOR CORNWALL COMMONS
PLANNED ADULT COMMUNITY

by Renata
MAGEE
@11:17A

The Village requests that the Supplemental Environmental Impact Statement (SEIS), and the site plan for lot 10, address several issues in greater depth and detail, including: water conservation; resources to support the Village's water supply system; impacts on Village-owned recreational facilities; traffic impacts to roads and parking in the Village; and water quality in the Moodna Creek and Cornwall Bay.

Water Conservation

The SEIS includes brief references to water conservation in the Energy Consumption section (p.66), which lists "low flow showers and toilets in the dwelling units" as measures that will be used. It also states that "Where feasible, the project sponsor will attempt to use the following: clothes washers and dishwashers that use less water." In order for the Lead Agency and the Village Board of Trustees, in its capacity as an Involved Agency, to adequately assess appropriate alternative mitigation measures for the project's cumulative impacts on water supply, the SEIS must include a much more detailed plan for incorporating water conservation into the overall project, including the commercial development proposed for lots 1-9, and the residential development on lot 10. This plan should address water use in the buildings, as well as water used for outdoor irrigation. Specific opportunities we would like to see addressed include:

Specifications for low-flow toilets, sinks, showers, dishwashers, and clothes washers, including the potential to use dual flush toilets to reduce water consumption below the levels required for standard low-flush toilets, which are required by code in any case;

A detailed plan and specifications for minimizing consumption of potable water for maintaining landscaping and lawns. This plan should include capture and reuse of runoff from roofs and potentially other impervious surfaces for irrigation, using cisterns or other storage systems to hold water. It should include more details on the irrigation requirements for proposed landscaping. It should also address how the proposed project management plan will address ongoing water use for irrigation - the SEIS describes formation of homeowners associations (HOAs) for the residential development, to maintain lawns, the recreation center, stormwater systems and other facilities, but provides no details about how water conservation goals and standards will be incorporated into the management plan. In addition, we note that HOA's historically have a poor track record and often fail to effectively maintain facilities under their

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RECEIVED
JUL 17 2008
By

COMMENTS OF THE VILLAGE
OF THE CORNWALL-ON-HUDSON
BOARD OF TRUSTEES
PAGE -2-

responsibility. The SEIS does note that the Town will be asked to form a drainage district, but does not explain how this proposed district would take the place of, or perhaps work with, the proposed HOAs. We request that these details be addressed now and described in the SEIS, as they are critical for effective, long term operation of facilities that will affect water use for the life of this project.

Use of "low-impact development" stormwater infiltration practices to increase groundwater recharge on site. These can potentially be integrated with runoff storage and re-use for irrigation. Rain gardens and other landscaped bioretention areas should be included in the site design. Where space is not available, runoff capture can also be accomplished using underground tanks designed for use under parking areas.

While the Village Board of Trustees approved an agreement in 2002 to supply water to the project area pursuant to the existing inter-municipal agreement between the Village and the Town, changes in the regulatory environment and more recent information with respect to the Village's sources of water supply, back ups and alternatives, compel the Village to conduct a continuing review and analysis of additional potential sources of water supply. The project area contains potential well fields. Given the relatively high projected daily demand of the Lot 10 project of 117,600 gpd, and the even higher cumulative projected demand of 157,250 gpd for the overall Cornwall Commons project, the SEIS must address potential alternative mitigation measures with respect to demands on the Village's water supply system. Such measures would include the dedication to the Village of sufficient lands for a well or wells and related infrastructure for the water supply system, at a suitably tested location. The Village wants to explore potential acquisition of a parcel of land on this site as a location for new facilities related to the water supply system. Facilities we are interested in developing include a new well or wells; and one or more buildings to house related infrastructure, storage, etc.

The conservation measures described above should extend to the proposed development of lots 1-9. While the Board of Trustees recognizes that the SEIS is intended to address potential impacts of the Planned Adult Community proposed for Lot 10, either the SEIS or a separate Supplement to the overall project's GEIS should describe specific measures for those conservation projects in order to adequately describe potential mitigations for the overall project's cumulative effects.

In addition to reducing demand for potable water, an effective conservation plan can reduce the volume of water discharged to the Town's sewer system from this project, thus contributing incrementally to alleviating the existing overflows of wastewater at the treatment plant during wet weather.

Traffic and Alternative Transportation Access Opportunities

The SEIS and earlier GEIS do not address potential impacts to traffic patterns in most areas of the Village. Specific areas of concern include Shore Road, which may attract increasing use from residents of Cornwall Commons, especially at peak hours when Rt. 9W in the project vicinity already experiences congestion. While the intersections of Academy Avenue with Mailer Avenue and Main Street in the Town are analyzed, and if warrants are satisfied, "a fair share contribution towards signalization" of the Main Street/Faculty Road intersection is proposed by the SEIS as an adequate mitigation measure, the Academy Avenue entrance to the Village is also a concern, including the intersection of Academy Avenue and Hudson Street. Given the failure of both the GEIS and the SEIS to adequately consider and address impacts on Village traffic, the applicant should be required to perform additional supplemental traffic analyses. Potential impacts on scarce Village public parking resources have also not been adequately addressed in the SEIS.

In addition to automobile traffic, the SEIS should include more detailed information about potential access to the site with alternative modes of transportation, including walking, biking, and shuttle buses. The site design should include provisions for reaching the site from areas in the town and village on the east side of Rt. 9W. The discussion at pages 57 and 58 of the SEIS indicates that a traffic light installed on the project's main entrance will allow pedestrians to cross Route 9W and also mentions a walking route via Willow Avenue. There is no specific commitment to a cross walk, signal timing provisions for pedestrians, and pedestrian crossing lights being provided at the proposed traffic light nor is there a description of a "landing zone" and sidewalk or other pedestrian connection to be provided on the opposite side of the highway from the entrance. Furthermore, the SEIS lacks any discussion and analysis of alternatives, including additional or alternative locations for crosswalks and signals, and a pedestrian and bicycle bridge or tunnel, which would obviously provide a safer alternative. Such an analysis will assist the Lead Agency and the New York State Department of Transportation in reviewing alternatives and incorporating contingencies in the Findings should one alternative, such as a crosswalk at the traffic light, not be approved during the permit process.

The SEIS only discusses routing of pedestrians and bicyclists to "Downtown Cornwall" without addressing access to the Village business and entertainment area, and whether alternative routing to the Village's center, including Academy Avenue in the NYMA vicinity is presently safe or would require improvements in order to mitigate any safety issues that may be presented by pedestrian use impacts of the project.

COMMENTS OF THE VILLAGE
OF THE CORNWALL-ON-HUDSON
BOARD OF TRUSTEES
PAGE -4-

A transportation access plan that enables linking this project site with other nearby developments, potentially including future development of land owned by New York Military Academy, should be prepared, and should include alternative modes of transport listed above. This plan should specifically address all options for enabling passage across, under or over Rt. 9W.

Wastewater and Water Quality of Moodna Creek and Cornwall Bay

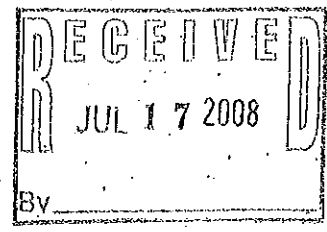
The SEIS makes no mention of the existing problems at the Town of Cornwall wastewater treatment plant, including excessive flows during wet weather, overflows of partially treated sewage at the treatment plant, overflows from manholes at several locations in the collection system, and the apparent lack of any plan or funding to address these problems. The Village is very interested in protecting and enhancing recreation, ecology, aesthetics, and water quality in the Hudson River in the vicinity, including at the Village's Donahue Memorial Park, and at other Village owned land on the river. The Village has obtained a grant to develop a waterfront plan for these areas. Given the failure of both the GEIS and SEIS to adequately address these issues, we request that the Town of Cornwall Planning Board take this opportunity to more fully consider how the Cornwall Commons project, as well as other new development from which wastewater is planned to discharge to the town's sewer system and will affect water quality, before finalizing the SEIS. The SEIS should evaluate the current situation, including all available information about infiltration and inflow problems that are causing these periodic overflows of wastewater, discuss whether and how the Cornwall Commons project may exacerbate these problems, and address mitigation measures.

Recreational Facilities

The SEIS includes no information or discussion about the potential impact of this project on recreational facilities in the community. It merely mentions the proposed club house and other on-site recreation amenities, and briefly discusses recreation fees. Recreation fees in lieu of parkland and improvements at the site will be paid only to the Town and reflect an apparent determination by the Town not to require the applicant to incorporate and dedicate a Town public park in the project in addition to the proposed private recreation facility, notwithstanding the project's size. In discussing pedestrian traffic at page 57, the SEIS states: "Cornwall Commons is not designed to be an entirely self-contained residential living area. Donahue Hudson Riverside Park, will continue to provide those services and facilities on a community wide basis." The Village's waterfront park is likely to experience significant increases in use from this project. These potential impacts, and proposed mitigation measures, should be described in detail.



RIVERKEEPER.



July 17, 2008

Cornwall Building Department
Cornwall Town Hall
183 Main Street
Cornwall, N.Y. 12518
ATTN: Board Members

VIA FAX AND U.S. MAIL

Re: Riverkeeper Comments on: Cornwall Commons Planned Adult Community, Cornwall NY, Draft Supplemental Environmental Impact Statement ("SEIS").

Dear Board Members,

Please accept the following as Riverkeeper Inc. ("Riverkeeper")'s comments on the Draft Supplemental Environmental Impact Statement ("DSEIS") for the proposed Cornwall Commons Planned Adult Community Project ("Project"), in the Town of Cornwall, New York. These comments detail our environmental and legal concerns about allowing the development to be served by the Town of Cornwall sewer system, which currently discharges treated and untreated sewage into Moodna Creek. The comments also highlight numerous inadequacies in the DSEIS that mislead the public about the significant environmental impacts and the need for mitigation. Finally, the comments explain the need for a Final EIS that discloses the actual impacts of developing 490 residential units and an undetermined number of commercial units on the 198-acre parcel of land.

Riverkeeper is a member-supported, nonprofit environmental organization, dedicated to protecting the ecological integrity of the Hudson River and its tributaries; as well as the Hudson River corridor. Since 1966, Riverkeeper has used litigation, science, advocacy, and public education to end pollution; restore ecological health, and revitalize waterfront use and access. Due to Riverkeeper's historic legal and environmental involvement in the Hudson River, its tributaries, and communities, and in the regulatory and permitting process for activities that effect habitats in the Hudson River corridor, we are concerned about the Project and urge the Town of Cornwall Planning Board to prohibit connection to the public sewer system until necessary system upgrades have been made. We also request the Board require a Final EIS that addresses our concerns and conforms to the disclosure requirements of the State Environmental Quality Review Act ("SEQRA").



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1. The Town should not accept the DSEIS without requiring a Final EIS because the applicant misleadingly indicates there will be no significant impacts on the public sewer system.

Ongoing efforts by state and local agencies to preserve and protect the habitat of the Hudson River Estuary and Moodna Creek Watershed will be compromised by the Project, and the applicant must address these significant impacts in their EIS. The DSEIS misleadingly states that there are "no known problems with overflow or restrictions" in the pipes leading from the planned connection point to the Town's Waste Water Treatment Plant on Shore Road. This statement ignores overflow problems at the Waste Water Treatment Plant ("WWTP").¹ A preliminary search of noncompliance through the EPA's Enforcement and Compliance History Online Database shows that the WWTP was not in compliance during 8 out of 12 quarters in the last three years for which records are available.

Riverkeeper has received reports from concerned members of the public noting frequent overflows at the WWTP into Moodna Creek. Riverkeeper has filed a request for discharge records under New York State's Freedom of Information Law and will be investigating the matter further. Contributing an additional 157,250 gallons of sewage per day, according to the estimate provided in the DSEIS, will overburden an already stressed sewer system and could incur significant costs to the Town if mitigation measures are not taken prior to development.

2. The Town should consider issuing a public sewer moratorium for new developments until it can implement a comprehensive plan to adequately reduce the volume of untreated sewage being discharged into Moodna Creek.

To allow the Town the time needed to correct sewer overflows at the WWTP, the Planning Board and the Town Board of Cornwall should seriously consider the health benefits of issuing a public sewer moratorium, which would condition development of the Project on the construction of a private sewage treatment plant on the premises. Requiring the developer to construct a private sewage treatment plant would also limit the Town's liability in the event that the public sewer system continues to fail.

Issuing a sewer moratorium is a valid legal use of the Town's authority and would not constitute a taking of the property that the applicant plans to develop. A sewer moratorium was recently put in place in another Orange County municipality while the town board addresses possible solutions to ongoing problems with overflow, and the sewer moratorium put into place by Orange County for communities served by the Harriman Waste Water Treatment Plant survived.

¹ "DSEIS for Cornwall Commons Planned Adult Community," June 2008. P. 7. ("The property will be served by the Town of Cornwall sewer system. Sewage will be conveyed to the Town of Cornwall Sewer Treatment Plant (STP) located on Shore Road, adjacent to the Moodna Creek. ... This discharge location was previously discussed with appropriate Town officials, and found to be acceptable, as there are no known problems with overflow or restrictions in the pipes leading from this point to the sewage treatment plant.")
<http://www.cornwallcommonspac.com/files/Cornwall%20Commons%20DSEIS.PDF>

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a court challenge by developers in 2001.² It would also conform to the overall development scheme adopted by the County in 2003 in its Comprehensive Plan.

In the alternative, Page 12 of the DSEIS lists "revenues for improvement to the sewer and water systems" as one of the Beneficial Environmental Impacts of the Proposed Action. Without additional sewer financing specifically targeted for sewer system upgrades, revenues will not necessarily be successful in repairing both the existing sewage overflow problem and the additional burden placed upon the sewer system by the Project. If the Town plans to address the sewage overflow problem before development is completed, it should condition the Project on providing funds for sewer infrastructure to accommodate the increase in daily sewage.

3. The Town must follow SEQRA procedures by requiring a comprehensive explanation of the significant adverse impacts the Project will have on the ecological habitat of Moodna Creek, and how the applicant proposes to mitigate those impacts.

The Town must require a full disclosure of expected significant adverse impacts before it can approve the Project. The applicant's DSEIS does not address the significant adverse impacts connecting 490 residential units and additional commercial units to the public sewer system will have on Moodna Creek, the Moodna Watershed, and adjacent federally-protected wetlands. New York State's Environmental Conservation Law defines "environment" as "the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character."³ Impacts to the environment must be addressed even if they are cumulative, long-term, or indirect. Despite the indirect impacts to Moodna Creek that will be caused by connecting the development to the public sewer system, the applicant's DSEIS omits a mitigation section under the Wastewater Management section beginning on page 36. The Final EIS must include what specific mitigation measures will be in place should the Town approve the project.

Requiring the applicant to complete a Final Draft EIS also follows the purpose of state regulations to protect the ecological habitats of New York. The DEC classifies Moodna Creek as Class C, which mandates that waters be suitable for fish propagation and survival. The New York State Coastal Zone Management Program has designated parts of Moodna Creek and its watershed as irreplaceable Significant Coastal Fish and Wildlife Habitats, and the New York State Natural Heritage Program has recognized Moodna Creek Mouth as a Priority Site for Biodiversity with high biodiversity significance. Intertidal marshes are also the most stringently protected tidal wetlands zones, and the state severely limits the types of land use and development that are compatible with these areas.

Increasing the amount of untreated sewage discharged into Moodna Creek could also threaten the habitat of numerous species of fish. This section of the river is very important to the spawning of anadromous fish, including alewife, blueback herring, rainbow smelt, white perch, Atlantic and shortnose sturgeon (a Federally-listed endangered species), and striped bass.

² *Leandy Development Corp. v. Town of Woodbury*, 134 F. Supp. 2d 537 (2001).

³ See ECL §8-0105(6).

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Preserving the 75 acres of unique tidal marsh and intertidal mudflats along the lower mile of Moodna Creek, including area adjacent to the proposed deposit location, is important to prevent the further decline of many species of fish in the Hudson. Any potential impacts to Moodna Creek, the Watershed and associated habitats should be studied carefully before the Town approves the applicant's EIS.

4. The Town should require complete disclosure of all significant adverse environmental impacts, including number of trees and shrubs which will be clear-cut and the permanent loss of open space along an ecologically significant waterway.

The Town Planning Board should not be approving a project that plans to clear-cut approximately 144 acres of existing woodlands without adequate mitigation measures. There is no plan in place to protect existing wetlands other than replanting new trees and shrubs to act as buffers. New flora typically fail in new soil without ongoing management, and it is the developer's responsibility to ensure the Project does not result in the incidental destruction of federally protected wetlands. The Town should require a more comprehensive wetlands protection plan in the Final EIS, including a 5-year maintenance plan and an explanation of total buffer width. The New York Department of Environmental Conservation ("DEC") generally requires 100-foot buffers around state protected wetlands, and the Town should consider requiring this minimum width around each wetland before it approves the Project.

Additionally, the applicant did not adequately respond to a question about clear-cutting at the Town Planning Board Meeting held on July 7th, 2008, by claiming that a large number of trees and shrubs will be replanted. In doing so, the applicant failed to approximate the total number of trees and shrubs, or even acres of woodlands, that will be lost. The applicant also did not attempt to approximate the percentage of trees and shrubs that will be replanted. As one resident noted at the meeting, the Town's Comprehensive Plan generally prohibits clear-cutting without replacing trees on a one-to-one basis. Approving such a large sprawling project without requiring mitigation defeats the purpose of the Orange County Comprehensive Plan and State efforts to preserve open spaces and protect the scenic nature of communities in the County and throughout New York. The Town should require that the EIS clearly state the approximate number of trees and shrubs will be clear-cut, and how the applicant proposes to mitigate the significant adverse environmental impact.

Finally, the applicant frames the "Beneficial Environmental Impacts" section of the DSEIS solely in terms of economic benefits, including: commercial opportunities for Town residents and others; volunteers for community programs; and to assist in economic support of downtown Cornwall. No actual environmental benefits are proposed. The DSEIS lists all the indirect benefits that additional tax revenue and additional consumers may bring to the community, but fails to list significant indirect adverse environmental effects. Until the applicant's EIS explains how the expected economic benefits will mitigate, rather than outweigh, the significant environmental impacts, the Town Planning Board cannot accept it as final under SEQRA.

07-17-08 10:20 FROM P 155 1045/515 1 555

Conclusion: The Town should require the development of a Final Environmental Impact Statement that comprehensively addresses all significant environmental impacts, and should consider implementing a public sewer moratorium until the sewer system and WWTP can be upgraded.

Riverkeeper respectfully urges the Town Planning Board to require significant revisions to the applicant's EIS pursuant to SEQRA procedures prior to approving the Cornwall Commons Project. Riverkeeper also suggests the Town consider implementing a public sewer moratorium, which would protect the communities of Cornwall and Cornwall-on-Hudson by requiring the applicant to develop a private sewage treatment plant on the premises. In the alternative, the Town should consider conditioning a public sewer connection on additional funds provided by the applicant to make necessary repairs and mitigate the impact of the new development. Failure to do so could expose the Town to increased liabilities until the sewer system and WWTP are repaired.

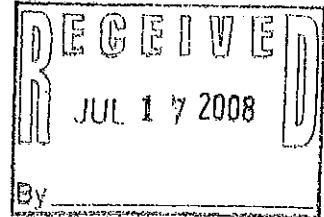
Thank you for reviewing and considering Riverkeeper's comments. Please do not hesitate to contact me or Staff Attorney Josh Verleun with any questions or comments at (914) 478-4501 ext. 247, or at jverleun@riverkeeper.org.

Sincerely,



Patrick Lynch
Legal Intern to the General Counsel
Riverkeeper, Inc.

Cornwall Conservation Advisory Council
c/o Katharine Goodspeed, Chair
322 Angola Road
Cornwall, NY 12518



Mr. Neil Novesky, Chairman
Town Planning Board
183 Main Street
Cornwall, NY 12518

July 17, 2008

Re: Cornwall Commons SEIS and Site Plan

We are writing to provide comments from the Cornwall Conservation Advisory Council (CCAC) on the proposed site plan and SEIS for the Cornwall Commons project. Letters previously submitted by Dr. William Schuster and Katherine Goodspeed are attached and we ask that these be considered as part of these comments.

The current plan, despite the lengthy and arduous review, revision and comment process the Planning Board and the applicant have endured, still includes a number of highly questionable design elements and what seem to be significant environmental impacts that are not being mitigated. These are summarized below. We propose that many of these environmental impacts can at least be reduced by one, simple step: significantly reduce the footprint of this project on the site. Make the lot sizes for the proposed single-family homes smaller, and reduce the footprint of the other residential development. While this may not affect certain off-site impacts, such as traffic, this single step can: 1) reduce stormwater runoff, together with associated water quality and erosion risks; 2) reduce the need for destroying intact woodland and mature trees, which is clearly the intent of the Town's Comprehensive Plan; 3) preserve more mature trees, as the Town's tree code requires; 4) provide a better opportunity for preserving the important wetland habitat on this site, including the unusual concentrations of mole salamander species in wetlands; 5) allow for wider forested buffers around the wetlands, and along the perimeter of the project site, to better ensure that visual impacts to state parkland, the Moodna Creek, and other scenic and recreation areas (existing and proposed) are minimized. Without these changes, the environmental impacts of this project will be significant and the mitigation measures proposed are inadequate to meet the intent of SEQRA.

Tree Preservation

The Town of Cornwall Comprehensive Plan includes the following language on p. 60-61: "Encourage the preservation of mature trees whether isolated or among tree stands and develop stringent mitigation measures when their removal is necessary. Clear-cutting is to be prohibited as a tree removal technique for new development." And: "It is the intent of the Comprehensive Plan that trees be preserved to the greatest extent possible by requiring that the extent of woodland be delineated and mature trees be surveyed and identified on site and subdivision plans. In the case of mature trees... (w)hen their removal cannot be avoided, each specimen tree should be replaced on a one-on-one basis."

The Town's tree code provides additional support for these goals and requirements: the Cornwall Code, Chapter 125, (19), page 12506 states "In general, existing trees over 12 inches in diameter shall be preserved by the subdivider."

The CCAC feels that the current plan, and the design process for this project, has virtually ignored the Town's own code and Comprehensive Plan in this regard. An adjacent project, known as Willow Woods, was required to conduct a real tree survey to identify mature trees and locate them on the plan. It's incomprehensible why the Cornwall Commons project should not be held to the same standard. We request that a tree survey be conducted and this information be used to revise the site plan to maximize protection of trees, including intact stands of woodland. See attached letters from Schuster and Goodspeed for more detail.

Stormwater – Water Quality, Erosion Risks and Hazardous Waste Risks

The site plan as currently configured maximizes lot coverage and development potential at the expense of environmental quality. In addition to impacts on trees, wetlands, and scenic quality, this approach to site design will increase the total volume of stormwater being discharged from the site. Because of the topography of the site and adjacent properties, this design presents significant risks for erosion of adjacent properties. It is not equitable for this developer to discharge stormwater off site in a way that creates these risks to adjoining owners. Because the adjacent properties on the northern and western sides include very steep slopes, discharging stormwater in these areas will create a major risk of erosion and property damage.

In particular, we note two locations in particular that present exceptional risks in this regard: 1) The discharge from stormwater pond B is particularly problematic because the map seems to show a concentrated discharge of stormwater in an area where the slope appears to be in the 36-48% range. This is an extremely steep slope and available information on erosion control practices indicates that it's not advisable to create concentrated discharges on slope of more than 10-15% maximum. 2) The Outfall G on the western boundary of the site appears to discharge uphill of two old hazardous waste lagoons, formerly used by the old carpet mill, which have never been cleaned up or remediated.

Documents submitted to the Planning Board for this project, including a letter from NYS DEC dated May 10, 2000, addressed to Mr. Gerald Jacobowitz (as an owner of the property in question), state that materials in these ponds "require removal or solidification in place." While these ponds are not shown on the site plan, from other mapping it seems that they are located downhill of the proposed Outfall G. This appears to create a high risk that stormwater will flow downhill, into these old hazardous waste ponds, and from there into the Moodna Creek. This is clearly not a good plan. The Planning Board must obtain more information about the status of these ponds and ensure that runoff from this site will not combine with existing hazardous waste conditions to create a risk to environmental quality or human health.

There are several other areas shown on the plan where it appears that new stormwater discharges will be flowing down relatively steep hillsides towards the Moodna Creek.

All of these issues should be addressed before the stormwater plan is finalized. As noted above, the volume of runoff, an underlying driver of all of these issues, can be significantly reduced by minimizing the footprint of the development on this site.

Wastewater Discharges – Existing Overflows at Wastewater Plant and Sewer System

Discharge monitoring reports submitted by the Town to NYS DEC indicate that the discharge from the Town's wastewater treatment plant frequently exceeds the permitted flow by a significant percentage. Available information from the period 2002-2006 suggests that the flow is very often more than double the permitted flow, and at times far more than this. (Note – while the Town's Comprehensive Plan states the permitted capacity is 1.5 MGD, the SEIS lists it as being 1.2 MGD.) *On one occasion, the Town's records submitted to DEC show the flow exceeding 10 MGD in October 2005.* The SEIS is deficient and fails to discuss these problems at all. Previous correspondence from NYS DEC staff to

the Town includes a statement requiring a plan for addressing infiltration and inflow problems in the collection system. This plan was originally supposed to be submitted to DEC by Nov. 2005 and it is unknown whether any plan was submitted. The SEIS for Cornwall Commons includes no information that would allow a reasonable review of the current status of this situation. It states that wastewater from the site will flow to Manhole 102 in the Town's sewer system, and states there are no known problems in the lines flowing from this location to the Town's treatment plant, but the SEIS apparently includes no maps or other documentation to support this. Even if the flow path from Manhole 102 to the treatment plant has no overflow problems, the treatment plant itself is not able to adequately treat the volume of wastewater it receives, and it therefore overflows in wet weather. This creates potential risks to public health, not to mention environmental impacts on the Moodna Creek and the Hudson River. It does not make sense to exacerbate these problems by approving a new hookup without addressing these issues first. At minimum, the SEIS should at least provide a detailed description of current conditions, what the Town is doing to address the problems, and enough information to allow the public to evaluate the proposed discharge route from the site to Manhole 102 and from there to the wastewater treatment plant. Without this information it's not possible to review the SEIS and provide fully meaningful comments, so we request that the SEIS be revised accordingly and another opportunity for public comment be provided before it is finalized.

Visual Impacts and Protection of Scenic Quality

The visual impact analysis in the SEIS is deficient and inadequate. It includes no explanation of the methods used for the analysis. The narrative discussion of the findings is vague about whether there will be impacts to the existing scenic views from state parkland, the Moodna Creek, and other existing and proposed parks, trails, and recreation areas. While it includes post-development visual simulations of the views from Rt. 9W, it includes no such simulations from the points of view that have been repeatedly raised in previous public comments, and which were acknowledged in the SEIS. The cross-section diagrams that are apparently intended to show that the tree cover along the site perimeter will provide screening for new buildings, as seen from state parkland and other points of concern, these diagrams depict trees with leaves on them. How much screening will they provide in winter, leaf-off conditions? The SEIS fails to provide enough information to evaluate potential visual impacts.

Traffic

We remain concerned about the impacts of this project on traffic in the town and nearby areas. In particular, the site access plan from 9W and Rt. 218 exit and entrance ramps seems cumbersome. The overall traffic plan for this site relies heavily on future improvements to Rt. 9W, which are under the control of NYS DOT, and are reportedly years away. We urge the Planning Board to take adequate time to fully review these impacts and to explore creative opportunities to minimize congestion. We also urge that non-automobile transportation options be more fully addressed, including biking, shuttle buses, and pedestrian options. Given trends in gasoline prices, it seems likely that alternative modes of transport will emerge in coming years, possibly including smaller, electric vehicles designed for short road trips. A safe and attractive means for residents to cross Rt. 9W and travel into the shopping and recreation areas in the town and village, using such vehicles, shuttle buses, bicycles, on foot, or with other modes of travel, should be provided.

Summary

On the issues outlined above, the SEIS and site plan are not adequate to avoid or mitigate environmental impacts from this project. Many of these issues can be addressed to a significant extent by re-designing the residential portion of the project to reduce the overall footprint, which would positively affect tree preservation, wetlands and habitat, stormwater runoff and erosion risks, downstream water quality, and scenic quality and visual impacts in nearby areas.

March 13, 2008

To the Cornwall Town Planning Board,

As a member of the Cornwall Conservation Advisory Council, and as a biologist, I am pleased to respectfully provide for you the following comments on the Draft Supplemental Environmental Impact Statement for Lot 10 for the Cornwall Commons Project. I have reviewed the plans and I restrict my comments to two areas of my expertise: trees and wetlands. These comments are based on the documents on file at the Building Department as of the week of March 10-14, 2008. I am submitting these now because one of my key recommendations below is that the Planning Board needs better information on amphibians in the Cornwall Commons wetlands on which to base their decisions, and this information can only be readily ascertained by a qualified biologist during the very early spring in our area.

Trees

I find the information on trees and the plans for protecting trees in this project to be insufficient at this point. Our Town's Master Plan emphasizes tree protection, particularly on properties planned for development. Our Town Code requires trees over 12 inches in diameter to be located on maps and, in general, to be preserved.

The tree survey for Lot 10 is minimal and not consistent with these purposes. The Scoping document states that the "location of significant large trees" should be mapped and directs the applicant to "evaluate mixed age tree stands in remainder of site". Only the locations of several "cabbage oaks" and one shagbark hickory have been mapped, and only two of these are proposed to be preserved. That amounts to only one tree per 99 acres. These may well die anyway after disturbance of the surrounding area. I recommend that a full tree survey be completed for this lot: such a large project should not proceed without a proper tree survey. It is important for the Planning Board to be presented with factual information on the substantial number and locations of large trees on this property. In fact, Lot 10 contains significant mature forest and a large number of large, healthy, and valuable trees. I expect that there are, in fact, hundreds of trees on this property larger than 12 inches in diameter. From my knowledge of this and surrounding areas I expect that there are dozens of trees two to three times this size (i.e. 24 - 36 inches in diameter) on Lot 10, particularly of the following species: red oak, chestnut oak, white oak, scarlet oak, red maple, sugar maple, black cherry, tulip poplar, hickory, and white pine. Several red oak, black oak, and black cherry trees larger than 24 inches in diameter are clearly visible this time of year just by looking into the edge of the property from Route 9W near the location of the proposed entrance road. A view of the top of the canopy indicates that many more are present.

Many of these large trees are undoubtedly between 100 and 150 years old. Black Rock Forest's database documents that, on average quality sites in the Highlands, 12 inch diameter trees are generally more than 100 years of age. It is true that much of Lot 10 was apparently cleared for land uses such as pasture in the past. But the abundance of large trees demonstrates that a significant portion of the property is historic forest of a century or more in age, and certainly the large cabbage oaks are 150 years old or older. The DSEIS states "This parcel was agricultural pastureland perhaps 75 years ago". I expect that, at least for much of the southern 2/3 of Lot 10, this was more like 100 years ago. Airphotos from the 1930s and 1940s should be presented by the applicant to resolve these issues. The DSEIS states the "Forest is comprised of light loving species that seed into abandoned pastureland". But the oaks and hickories cited above are large seeded, intermediate succession species, not early successional species that first volunteer on abandoned pasture. Light loving species that do seed into

abandoned pastureland, such as red cedar and gray birch are, I believe, mostly long gone from the mature sections of the site. The DGEIS also states the "Land has been under cultivation for over 100 years". This certainly appears to be incorrect. Perhaps the applicants mean the site *was* cultivated for over 100 years. If so, the statement should be corrected and evidence provided to support the statement. Certainly a portion of Lot 10 and some of the other lots do exhibit a young woodland character as well as evidence of more recent human activity. A tree age study could be accomplished via increment coring to determine this in more detail. A tree size survey would be relatively easy to accomplish and age could be reasonably estimated from these data. Certainly this seems like the appropriate information requested by the Scoping document.

Areas of mature forest and large trees are important for many reasons including their value and natural beauty, provision of screening from neighboring properties, enhancing the local climate, protecting soils and reducing runoff, providing seed to ensure regeneration, and as critical food and shelter for a host of native wildlife. I recommend that a thorough tree survey be completed for Lot 10 so that the areas of mature forest can be clearly delineated from younger woodlands. This should include diameter and species as well as grading of trees for landscape value and utility for mammalian habitat. This will enable a more complete analysis of the environmental impacts of the proposed developments. The environmental impacts will be minimized, and the development will benefit, if more mature forest is preserved.

Wetlands

It is beneficial that the largest existing wetlands on the property (A, C, and D) are not proposed to be directly destroyed. Cornwall, in similar fashion to much of our country, has experienced substantial losses of natural wetlands. Their importance in flood control, regulating runoff, and promoting infiltration and groundwater recharge cannot be overstated. We currently pay the price for their removal in most heavy precipitation events. Also, wetlands provide needed habitat for many sensitive and threatened species, and occasionally for listed Endangered species. Despite the proposed preservation of the limits of the wetland areas, I am concerned that the heavy development proposed surrounding these wetlands, the small proposed buffer areas, and the proposed reductions of substantial contributing watershed area fail to "avoid to the extent practicable the disturbance of these wetland areas". The plans as shown on the site map may significantly reduce the function or ultimately destroy these wetlands. Substantial reduction to water supply and insufficient preservation of adjacent upland habitat will doom resident populations of mole salamanders and other wetland creatures dependent on this habitat (Calhoun and Klemens 2002). In particular, the environmental impacts of this proposed project would be substantially reduced if the applicant were to propose significantly more preserved wetland buffer area.

For wetland A this should be accomplished by moving the entrance road to the east-northeast by at least 50 feet. Where roads do traverse near such wetlands, large funneling culverts under roadways should be used to permit seasonal migrations (e.g. Jackson 2003). Where significant populations of breeding amphibians exist, appropriate barriers along road edges should be installed to dissuade animals from directly crossing the roadway, instead guiding them to the culverts. On the west side of wetland A homes and condominiums are proposed within 25 feet of the wetland margin. These should be moved back to preserve a 100 foot buffer.

For wetlands C and D to remain viable the plans should be adjusted to retain more functional contributing watershed and also to preserve more adjoining upland habitat. The scoping document requires that "Short and long term impacts to wetlands shall be evaluated". It seems that this has been insufficiently addressed to date in the document. Calhoun and Klemens (2002) recommend preservation of a minimum of 750 feet of appropriate upland habitat surrounding $\frac{3}{4}$ of a vernal pool for

long term protection of amphibian populations. The extent of these recommendations could potentially be reduced if the upland habitat areas actually used by amphibians are delineated in advance by more field studies.

The ecology studies accomplished to date are too cursory to truly know what threatened and/or endangered species are in these wetlands. In particular, I would recommend a thorough sedge study (genus *Carex*) by a qualified expert in the appropriate season (June-August when sedges are in fruit). The EIS states that rare and NYS Threatened weak stellate sedge (*C. seorsa*) is found in wetland C and perhaps on other wetlands on the site (each iteration of the EIS differs on this, so I feel that the true distribution of *C. seorsa* on the site is still uncertain). The NYS Endangered narrow-leaved sedge (*C. amphibola*) has been found not far to the north on the Quassaick Creek (Barbour 2004). NYS Endangered glaucous sedge (*Carex flaccosperma* var. *glaucodea*) has been found nearby in Black Rock Forest. A full sedge survey has not yet been accomplished for this site and these findings suggest that a good, hard look for rare and endangered sedges should be accomplished before any permits are issued.

The EIS states that mole salamanders are "quite common in native woodlands associated with vernal pools in the northeastern US". However, that statement conflicts with the fact that most are listed Species of Special Concern in New York State. Of the mole salamanders, only spotted salamanders are common across New York. Marbled salamanders are only found in southeastern New York and are generally uncommon in our area, but they do occur on Lot 10. Jefferson's and blue-spotted salamanders are truly rare in our area. I recommend that a series of pitfall traps be installed around the wetlands during the months of March and April and that these be censused frequently during this breeding period. This is the best way to know exactly which salamanders depend on these wetlands as breeding areas. Quantification of spermatophores and egg masses in April and May should then be pursued so the Planning Board can evaluate just how important the areas are, or are not, to reproduction of these species. I expect that these surveys will reveal that Wetlands C and D, especially, are species rich and worthy of preservation, that Wetland A is also a wetland of high quality, and that Wetlands B, E, and F, are less important. But only more thorough investigation can be used as a basis for such differentiation.

One example of how to readily reduce the environmental impacts of the proposed project would be to eliminate the plans for about 10% of the proposed single family homes: those proposed in the area between Wetlands C and D. If the roadways and building envelopes are also pulled back somewhat in the immediate vicinity of all the wetlands, and if "critter crossings" are established along roadways, the overall environmental impacts would be greatly reduced. Less disturbance area would be less costly, would preserve ecological integrity, would reduce the needs for stormwater protection facilities, provide retention of more mature native forest, enhance wildlife habitat, enhance the beauty of the project area, would increase the attractiveness and value of the development, and would provide more screening within and from outside of the project area.

Finally, regarding the isolated nature of Wetland C, the DSEIS states that "there is no outlet to this wetland". But there *is* a seasonal outlet to Wetland C, and a seasonal connectivity of this wetland to surrounding waterways. Wetland C is in all likelihood discharging right now. The document should be revised to clarify this fact. Irrespective of that fact, the ruling that isolated wetlands should not be legally regulated does a disservice to the people of Cornwall and to all Americans, since the degree of "connectedness" of all wetlands varies along temporal and physical continua. Even those wetlands currently defined as "isolated" generally do provide all of the environmental benefits of "connected" wetlands. This recent ruling, bereft of scientific merit, will in all likelihood eventually be overturned, a fact that should be considered in all local deliberations in the interim.

Submitted by William Schuster, PhD, member of the Cornwall Conservation Advisory Council and Executive Director of the Black Rock Forest Consortium

Literature Cited

Barbour, J.G. 2004. Quassaick Creek Biodiversity: Biodiversity survey and natural resources inventory and assessment final report. NYS DEC Hudson River Estuary Report for the City of Newburgh, New York.

Calhoun, A.J.K. and M.W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, NY.

Jackson, S. 2003. Proposed design and consideration for use of amphibian and reptile tunnels in New England. University of Massachusetts Press.

Attachment B: Katherine Goodspeed's letter, previously submitted

Katharine Goodspeed, Town Tree Warden
322 Angola Road
Cornwall, NY 12518

Mr. Neil Novesky, Chairman
Town Planning Board
183 Main Street
Cornwall, NY 12518

March 19, 2006

Dear Mr Novesky,

In light of the new conceptual plan for the Cornwall Commons development, a review of the Cornwall Code and the 2005 Comprehensive Plan along with the Lead Agency written SEQR Findings Statement for Cornwall Commons adopted 4/15/03 raise some issues in regard to Town Tree policies regarding preservation of trees on development sites.

The Cornwall Code, Chapter 125, (19), page 12506 states "In general, existing trees over 12 inches in diameter shall be preserved by the subdivider. Other existing features, such as watercourses and falls, scenic vistas, historic spots and similar assets, shall be preserved, insofar as possible, through harmonious design of the subdivision."

Furthermore in Chapter 75 Clearing and Grading, 75-1 Purpose states " It is the purpose of this chapter to protect the public health, safety and welfare in the Town of Cornwall by providing for the proper use of land and regulating timber harvesting, site preparation, construction activities and other activities impacting on the land, including excavation, filling grading and clearing, so as to protect the natural environment, prevent the indiscriminate and excessive cutting of trees and natural vegetation and prevent problems related to erosion, sediment or drainage. In relation to this purpose, this chapter is intended to: A. Preserve the quality of the natural environment from such adverse effect of activities impacting on the land as: 1. Pollution of lakes, ponds and watercourses from silt or other materials. 2. Unnecessary destruction of trees and other vegetation."

In the adopted 2005 Comprehensive Plan in the section Natural Resources Goals, item #4 states "Encourage existing and future development to compliment the existing scenic beauty of Cornwall". Number 5 states "Encourage the preservation of mature trees whether isolated or among tree stands and develop stringent mitigation measures when their removal is necessary. Clear cutting is to be prohibited as a tree removal technique for new development." Number 6 states "Promote the protection of significant wildlife habitats."

In the Lead Agency Written SEQR Findings Statement for Cornwall Commons Adopted 4/15/03, sited on page 10, it states: "The southern 2/3rd of the property contains some well developed oak forests on ridges with red maple growth in low areas and abundant hemlock growth in mesic area. This section of the site contains some older oaks in "cabbage" form; these trees are attractive and should be preserved where possible in a sensitive landscape design. On page 12 it is sited that: "The DGEIS expresses a policy that the woodland areas of the site will be cleared to the minimum extent necessary for development of the project."

Further on in the section D1 Mitigation and Measures again the "The southern 2/3.....sensitive landscape design. The Planning Board shall require detailed site plan review including the protection of adjoining upland areas important to amphibian use to the extent that the zoning and site specific proposed use(s) allow."

Due to the time lapse from between adoption of when the SEQR Findings Statement for Cornwall Commons was adopted on 4/15/03 and adoption of the goals of the Comprehensive Plan were revised and updated in 2005 we should consider an additional analysis plan to account for the goals of the Town and its natural resources.

Furthermore Oak Decline has become an ever increasing problem and studies have shown that stress can be a major factor in their decline, requiring careful protection of such mature trees. Careful consideration should be taken in the preservation of the Oaks that have been sited on the proposed Cornwall Commons property.

A Site Plan should be required showing all trees at 12DBH and larger, as stated in the Cornwall Code to protect them and their life longevity. There should be no under estimation of root compaction during construction and the health of the trees. Stewardship of any qualifying trees should be enforced by the Town to insure their safety.

To meet the goals of the Town Code and Comprehensive Plan a survey should be executed before the site is subdivided. The subdivision, including the road system, should be designed to preserve tree stands and individual trees as outlined in Town's Code and Plan and in the GEIS. To prevent root compaction, which can severely damage trees even if they aren't cut, the subdivision plan and subsequent site plans should include buffer areas around trees to be preserved where no clearing or compaction will be allowed. It is imperative that our Codes and Plans be enforced by our Town Officials to preserve and protect the public health, safety and welfare in the Town of Cornwall.

Should you have any questions please do not hesitate to contact me at the above address. I thank you in advance for carefully weighing the findings brought forth in this communication.

Sincerely yours,

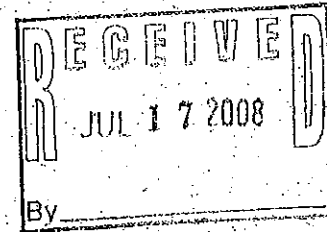
Katharine B Goodspeed
Town Tree Warden

Cc: Richard Randazzo, Town Supervisor
Gary Haugland, Chair, Cornwall Conservation Advisory Council
David Church, Commissioner, Orange County Department of Planning
Carol Ash, Executive Director, Palisades Interstate Park Commission

**Gary Haugland
32 Mountain Road
Cornwall-on-Hudson, NY 12520**

July 15, 2008

Neil Novesky, Chair
Town of Cornwall Planning Board
183 Main Street
Cornwall, NY 12518



Subject: Planning Board approval of the Cornwall Commons site plan for lot #10

Members of the Cornwall Planning Board

It has been a long journey to get to the point of approving this development proposal for Cornwall Commons – from the debate about locating the high school on this property behind an industrial park to the current 10 lot subdivision with the lot under discussion comprising the largest residential development in Cornwall, which will be located behind 9 commercial properties. It has taken this long because some of us have questioned the value for Cornwall of a development revealing such a consistent disregard for the natural features of this property.

You now have before you a proposal that claims to have heard our concerns by leaving random small clusters of trees and forming concrete circles around the ponds and wetlands. A plan that states we as a community will not be significantly impacted by either the new construction, which could go on indefinitely, the expanded number of vehicles using Route 9W with its three single lane choke points, or the new traffic patterns that we know will emerge through the narrow streets of the Village of Cornwall-on-Hudson as well as the greater Cornwall area.

What this plan lacks – has always lacked – is a progressive orientation to the future of such a planned, exclusive neighborhood, one that Cornwall would be especially proud of in a world of changing sensibilities, instead of the same old substantially clear-cut clusters of homes centered on a clubhouse model. It is intended to be an island unto itself. For instance, the plan does not indicate how it will work with the town to provide safe pedestrian access to the business district in order to accommodate reduced reliance on gasoline powered vehicles. Residents of Cornwall Commons can only walk in circles.

This plan also fails to acknowledge the long term goals of this community as expressed in its Town Of Cornwall Comprehensive Plan as well as the Glynwood Center report, which was based on intensive visits with the people who live and work and play and go to school in this town. Yes I know the Town hasn't passed all the zoning laws. That puts the onus on you, the Planning Board, to reaffirm these community values.

So I believe the Planning Board needs to be somewhat creative in how it approves this project. For instance, if the developer claims there will be only so much impact of a particular feature of the plan, say the amount of impervious surface, or new traffic patterns, or the viability of wetlands, then you should establish monitoring points and


Gary Haugland
32 Mountain Road
Cornwall-on-Hudson, NY 12520

reserve the right to stop the development should certain negative benchmarks be attained. At such points, mitigation plans would have to be agreed upon before work goes forward.

Remember also that whatever the overall economic impact of this plan may be, it remains to be seen what the cumulative impact of the other 9 lots would be. Critics of the plan have long maintained that it is deceptively simple to only talk about lot 10 when the other 9 lots are such unknown quantities and could multiply the community impacts. If Cornwall is counting on those ratables to offset the impacts, it needs to begin some serious long-term analysis.

Cornwall Commons will be an exclusive community with no meaningful ties to Cornwall. It is true that the population over age 55 is unlikely to add to the needs of the school system, but it is not clear what other demands they will place on this community. While it is late to ask if this is what we really want, it is not too late to make it responsive to the expressed desires of the Town's population. The Planning Board should require contingency plans for such time as the predictions are wrong and the community is adversely impacted. If all goes well, they will not need to be invoked.

Sincerely,



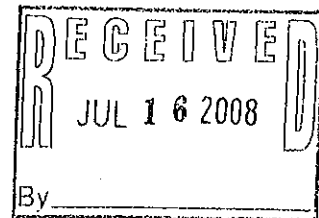
Gary Haugland
Member, Cornwall Conservation Advisory Council

To whom it may concern,

Hello, my name is Anthony Smith and I am the owner of section/block /lot numbers 14-2-1, 14-2-2, and 14-2-20. The property is located at 2596-2602 Rt. 9W, in the Town of Cornwall and consists of roughly 4.5 acres of land. I am writing this letter in regard to the Cornwall Commons, the proposed project located on Rt. 9W. The "north" entrance of this project is located on the opposite side of the highway of my property, and therefore I have interest in its progress. Overall, I strongly support the Cornwall Commons. The obvious benefit is the increased tax revenue the town will receive without adding a single child to the school district. The Cornwall Commons would also help revitalize the stretch of Rt. 9W that runs through the Town of Cornwall. Currently there are empty offices, a convenience store that no longer sells gas, a vacant restaurant, and other business's that almost give that stretch of highway a "ghost-town" feeling. Ultimately, the Cornwall Commons would draw other commercial projects to the area and take some tax burden off of homeowners. My only concern is how receptive the New York State DOT will be to the project. Rt. 9W has changed significantly over the past 5 years, with plans for even more changes in the future. I would like to know how Cornwall Commons plan for the highway mesh with New York State's plan for the highway...specifically turn around zones, traffic lights, and speed limits. Thank you for your time and consideration.

Sincerely,

Anthony L. Smith



JUL 10 2008 9:10 AM NO. 2030 17 2

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP

Attorneys and Counselors at Law

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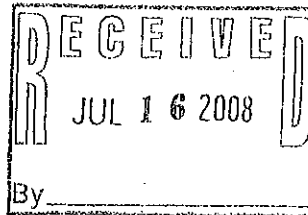
July 16, 2008

James P. Lagios
Justin W. Gray**
John F. Queenan
Michael L. Nardi
Rachel Ryan*
Jeremy R. Root
Laurie K. Chisolm**
Penny M. Hahn
Marc A. Antonucci
Tope O. Akinyemi
Kenneth Puig
Linda J. Turner*
Omer Gil

*Also Admitted in Massachusetts
*Also Admitted in New Jersey
+Also Admitted in Pennsylvania
**Also Admitted in Vermont

Via Fax & Regular Mail

Neil Novesky, Chairman
Planning Board of the Town of Cornwall
183 Main Street
Cornwall, NY 12518



Re: Cornwall Commons
Public Hearing Held July 7, 2008
Our File No. 3026.0023

Dear Mr. Novesky:

Please accept this letter as a written comment for the public hearing that was on for the SDBIS on the Cornwall Commons project before you on July 7, 2008.

We are general counsel to New York Military Academy ("NYMA") who, as you are aware, own adjoining property to the Cornwall Commons project.

There is an easement access issue between our property and that of Cornwall Commons as the Planning Board is well aware. This letter is to supplement the remarks made by Mr. John Brunetti, Jr., the Second Vice President of the NYMA Board of Trustees at the public hearing.

NYMA appreciates that the Planning Board has taken the correct position that the access issue to the 35 acres needs to be resolved prior to the final plat approval or there will be a note placed on the plat and restrictive covenants required in the deeds of the properties in Cornwall Commons that abut the NYMA property.

Page 2
July 16, 2008

I had discussions with Gerry Jacobowitz, the attorney for Mr. Amato, at that meeting and following it up with phone calls and we anticipate meeting sometime next month. We look forward to working out the access issue with Mr. Amato and Cornwall Commons and hope to have them resolved prior to the filing of the final subdivision plat.

Should you have any questions pertaining to any of this, please do not hesitate to contact me.

Very truly yours,

ISEMAN, CUNNINGHAM, REISTER & HYDE, LLP

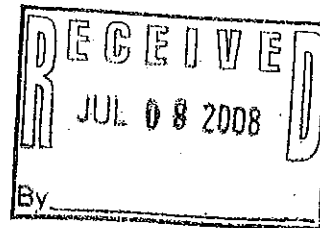


Richard A. Mitchell
rmitchell@icrh.com

RAM/tlk

cc: Dominic Cordisco, Esq. (via fax)
Gerald Jacobowitz, Esq. (via fax)
Mr. Robert McGowan (via email)
Mr. John Brunetti, Jr. (via email)
Paul Curtin, Esq. (via email)
Capt. Robert Watts (via email)

The Cornwall Town Planning Board
183 Main Street
Cornwall, NY 12518



PB#06-19/04-01

June 11, 2008

Ladies and Gentlemen of the Planning Board,

At our monthly meeting, the Cornwall Conservation Advisory Council (CCAC) discussed the progress of site plan review for Cornwall Commons. In our advisory capacity to the Planning Board, we had previously provided comments and questions to you regarding the site plan. These included comments and questions with regard to wetlands, trees, viewsheds and the Moodna. We understand that their content was submitted by the Planning Board to the developer and the developer's legal team. We were told by our liaison, Kenn Broedmerkel, that once the comments and questions were addressed by the developer, we would be advised as to when we could further assist the Planning Board by commenting directly on the developer's response to these issues,

Public comment has now started and we believe this is the appropriate time for the Planning Board to request our review of the current site plan with regard to how it addresses the concerns we raised. It is our intent after our review to provide a single document with our consolidated CCAC comments. We will of course be drawing on the extensive expertise of our individual members in developing these comments.

To facilitate our review, we are requesting that the Planning Board make a copy of the site plan documents available to the CCAC.

Furthermore, we would find it helpful for the CCAC to have a brief conversation with the developer's consultants to better understand their approach regarding the environmental issues we raised.

Thank you in advance for your help in facilitating our efforts and we look forward to contributing and providing you valuable input on this important issue.

Yours truly,



Katharine B Goodspeed

Chair, Cornwall Conservation Advisory Council

KORNFELD, REW, NEWMAN & SIMEONE

ATTORNEYS AND COUNSELLORS AT LAW

46 WASHINGTON AVENUE

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JEROME M. KORNFELD
COUNSEL EMERITUS

ROBERT E. REW JR. (1912-1960)

MAURICE J. RECCHIA

OUR FILE # _____

July 14, 2008

(Via fax: 845-534-2178 & Regular Mail)

Hon. Chairperson Novesky and Planning Board

Town of Cornwall

183 Main Street

Cornwall, New York 12518

Re: Cornwall Commons

Dear Chairperson Novesky & Members of the Planning Board:

This office serves as counsel to the Board of Fire Commissioners of the both Vails Gate Fire District and Canterbury Fire District. We are writing to address a fire district boundary change in connection with the above matter.

In the case of the Canterbury Fire District, this will involve a petition to the Town Board of the Town of New Windsor and the Town Board of the Town of Cornwall to alter the boundaries between the two districts so that Cornwall Commons development will be located within the Canterbury Fire District. This then will allow the boundary line between the two fire districts to coincide with the boundary line of the two towns, so that the Cornwall Commons project will be within the Town of Cornwall and within the Canterbury Fire District.

The Commissioners of the Vails Gate Fire District will also petition the two towns for this change and will support it with the understanding that, at the same time, the Town of Cornwall will dissolve the fire protection district, or area, presently provided fire protection by the Vails Gate Fire District and that the Town of Cornwall will then act (jointly with the Town Board of the Town of New Windsor) to permanently incorporate that area into the Vails Gate Fire District.

On behalf of both fire districts, we believe that any approvals given to the Cornwall Commons project should be conditional upon both of the boundary changes noted in this letter.

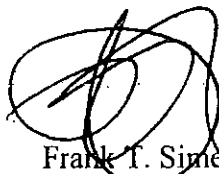
July 14, 2008

Page 2

We believe this letter reflects the position of the two Boards of Fire Commissioners and the Fire Departments which they represent.

If you have any questions, please contact me.

Very truly yours,



Frank T. Simone

FTS:gu

cc: Canterbury Fire District
Attention: Board of Fire Commissioners
P.O. Box 106
Conrwall, New York 12518

Vails Gate Fire District
Attention: Board of Fire Commissioners
872 Blooming Grove Turnpike
New Windsor, New York 12553

✓ Jacobowitz and Gubits, LLP
158 Orange Avenue
P.O. Box 367
Walden, New York 12586-0367
(Your File No.: 203-143)



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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**TOWN OF CORNWALL
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: CORNWALL COMMONS SITE PLAN
(DEVELOPMENT OF LOT #10)
PROJECT LOCATION: CORNWALL COMMONS PROPERTIES – ROUTE 9W
SECTION 9 – BLOCK 1 – LOT 25.2 (portion of)
PROJECT NUMBER: 06-19
DATE: 7 JULY 2008
DESCRIPTION: THE APPLICATION PROPOSES DEVELOPMENT OF LOT #10 OF THE CORNWALL COMMONS SUBDIVISION (APPLICATION 04-01) WITH A TOTAL OF 490 RESIDENTIAL UNITS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 6 NOVEMBER 2006, 4 DECEMBER 2006, 9 JANUARY 2007, 4 FEBRUARY 2008, 3 MARCH 2008, 7 APRIL 2008 AND 2 JUNE 2008 PLANNING BOARD MEETINGS. ***THE APPLICATION IS BEFORE THE BOARD FOR A SITE PLAN AND SEQRA PUBLIC HEARING AT THIS MEETING.***

1. The primary purpose of the appearance at this meeting is for the Board to hold a Public Hearing for purposes of input with regard to the SDEIS and Site Plan. With regard to these specific procedural items and the status of our review, note the following:
 - **Site Plans** - We previously made a detailed preliminary review of the site plan drawings for the April 2008 meeting and provided approximately 7 pages of comments. The applicant's engineer modified the plans to an acceptable condition such that this site plan public hearing could be held. Once all public input is received, we will continue our review of the site plan.
 - **SDEIS** - Regarding the SDEIS, we have performed a preliminary review of the engineering/technical aspects in anticipation of this public hearing and have provided some input below.

2. Our preliminary comments regarding the submitted SDEIS are as follows:
 - a. **Interested Agencies** - The document does not list the two fire districts as interested agencies. It is my understanding that each should be so listed (see II. Summary p.4/5 & section C. p. 15)

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

b. *Storm Water Management* – We have several issues/comments in regard to this issue, as follows:

- The document references identified stormwater management provisions. Stormwater management has been reviewed in concept with the submittal and review of a preliminary Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is subject to final review as site development detail progresses both for the PAC Lot #10, as well as the other commercial lots. In addition, once the road width issue is resolved, the SWPPP may require further revisions.
- Our office, in a memorandum dated 31 March 2008 (copy provided to applicant with 7 April 2008 Review Comments) has also noted concern that the applicant has failed to take benefit of available and recognized alternative Stormwater Quality Approaches, which are identified in the New York State Design Manual, such as Rain Gardens (bioretention), Wet Swales, Dry Swales, Surface Sand Filters, Underground Sand Filters, Perimeter Sand Filters, Cartridge Filter Systems, etc. in the design of the stormwater management system. These alternatives would not only benefit the environment thru improved treatment, but could also easily offset any impact from greater roadway widths currently under discussion. In the document, it is stated that “seasonal high groundwater level and the soils consisting of fragipan” prohibit these other approaches.

We are perplexed that these conditions have not been previously identified, and were not taken into account with the SWPPP previously submitted. Clearly such conditions would likely effect the stormwater basin designs, but the applicant has not raised the concern as part of that preliminary design. We now request this be addressed. The applicants attention is directed to Table 7.2 of the NYS Stormwater Management Design Manual, which would appear to provide adequate flexibility such that these other techniques can be included in the site stormwater design. We believe the document should provide more concrete technical reasons why these available alternative treatments can not be utilized.

c. **Water District Extension** - Under II. Summary the document indicates that the Town of Cornwall Town Board approved the extension of water. It is our understanding that this would apply to the Water District. Verify date of extension of water district to include both the original town parcel and the annexation property. (see p.5)

d. **Water Supply** – Comments as follows:

- The document notes three alternatives for providing water supply to the project. It is noted that the Village Engineer performed an analysis of the system and proposed project supply. Input will be needed directly from the Village Engineers to the Town as to acceptance of the alternative selected by the applicant. This communication should occur before the NYSDEC and OCDOH utility applications are prepared. (see p. 7, 18, 37).
- Correct reference to Forest Lane in first paragraph of E. a. on page 37.

e. **Wastewater Management** – comments as follows:

- The document has indicated two possible routes for the sewer force main. The applicant should select a final route and prepare complete plans for the forcemain design, such that the same can be review by the Town prior to preparation of the application to the New York State Department of Environmental Conservation.(ref p.7 & 37).
- It is our understanding that the applicant intends to dedicate the sewer pump station and force main to the Town. As such, the applications to the NYSDEC must be signed by the Town Supervisor prior to submittal. (see p.7, 18)

f. **Traffic Impact Issues** – Comments as follows:

- **Route 9W/Laurel** - Document should acknowledge that Laurel Avenue/Rt 9W traffic signal and improvements are complete, not proposed. (ref p. 52).
- **Route 9W/Forge Hill** - The document fails to acknowledge the operational problem of traffic backup during peak periods (primarily PM) at the Rt. 9W Forge Hill Road signal. This should be further considered.

- **Academy/Main/Faculty Signal** - The document indicates a proposed fair share contribution for the possible traffic signal at Academy Avenue/Main Street/Faculty Road. It is unclear what other projects would contribute toward this improvement or in the lack of other projects, what funding sources would be available.

g. Project Roadway Alternatives – comments as follows:

- The document identifies four alternatives, as follows:
 - Alt. #1 - 24-foot Road (private) with 40-foot ROW and one-side parking
 - Alt. #2 - 24-foot Road (private) with 40-foot ROW and no parking
 - Alt. #3 - 28-foot Road (private) with 40-foot ROW and one-side parking
 - Alt. #4 - 28-foot Road (public) with 50-foot ROW and one-side parking
- It is unclear why the document indicates that the alternative #4 road would have a 19% increase in impervious area vs. the alternative #3 roads 16.6% increase, when both roads are the same width.
- The document provides code text reference on the top of page 20 which is in our opinion misleading since it does not provide reference to all the provisions of the code (as were clearly outlined by the Attorney to the Planning Board) which give the Planning Board flexibility in requirements for roadways in PACs.
- In the document's analysis of the 28 foot road (with one side parking) vs. the 24 foot road (with no parking) the conclusion appears to be made with the assumption that parking is both permitted and will exist at all times in all areas of the roadway.
- It is unclear why the cost for construction for the amphibian crossing and increased road width are an issue pertinent to the environmental analysis.
- The document indicates that the "internal roadways have been designed to accommodate fire vehicles and other emergency service vehicles" (p. 58). The adequacy of the roadway with respect to width has been raised by the Fire District. We anticipate further input from the Fire Districts in this regard.
- There appear to be editorial preference comments within the document regarding Alternative #4.

- The applicant has now raised the issue of seasonal high groundwater conditions. This should be addressed in both the Public and Private roadway designs. Curtain Drains and Roadway Stabilization Fabric may be appropriate in all such areas.

h. Ambulance Services – it should be confirmed in the document that the Ambulance District has been extended to include the annexed lands. A copy of the extension action should be included as a reference. (ref. p. 9)

i. Solid Waste Generation - the date of the extension of the Refuse and Garbage District should be confirmed in the document. A copy of the extension action should be included as a reference. (ref. p. 9)


j. Fire District Boundary Issue – the document indicates that the “the Fire Districts are not interested in altering the boundary line between the Fire Districts...”. This statement is contrary to my understanding based on verbal representations. Written confirmation of the position of each District should be provided. (ref. p. 11 & 65)

k. “Main Fire District Issue” – the document indicates that the “main issue identified” as a concern by the Canterbury Fire District were structures located in both fire districts. It is my opinion that this statement misrepresents content of the letter which listed nine (9) separate items. (ref. p. 11 & 64).

l. Pedestrian Access to Project – The document notes that sidewalks are provided and a walking route exists to Mailler and the “downtown area”, and that a controlled pedestrian crossing will exist on Route 9W at the Project entrance. It is unclear as to the detail for the route from the project to Mailler Ave. and Main Street. Additional clarification should be provided. (ref p. 17 & 57)

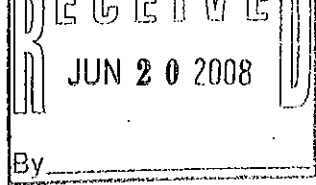
3. We will await the completion of the Public and Agency Input phase of the project before making further reviews of the project submittals.

Respectfully Submitted,


Mark J. Edsall, P.E., P.P.
Engineer For the Town

MJE/st

Corn06-19-07July08.doc



June 17, 2008

Fred and Anne Diehl
18 Warren Court
Cornwall, New York 12518

Cornwall Town Planning Board
Cornwall, New York 12518

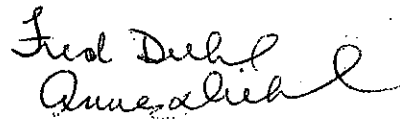
RE: CORNWALL COMMONS

Dear Members:

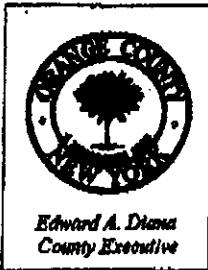
We support the development of Cornwall Commons and urge the board to approve this PAC and the additional sites after the July 7th public hearing.

Cornwall and the surrounding area will benefit from having a community of this kind within its boundaries.

Thank you.


Fred and Anne Diehl

APPENDIX C



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, ACP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Cornwall (T) Planning Board

Applicant: Joseph Amato, Kent Management

Project Name: Cornwall Commons

Proposed Action: Site Plan for 490 homes in a Planned Adult Community

Reason for County Review: Within 500 feet of CR 74 and New Windsor municipal boundary

Date of Full Statement: June 6, 2008

Referral ID #: COT15-08N

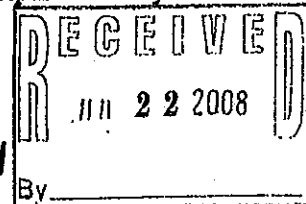
Tax Map #: 9-1-25.2, NW' SBL 37-1-45.1

Local File #: 2006-19

Comments:

SDEIS

06-19
04-01



- It is noted that the visual impact analysis provided by the applicant does not accurately demonstrate the effect that development will have on the pertinent viewsheds. We praise the applicant for including photos during leaf-off period but require more information for a complete analysis. The photos provided, taken from points identified in the Key Map, do not show size and color of homes/buildings possibly proposed within view and may not accurately depict the size of the post-development wooded area. The cross-section diagrams include tree buffers in their leaf-on stage and do not convey an accurate story. Computer simulation of any proposed homes along with post-development wooded area is needed for proper impact analysis.
- Just as the applicant has designed a project based on market projections and future road improvements, attention should be paid to planning for less automobile traffic and higher demand for alternative modes of transportation. For example, the submitted traffic impacts do not cover increased number of automobiles traveling to the center of Cornwall nor a thorough analysis of alternative modes of transportation. It is assumed that the Town would like to see higher patronage in the Town's main street corridor as a result of such a project but does not wish to see a great increase in automobile traffic in the area.
- Attention should be paid to the Firthcliffe area (where CR 32 meets Howard St and becomes Willow Avenue) as a possible neighborhood commercial center for existing and incoming residents. There are three residential projects proposed to be connecting to it, within close walking distance. A steady market for neighborhood commercial development could be realized as a result of so many incoming residents. Increased commercial space in this area could be beneficial to the Town and the nearby residents without attracting consumers away from the proposed commercial uses within Cornwall Commons.

Site Plan

The Department has received the above referenced Site Plan and has determined that the proposed action has the potential to cause inter-municipal or countywide impacts. We therefore recommend that the local referring board address the binding comments outlined below. The local referring board may not act contrary to such recommendations except by a vote of a majority plus one of all the members thereof or by disapproving the action.

1. We ask for the following information to be clearly depicted and/or explained by the applicant:
 - a) The applicant should be required to state how much *untreated* water will be conveyed off site, into the Moodna Creek and its floodplain.
 - b) The plans should clearly depict how level spreaders and grassed swales will be used at the outfall locations, considering the high slopes.
 - c) The applicant should clearly demonstrate that the owners of the adjacent properties have allowed use of their properties (e.g. granted drainage easements) for storm water outfalls.

This Department is very concerned about the amount of water being conveyed off property and into the immediate vicinity of the Moodna Creek. It is unclear how the storm water will be distributed out of the proposed outfalls and we are concerned with the number of outfalls draining onto private property. The SDEIS states that grass swales and level spreaders will be used at these points to mitigate erosion and storm water impacts to the Creek. It is unclear whether these provisions will be effective seeing as many of the outfalls are located along a relatively steep slope.

We are also concerned with proposed outfalls draining onto the existing industrial parcel just west of the Cornwall Commons property (old carpet and weaving factory), SBL 43-1-1. It has come to our attention that the parcel has some pollution on site that may greatly impact the Moodna if water were allowed to drain through it.

It is noted that this area of the Moodna is surrounded by existing and proposed development that is or is proposed to drain, like Cornwall Commons, into the Creek. It is further noted that heavy erosion along its steep banks has already occurred in some parts. Storm water impacts for

As stated in our letter dated March 6, 2006, one of our primary concerns is the impact that multiple developments will have regarding the recreational quality of Moodna Creek; water quality degradation; reduction in biological diversity for both terrestrial (streamside) and aquatic (streambed) areas; and degradation of riparian habitat quality due to vegetation removal and land conversion. We further stated that conservation of the Moodna Creek is a priority for multiple agencies and organizations including the State of New York, the Open Space Institute, the Moodna Creek Coalition and the County of Orange.

2. The proposed project should be referred to the Orange County Soil and Water Conservation District for review.
3. This Department asks that alternative modes of transportation be addressed in the following ways:

- a) The applicant should negotiate with the Town on better pedestrian, bike and public transit access outside the development.
- b) Consider moving residences, sidewalks and roads closer to Frost Lane to encourage walking to Willow Avenue.

Alternative modes of transportation have not been properly addressed in the SDEIS nor the Site Plan. For instance, it is noted that the applicant proposes a pedestrian crossing across 9W, presumably to connect to Mailler Avenue via the 9W exit ramp. It is unrealistic to expect residents of Cornwall Commons to use this route of access, as there would be no sidewalks from the project to Mailler.

Frost Lane, a safer alternative than a 9W crossing, is currently being proposed as a walkable alternative but would probably need some sort of improvements to accommodate walkers. It is clear that the Town and applicant need to work together to plan for less automobile use around the site.

Additionally, this Department offers the following advisory comments for your consideration.

- We recommend that the applicant reconfigure the site plan to allow for a substantial buffer around the wetland and vernal pool.

This Department is concerned about the proposed impacts on the existing vernal pool in Watershed B4. Vernal pools are hydrologically isolated and therefore not regulated by the Army Core of Engineers. They are important, however, because of their scarcity and the rare natural community they house. Best Development Practices (Metropolitan Conservation Alliance Paper No. 5; 2002) states that the Vernal Pool Envelope (defined as 100 ft around the Vernal Pool Depression) should be left free of development. It further states that only 25% of the Critical Terrestrial Habitat lands (defined by 750 ft around the vernal pool depression) should be developed. In addition, Hudsonia's Biodiversity Assessment Manual for the Hudson River Estuary Corridor (page 130) states that vernal pools (there called Intermittent Woodland Pool habitat) "should be preserved in an unaltered state where possible."

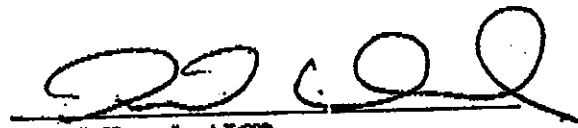
We do not believe that the existing vernal pool will remain a functioning habitat if development around it proceeds as proposed. Furthermore, we do not believe that the proposed culverts will act as sufficient mitigation for the displacement of the associated species.

- We suggest that the applicant improve the project's storm water management provisions:
 - More storm water should be kept within Cornwall Commons' boundaries.
 - The applicant could employ Low Impact Design (LID) methods to preserve water quality and increase groundwater recharge, while reducing the water draining off-site. Some examples of LID techniques include the use bio-retention areas, grassed swales, and permeable pavements. Low impact design can also include an improved landscaping plan that provides vegetation to full build-out, the purpose for which would be not only aesthetics but to mitigate water quality impacts as well. To obtain more examples of such, the applicant could consult the website for Center for Watershed Protection at cwp.org.
- In light of the suggestions made above regarding the existing vernal pool as well as water quality and increased storm water impacts, this Department suggests that the applicant reduce the number of homes on site.

County Recommendation: Approval subject to modification as per Comments 1 (a - c), 2, and 3 (a + b)

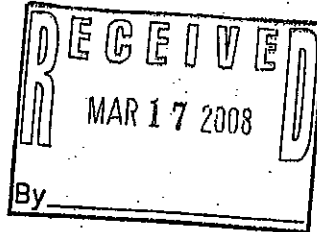
Date: 7/18/2008

Prepared by: Atticus Lanigan, Planner



David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. A referring body acting contrary to such a recommendation of modification or disapproval (with a supermajority vote) must set forth the reasons for the contrary action in such report. For such filing, please use the final action report form attached to this review or available on-line at www.orangetownny.gov/planning.



March 13, 2008

To the Cornwall Town Planning Board,

As a member of the Cornwall Conservation Advisory Council, and as a biologist, I am pleased to respectfully provide for you the following comments on the Draft Supplemental Environmental Impact Statement for Lot 10 for the Cornwall Commons Project. I have reviewed the plans and I restrict my comments to two areas of my expertise: trees and wetlands. These comments are based on the documents on file at the Building Department as of the week of March 10-14, 2008. I am submitting these now because one of my key recommendations below is that the Planning Board needs better information on amphibians in the Cornwall Commons wetlands on which to base their decisions, and this information can only be readily ascertained by a qualified biologist during the very early spring in our area.

Trees

I find the information on trees and the plans for protecting trees in this project to be insufficient at this point. Our Town's Master Plan emphasizes tree protection, particularly on properties planned for development. Our Town Code requires trees over 12 inches in diameter to be located on maps and, in general, to be preserved.

The tree survey for Lot 10 is minimal and not consistent with these purposes. The Scoping document states that the "location of significant large trees" should be mapped and directs the applicant to "evaluate mixed age tree stands in remainder of site". Only the locations of several "cabbage oaks" and one shagbark hickory have been mapped, and only two of these are proposed to be preserved. That amounts to only one tree per 99 acres. These may well die anyway after disturbance of the surrounding area. I recommend that a full tree survey be completed for this lot: such a large project should not proceed without a proper tree survey. It is important for the Planning Board to be presented with factual information on the substantial number and locations of large trees on this property. In fact, Lot 10 contains significant mature forest and a large number of large, healthy, and valuable trees. I expect that there are, in fact, hundreds of trees on this property larger than 12 inches in diameter. From my knowledge of this and surrounding areas I expect that there are dozens of trees two to three times this size (i.e. 24 - 36 inches in diameter) on Lot 10, particularly of the following species: red oak, chestnut oak, white oak, scarlet oak, red maple, sugar maple, black cherry, tulip poplar, hickory, and white pine. Several red oak, black oak, and black cherry trees larger than 24 inches in diameter are clearly visible this time of year just by looking into the edge of the property from Route 9W near the location of the proposed entrance road. A view of the top of the canopy indicates that many more are present.

Many of these large trees are undoubtedly between 100 and 150 years old. Black Rock Forest's database documents that, on average quality sites in the Highlands, 12 inch diameter trees are generally more than 100 years of age. It is true that much of Lot 10 was apparently cleared for land uses such as pasture in the past. But the abundance of large trees demonstrates that a significant portion of the property is historic forest of a

century or more in age, and certainly the large cabbage oaks are 150 years old or older. The DSEIS states "This parcel was agricultural pastureland perhaps 75 years ago". I expect that, at least for much of the southern 2/3 of Lot 10, this was more like 100 years ago. Airphotos from the 1930s and 1940s should be presented by the applicant to resolve these issues. The DSEIS states the "Forest is comprised of light loving species that seed into abandoned pastureland". But the oaks and hickories cited above are large seeded, intermediate succession species, not early successional species that first volunteer on abandoned pasture. Light loving species that do seed into abandoned pastureland, such as red cedar and gray birch are, I believe, mostly long gone from the mature sections of the site. The DGEIS also states the "Land has been under cultivation for over 100 years". This certainly appears to be incorrect. Perhaps the applicants mean the site *was* cultivated for over 100 years. If so, the statement should be corrected and evidence provided to support the statement. Certainly a portion of Lot 10 and some of the other lots do exhibit a young woodland character as well as evidence of more recent human activity. A tree age study could be accomplished via increment coring to determine this in more detail. A tree size survey would be relatively easy to accomplish and age could be reasonably estimated from these data. Certainly this seems like the appropriate information requested by the Scoping document.

Areas of mature forest and large trees are important for many reasons including their value and natural beauty, provision of screening from neighboring properties, enhancing the local climate, protecting soils and reducing runoff, providing seed to ensure regeneration, and as critical food and shelter for a host of native wildlife. I recommend that a thorough tree survey be completed for Lot 10 so that the areas of mature forest can be clearly delineated from younger woodlands. This should include diameter and species as well as grading of trees for landscape value and utility for mammalian habitat. This will enable a more complete analysis of the environmental impacts of the proposed developments. The environmental impacts will be minimized, and the development will benefit, if more mature forest is preserved.

Wetlands

It is beneficial that the largest existing wetlands on the property (A, C, and D) are not proposed to be directly destroyed. Cornwall, in similar fashion to much of our country, has experienced substantial losses of natural wetlands. Their importance in flood control, regulating runoff, and promoting infiltration and groundwater recharge cannot be overstated. We currently pay the price for their removal in most heavy precipitation events. Also, wetlands provide needed habitat for many sensitive and threatened species, and occasionally for listed Endangered species. Despite the proposed preservation of the limits of the wetland areas, I am concerned that the heavy development proposed surrounding these wetlands, the small proposed buffer areas, and the proposed reductions of substantial contributing watershed area fail to "avoid to the extent practicable the disturbance of these wetland areas". The plans as shown on the site map may significantly reduce the function or ultimately destroy these wetlands. Substantial reduction to water supply and insufficient preservation of adjacent upland habitat will doom resident populations of mole salamanders and other wetland creatures dependent on this habitat (Calhoun and Klemens 2002). In particular, the environmental impacts of

this proposed project would be substantially reduced if the applicant were to propose significantly more preserved wetland buffer area.

For wetland A this should be accomplished by moving the entrance road to the east-northeast by at least 50 feet. Where roads do traverse near such wetlands, large funneling culverts under roadways should be used to permit seasonal migrations (e.g. Jackson 2003). Where significant populations of breeding amphibians exist, appropriate barriers along road edges should be installed to dissuade animals from directly crossing the roadway, instead guiding them to the culverts. On the west side of wetland A homes and condominiums are proposed within 25 feet of the wetland margin. These should be moved back to preserve a 100 foot buffer.

For wetlands C and D to remain viable the plans should be adjusted to retain more functional contributing watershed and also to preserve more adjoining upland habitat. The scoping document requires that "Short and long term impacts to wetlands shall be evaluated". It seems that this has been insufficiently addressed to date in the document. Calhoun and Klemens (2002) recommend preservation of a minimum of 750 feet of appropriate upland habitat surrounding $\frac{3}{4}$ of a vernal pool for long term protection of amphibian populations. The extent of these recommendations could potentially be reduced if the upland habitat areas actually used by amphibians are delineated in advance by more field studies.

The ecology studies accomplished to date are too cursory to truly know what threatened and/or endangered species are in these wetlands. In particular, I would recommend a thorough sedge study (genus *Carex*) by a qualified expert in the appropriate season (June-August when sedges are in fruit). The EIS states that rare and NYS Threatened weak stellate sedge (*C. seorsa*) is found in wetland C and perhaps on other wetlands on the site (each iteration of the EIS differs on this, so I feel that the true distribution of *C. seorsa* on the site is still uncertain). The NYS Endangered narrow-leaved sedge (*C. amphibola*) has been found not far to the north on the Quassaick Creek (Barbour 2004). NYS Endangered glaucous sedge (*Carex flaccosperma* var. *glaucodea*) has been found nearby in Black Rock Forest. A full sedge survey has not yet been accomplished for this site and these findings suggest that a good, hard look for rare and endangered sedges should be accomplished before any permits are issued.

The EIS states that mole salamanders are "quite common in native woodlands associated with vernal pools in the northeastern US". However, that statement conflicts with the fact that most are listed Species of Special Concern in New York State. Of the mole salamanders, only spotted salamanders are common across New York. Marbled salamanders are only found in southeastern New York and are generally uncommon in our area, but they do occur on Lot 10. Jefferson's and blue-spotted salamanders are truly rare in our area. I recommend that a series of pitfall traps be installed around the wetlands during the months of March and April and that these be censused frequently during this breeding period. This is the best way to know exactly which salamanders depend on these wetlands as breeding areas. Quantification of spermatophores and egg masses in April and May should then be pursued so the Planning Board can evaluate just how important

the areas are, or are not, to reproduction of these species. I expect that these surveys will reveal that Wetlands C and D, especially, are species rich and worthy of preservation, that Wetland A is also a wetland of high quality, and that Wetlands B, E, and F, are less important. But only more thorough investigation can be used as a basis for such differentiation.

One example of how to readily reduce the environmental impacts of the proposed project would be to eliminate the plans for about 10% of the proposed single family homes: those proposed in the area between Wetlands C and D. If the roadways and building envelopes are also pulled back somewhat in the immediate vicinity of all the wetlands, and if "critter crossings" are established along roadways, the overall environmental impacts would be greatly reduced. Less disturbance area would be less costly, would preserve ecological integrity, would reduce the needs for stormwater protection facilities, provide retention of more mature native forest, enhance wildlife habitat, enhance the beauty of the project area, would increase the attractiveness and value of the development, and would provide more screening within and from outside of the project area.

Finally, regarding the isolated nature of Wetland C, the DSEIS states that "there is no outlet to this wetland". But there *is* a seasonal outlet to Wetland C, and a seasonal connectivity of this wetland to surrounding waterways. Wetland C is in all likelihood discharging right now. The document should be revised to clarify this fact. Irrespective of that fact, the ruling that isolated wetlands should not be legally regulated does a disservice to the people of Cornwall and to all Americans, since the degree of "connectedness" of all wetlands varies along temporal and physical continua. Even those wetlands currently defined as "isolated" generally do provide all of the environmental benefits of "connected" wetlands. This recent ruling, bereft of scientific merit, will in all likelihood eventually be overturned, a fact that should be considered in all local deliberations in the interim.

Submitted by William Schuster, PhD, member of the Cornwall Conservation Advisory Council and Executive Director of the Black Rock Forest Consortium

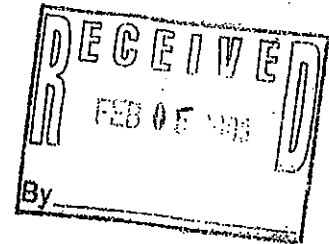
Literature Cited

Barbour, J.G. 2004. Quassaick Creek Biodiversity: Biodiversity survey and natural resources inventory and assessment final report. NYS DEC Hudson River Estuary Report for the City of Newburgh, New York.

Calhoun, A.J.K. and M.W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, NY.

Jackson, S. 2003. Proposed design and consideration for use of amphibian and reptile tunnels in New England. University of Massachusetts Press.

Katharine B Goodspeed, Cornwall Conservation Advisory Council
322 Angola Road
Cornwall, NY 12518



Mr. Neil Novesky
Planning Board Chairman, Town of Cornwall 183 Main Street
Cornwall, NY 12518

February 4, 2008

Dear Mr. Novesky,

After a brief conversation with Kenn Broedmerkel following the last Planning Board session meeting we discussed the issue of clear cutting most of the trees at Cornwall Commons. The larger cabbage form oaks are of one interest that I, as the Town Tree Warden, would like to take a closer look at, as well as walking the property to see what else may be of interest.

In my opinion, as Town Tree Warden, and Member and Chair of the Cornwall Conservation Advisory Council, it seems that we should look at the impact of allowing such clearing when the Town's subdivision code laws say states that all trees 12" dbh and greater "shall be preserved by the subdivider." Therefore I suggest, as an exercise in enforcing our subdivision code, that we ask for a total tree inventory performed on a plan, that can then be overlaid onto the site plan proposal to see if we can not be more discriminate in selecting to preserve what we can and where we can. As there may be opportunities to preserve more trees..

Furthermore, as I continued my conversation with Mr. Broedmerkel I put forth to him that given the volumes of reading and research needed in the decision- making process on the Planning 'Boards agenda, the Cornwall Conservation Advisory Council would like to help alleviate some of the issues that are of concern, and to explore the potential to play a role in reviewing certain material relevant to environmental issues and providing comments to the Planning Board. As the Advisory Council, we would be more than amenable to read necessary documents and make comment on them. The CCAC could research a whole development project or particulars. Kenn thought it seemed to be something to discuss, and said he would mention it to you as well.

We have been working on issues for Legacy Ridge and Cornwall Commons, and would be happy to bring forth our findings.

Please let me know your thoughts. I can be reached at 845-534-5741, or kgoodspeed@hvc.rr.com.

Thank you for your attention in this matter.

Sincerely,



Kate Goodspeed
Town Tree Warden
Cornwall Conservation Advisory Council, Chairperson

cc. Supervisor Kevin Quigley
Deputy Chair Planning Board, Kenn Broedmerkel



Cornwall Volunteer Ambulance Corps.

1 Clinton Street P.O. Box 151 Cornwall, New York 12518
845-534-9510 Fax: 845-534-5832

Michael Bigg
Captain

John J. Boyle
Assistant Captain

Laura J. Lapre
First Lieutenant

Lindsay McGann
Second Lieutenant

Jacobowitz & Gubits
Attn: Michele L Babcock,
Po Box 367
Walden, NY 12586

May 28, 2008

Dear Ms. Babcock,

Covac is in receipt of your letter regarding Cornwall Commons PAC. Covac has 3 different ambulances which we can utilize for entry to many road types & widths. It is our position that if the fire department has no problems with the roadways, then Covac will not have any issues. The fire hydrant locations are a fire department issue, and do not matter to Covac at all.

Best Regards,
Kristen C Sebesta-Boyle
Kristen C Sebesta-Boyle
Admin Assistant

CC: Town of Cornwall Planning Board

APPENDIX D


EXHIBIT 1

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Domic Cordisco

Jeanne N. Tully
Timothy P. McElduff, Jr.

*I. L.M. in Taxation

MEMORANDUM

TO: TOWN OF CORNWALL PLANNING BOARD
FROM: DOMINIC CORDISCO 
CC: MARK EDSALL, P.E., LESLIE DOTSON, AICP
RE: CORNWALL COMMONS ROAD WIDTH
DATE: JANUARY 29, 2008

ISSUE

Cornwall Commons has submitted a draft site plan for Lot 10 (the residential component of the Planned Adult Community, or PAC) showing a road design for private roads that are 24 feet wide with parking on one side of the roadway. The Town of Cornwall Zoning Law provides that roads within a PAC may be private, and further provides specific widths for private roads, provided that the road designs are approved by the Planning Board and Planning Board Engineer.

The Planning Board Engineer has previously advised Cornwall Commons, and its consultants, on several occasions, that a road width of 24 feet with parking along one side of the roadway is unsafe and unacceptable for a development containing 490 homes. The Fire Chief of the Canterbury Fire District has also provided written comments to the Planning Board, noting, among other things, that the "road widths appear to be narrow throughout the project site," and that "projects of this scale must have adequate width for access and emergency vehicles." Letter of the Canterbury Fire District Fire Chief dated August 2, 2007.

Cornwall Commons' attorney has written to me advising that their position is essentially that once the minimum road design specifications are met, the Planning Board and Planning Board Engineer must approve the plans, at least in regards to road design.

The issue boils down to whether the Planning Board has the authority to require a road design with road widths greater than the minimum set forth in the Town's Zoning Law.

CONCLUSION

Although the Town of Cornwall Zoning Law provides specific road design criteria for PACs which differ from other private road specifications in the Town Code, those road design criteria are minimum standards. The Town Board, Planning Board and the Planning Board Engineer may determine that the public health, safety, and welfare require additional measures to be made, including wider roads for safety purposes.

Given that the Planning Board has not yet concluded its SEQRA review for Lot 10, it would be premature to render a final determination on this issue. However, the Planning Board may provide the applicant with its opinion based on the available information at this time.

DISCUSSION

The Planning Board Engineer and the Canterbury Fire District Fire Chief have both opined that the private road design for Cornwall Commons shows private roads that appear to be too narrow. Cornwall Commons contends that the road design meets the standards set by the Town Code. The issue is whether the road specifications contained in the Town Code for PACs are minimum standards, and whether the Town has the authority in the Town Code to require more than the minimum.

The Town of Cornwall Zoning Law sets forth the requirements for PACs, including road design specifications that are in addition to the Town's standard road specifications. Private roads are allowed within PACs, regardless of the number of residential homes:

Notwithstanding any other contrary provision(s) of this Code, including § 158-16A(10)(a) through (e), a PAC may be serviced by private roads, regardless of the number of lots created therein, provided that said roads shall have a maximum right-of-way of 40 feet and meet otherwise applicable regulations regarding width, paved surfaces, curbing, drainage, signage and maintenance, and further providing that the plans for said roads be approved by the Planning Board and the Town Engineer.

Town Code § 158-18(X)(5)(b)(2). By contrast, in a standard subdivision, the Town Code limits the maximum number of homes on a private road to six (6) individual homes – anything beyond six (6) would require that the roads be public, and constructed to public road standards, including width. However, that limitation does not apply to PACs, as the first five (5) criteria for private roads do not apply to PACs.

The Town Code regarding PACs also provides various road widths:

The applicant shall determine, prior to final approval, which roads are to be private or public roads. All roads shall be constructed to

Town specifications for the road bed and pavement depths, and pavement width shall be 18 feet for a one-way street, 24 feet for a two-way street with parking on one side, and 32 feet for a two-way street with parking on two sides.

Town Code § 158-18(X)(5)(l) (emphasis added). Cornwall Commons has proposed a road design calling for private roads within the PAC that are 24 feet wide, with two-way traffic and parking on one side. Cornwall Commons has claimed that it has met the requirements of the Town Code, and because the roads meet the minimum specified in the Town Code, that the Planning Board and Planning Board Engineer must approve the road design, as shown on the current set of plans.

However, the Town Code regarding PACs exempted some of the Town road specifications – but not all of them. Given that the Town Code only exempted specific provisions regarding private road specifications for PACs, the result is that the remaining non-exempted specifications apply. There are other sections of the Town Code that explicitly give the Town Board, the Planning Board, and the Planning Board Engineer discretion to require minimum standards to ensure, among other things, that the private roads are accessible for emergency vehicles.

For instance, Town Code § 158-16 § (A)(11) specifically addresses private roads within PACs:

Private roads for commercial, industrial and planned adult communities. Private roads shall be allowed, with the approval of the Town Board and provided they meet the minimum construction standards for public Town roads, within commercial developments, office or industrial parks and planned adult communities. Said private roads shall be owned and controlled by a single individual, corporation or legal entity acceptable to the Town Board with the right and obligation to maintain said roads. Access to said roads by the Town's emergency services and the right to enforce parking standards shall be required as a condition for allowing said private roads.

Town Code § 158-16(A)(11) (emphasis added). Thus, the Town Board must approve the road design, and access for emergency services is a prerequisite. The Town Code also states that the private road construction specifications are minimum standards Town Code § 158-16(A)(10)(j). The Town Code also gives the Planning Board the authority to disapprove private roads if the Planning Board determines that the private roads are inconsistent with “the health, safety, welfare and convenience of the proposed users of the road and the people of the Town of Cornwall in general.” Town Code § 158-16(A)(10)(f).

The Cornwall Commons PAC is not a subdivision, but rather a site plan for approval of a 490 residential unit development. The Town Code regulating site plan approvals also requires:

The [Planning] Board shall take into consideration the public health, safety and welfare ... and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further ... the accomplishment of ... [ensuring that] all proposed traffic accessways are ... adequate in width, grade, alignment and visibility ... and other safety considerations.

Town Code § 158-19(B)(1).

Thus, the Town Board, the Planning Board, and the Planning Board Engineer are not forced to accept private roads within the Cornwall Commons PAC solely by virtue that the private roads, as shown, meet the minimum specifications. Rather, the Town is required to ensure that the approved site plan is consistent with the health, safety and welfare of the proposed residents of the PAC and the people of the Town in general. New York's highest court, the Court of Appeals, has consistently held that standards found in zoning regulations are minimum standards, and a planning board has the ability to require additional measures if the circumstances warrant. Nastri v. Michel, 71 N.Y.2d 846 (1988); see also Koncelik v. Planning Board of The Town of East Hampton, 188 A.D.2d 469 (2d Dep't 1992) (A Planning Board is within its power to impose conditions related to access roads, among other things, to assure the general public health, safety and welfare); R-Goshen LLC v. Village of Goshen, 289 F.Supp.2d 441 (S.D.N.Y. 2003).

RECOMMENDATION

Given that changes to the road width may cause a ripple effect throughout the site plan, triggering additional engineering of the stormwater pollution prevention plan (SWPPP), it would be best for the Planning Board to provide Cornwall Commons with its input at this stage. Although it would be premature to either approve or deny the road design because the project's SEQRA review is ongoing, informal feedback from the Planning Board will give the applicant guidance in addition to the guidance it has already received from the Planning Board Engineer and the Canterbury Fire District Fire Chief.


DRC/rt/43808

EXHIBIT 2

STATE OF NEW YORK:
COUNTY OF ORANGE : ss.
TOWN OF CORNWALL :

I, ELAINE TILFORD SCHNEER, the Town Clerk of the Town of Cornwall, County of Orange, State of New York, do hereby certify that I have compared the preceding Order with the original thereof filed in my Office on the 13th day of December 2005 and that the same is a true and correct copy of said original and the whole thereof, as far as the same relates to the subject matters referred therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Cornwall this 13th day of December 2005.



ELAINE TILFORD SCHNEER
Town Clerk Town of Cornwall

(Seal)

At a Meeting of the Town Board of the Town of Cornwall in the County of Orange, State of New York, held at Town Hall, 183 Main Street, Town of Cornwall, NY, On the 12th day of December, 2005

-----X
In the Matter of the Extension
of Cornwall Water District
in the Town of Cornwall, County
of Orange, State of New York,
Pursuant to Article 12 of the Town Law
-----X

ORDER OF
TOWN BOARD
EXTENDING
WATER DISTRICT

WHEREAS, a written Petition dated the 25th day of April, 2005 in due form and containing the required signatures has been filed with the Town Clerk on the 28th day of April, 2005 which Petition has been presented to and filed with the Town Board of the Town of Cornwall, County of Orange, State of New York, for the extension of Cornwall Water District in the Town of Cornwall bounded and described in annexed Schedule "A", and

WHEREAS, a detailed explanation of how the hook-up fees, if any, and the cost to the typical one-family home in the proposed district was computed was filed in the Town Clerk's Office on the 14th day of November, 2005, and

WHEREAS, at a meeting of the Town Board held on the 14th day of November, 2005, an order was adopted by the Town Board reciting the description of the boundaries of the district, the fact that there were no improvements proposed, the fact that there was no maximum amount proposed to be expended, the fact that the map, plan and report together with the detailed explanation of how any hook-up fees and the cost to the typical

one-family home were computed were on filed in the Town Clerk's Office and specifying the 12th day of December, 2005 at 7:00 p.m. in the Town Hall, 183 Main Street, Cornwall, New York, as the time when and the place where the Town Board would meet in a public hearing to hear all persons interested in the creation of the district and for any other action on the part of the Town Board concerning the proposed district as may be required by law, and

WHEREAS, the order was published and posted in the manner and in the time prescribed by Town Law Section 193 and proof of the publication and posting having been presented to the Town Board, and

WHEREAS, the public hearing was held at the time and place set forth in the order and all persons desiring to be heard were heard, and

WHEREAS, following the public hearing the Town Board concluded SEQR by adoption of a Negative Declaration, and

WHEREAS, the Town Board adopted a resolution making the determination required by Section 194 of the Town Law, and


WHEREAS, the permission of the State Comptroller for the extension of the district is not required,

IT IS HEREBY ORDERED as follows:


1. The Cornwall Water District in the Town of Cornwall, Orange County, New York, is hereby extended substantially in accordance with the map, plan and report, and the extension shall be bounded and described as set forth in annexed Schedule "A".

2. The Town Clerk is hereby ordered and directed to cause a certified copy of this order to be duly recorded in the office of the Orange County Clerk within ten (10) days after the adoption of this order and the Town Clerk is further ordered and directed to file a certified copy of this order in the office of the State Department of Audit and Control in Albany with ten (10) days.

3. This order shall take effect immediately.



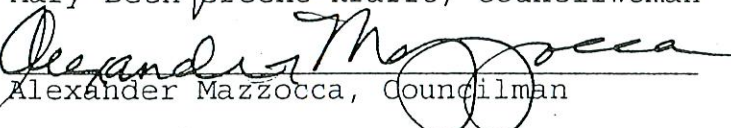
Richard Randazzo, Supervisor



Randolph S. Clark, Councilman



Mary Beth Greene-Krafft, Councilwoman



Alexander Mazzocca, Councilman

J. Kerry McGuinness, Councilman

JRL/mmw/ef/339070
00254-53632
11/30/05

LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

FEBRUARY 15, 2005

DESCRIPTION

LANDS OF CORNWALL COMMONS

TO BE ANNEXED TO THE TOWN OF CORNWALL

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

All that certain plot, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point lying on the northwesterly line of NYS Route 9W, said point being the northeasterly corner of lands herein described and the southeasterly corner of lands now or formerly Mid-Hudson II Holdings Company, Inc. (formerly New York/Ontario and Western Railroad); thence running along the northwesterly line of said NYS Route 9W, being the southeasterly line of lands herein described (1) South 43°-25'-50" West, as per Filed Map No. 10191, a distance of 190.90 feet to a point being the southeasterly corner of lands herein described and lying on the southerly line of the Town of New Windsor, being the northerly line of the Town of Cornwall; thence running through lands now or formerly Cornwall Commons, LLC being a southerly line of lands herein described, said line also being a portion of the southerly line of Town of New Windsor, being the northerly line of said Town of Cornwall (2) North 85°-07'-50" West, a distance of 4,545.69 feet to a point being the southwest corner of lands herein described and lying on the southeasterly line of lands now or formerly Moodna Creek Development, Ltd.; thence running along a portion of the southeasterly line of lands of said Moodna Creek Development, Ltd. and continuing along the southerly line of lands now or formerly Mid-Hudson II Holdings Company, Inc., being the northwesterly and northerly lines of lands herein described on the following twenty-two courses and distances: (3) on a curve to the right having a radius of 1,382.29 feet, an arc length of 746.77 feet, as defined by the chord North 55°-33'-14" East, 737.72 feet to a point of tangency; (4) North 71°-01'-50" East, a distance of 381.52 feet; (5) North 65°-19'-10" East, a distance of 392.82 feet; (6) North 69°-06'-30" East, a distance of 353.62 feet; (7) North 82°-47'-10" East, a distance of 186.02 feet; (8) South 59°-13'-00" East, a distance of 85.46 feet; (9) North 88°-14'-50" East, a distance of 186.38 feet; (10) South 69°-23'-20" East, a distance of 217.45 feet; (11) North 25°-59'-50" East, a distance of 20.00 feet; (12) South 64°-00'-10" East, a distance of 140.26 feet; (13) South 58°-38'-30" East, a distance of 141.69 feet; (14) South 34°-14'-50" East, a distance of 113.58 feet; (15) South 40°-19'-40" East, a distance of 391.08 feet; (16) South 43°-07'-00" East, a distance of 248.42 feet; (17) South 83°-22'-50" East, a distance of 55.00 feet; (18) South 71°-08'-10" East, a distance of 97.03 feet; (19) South 49°-32'-50" East, a distance of 92.23 feet; (20) South 71°-46'-10" East, a distance of 254.47 feet; (21) South 86°-18'-30" East, a distance of 270.13 feet; (22) South 83°-47'-20" East, a distance of 366.52 feet; (23) South 78°-25'-30" East, a distance of 275.38 feet; and (24) South 88°-18'-10" East, a distance of 262.40 feet to the point or place of beginning.

Containing: 53.862± acres.

Premises herein described being Tax Map Lot No. 45.1, in Block 1, within Section 37, as shown on the Tax Maps of the Town of New Windsor, Orange County, New York, dated 2004.

Premises herein described being a portion of the same premises as described in Liber 4171 of Deeds at Page 285, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a portion of a perpetual easement granted to Central Gas & Electric Corporation by the New York/Ontario and Western Railway Company for a gas transmission line as described in Liber 1860 of Deeds at Page 886 as filed in the Orange County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

COPY

1903
WHEREAS, heretofore on the 28th day of April 2005, Cornwall Commons filed Petitions with the Town Clerk seeking to extend the Cornwall Sewer District, Cornwall Water District and Cornwall Ambulance District, and

WHEREAS, heretofore on the 14th day of November, 2005 Cornwall Commons filed a Petition seeking to extend the Cornwall Refuse and Garbage District, and

WHEREAS, these are actions subject to the provision of SEQR, and

WHEREAS, the Town Board is the sole Involved Agency in all four actions, and

WHEREAS, the Town Board has also received Short Environmental Assessment Forms accompanying the said Petitions,

NOW, THEREFORE, be it resolved as follows:

1. The Town Board does hereby determine that the proposed extensions of the Cornwall Sewer District, Cornwall Water District, Cornwall Ambulance District and Cornwall Refuse and Garbage District are actions subject to the provision of SEQR and are Unlisted Actions.

2. That the Town Board does hereby assume Lead Agency status in all four SEQR proceedings; the Town Board is the sole Involved Agency.

Councilwoman MARY BETH GREENE -KRAFFT presented the foregoing resolution which was seconded by Councilman Randolph Clark,

The vote on the foregoing resolution was as follows:

Randolph S. Clark, Councilman, voting AYE

Mary Beth Greene-Krafft, Councilwoman, voting AYE

Alexander Mazzocca, Councilman, voting AYE

J. Kerry McGuinness, Councilman, voting AYE

Richard Randazzo, Supervisor, voting AYE

ALAN G. HEVESI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

February 28, 2006

James R. Loeb, Esq.
Counsel for the Town of Cornwall
One Corwin Court
P.O. Box 1479
Newburgh, New York 12550

Re: Town of Cornwall;
Extension to the Cornwall
Water District

Dear Mr. Loeb:

This will acknowledge receipt of the order of the town board of the Town of Cornwall dated December 12, 2005, extending the above referenced district. This order was filed in the Office of the State Comptroller on December 21, 2005.

In acknowledging receipt, we express no opinion as to the validity of the proceedings undertaken by the town in connection with the formation of this extension.

Very truly yours,

A handwritten signature in cursive script that reads "Mitchell S. Morris".

Mitchell S. Morris
Associate Counsel

MSM:EMM:sm
cc: Steve Fountain



At a meeting of the Town Board of the Town of Cornwall, Orange County, New York, held in said Town on the 11th day of June, 2001.

PRESENT: Helen Bunt, Supervisor
James Fanning, Councilman
David Lincoln, Councilman
Daniel Rohe, Councilman
Mary Beth Greene-Kraft, Councilperson

In the Matter

of

The Extension of The Cornwall Water District in the Town of Cornwall, Orange County, New York.

**RESOLUTION APPROVING
EXTENSION OF THE
CORNWALL WATER
DISTRICT**

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the TOWN OF CORNWALL, Orange County, New York, relating to the extension of a Water District in said Town, and

WHEREAS, such map, plan and said report was prepared by Lanc & Tully Engineering Consultants, P.C., a competent engineering firm duly licensed by the State of New York, describing the boundaries of the proposed district and the general plan of the said system including a report on the extent of improvements necessary; and

WHEREAS, the boundaries of said district are more particularly described in Schedule "A"; and

WHEREAS, an order was duly adopted by the Town Board of the Town of Cornwall, on May 14, 2001, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the maximum amount proposed to be expended for the improvements by the District, which as stated in the said petition, is zero (\$0.00) dollars it being the intention that the entire cost of the improvements are to be paid by the developer or its successor within the territory for which the extension of the district is proposed, that the estimated cost of hook-up to the system would not be levied by the district, the fact that the map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and stating all other matters required by law to be stated, and specifying June 6, 2001 at 7:10 p.m. on that day, as the time and the Town Hall located at 183 Main Street, Cornwall, New York, as the place where the said Town Board would meet to consider said map,

plan and report, and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, permission of the State Comptroller to create such district is not required because the cost is not to be financed by bonds, notes or other evidence of indebtedness.

WHEREAS, a hearing on said matter was duly held by said Town Board on June 6, 2001 at 7:10 p.m. of that day, at the Town Hall located at 183 Main Street, Cornwall, New York, and full discussion of the matter having been duly heard, and after due consideration; and

NOW, upon the evidence given upon such hearing, and upon motion of Councilwoman, MARY BETH GREENE-KRAFT seconded by Councilman, Daniel Rohe it is

RESOLVED:

Based on the map, plan and report, the Environmental Assessment Form, reviewed by this Board, and the recommendations of the Town's engineering consultant, and for the reason set forth in the SEQRA Negative Declaration attached hereto, this Board determines that this action will not have a significant impact on the environment.

BE IT FURTHER RESOLVED:

- (A) That the notice of hearing was published and posted as required by law and is otherwise sufficient.
- (B) That all property and property owners, within the proposed extension, are benefitted thereby.
- (C) That all the property and property owners benefitted are included within the limited of the proposed extension.
- (D) That it is in the public interest to extend said Town of Cornwall Water District; and it is

BE IT FURTHER RESOLVED, all expenses attended upon the extension of this District shall be the responsibility of the owner of the premises within such extension; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause a certified copy of this resolution to be filed in duplicate of the office of the State Department of Audit and Control at Albany.

BE IT FURTHER RESOLVED, that the extension of the Town of Cornwall Water District, as set forth in said map, plan and report be approved; and such district shall be bounded and described as set forth in Schedule "A" annexed.

The adopted of the foregoing was duly put to a vote and upon roll call, the vote was a s follows:

	Ayes	Nays
Helen Bunt, Supervisor	AYE	
James Fanning	AYE	
David Lincoln	AYE	
Daniel Rohe	AYE	
Mary Beth Greene-Krafft	AYE	

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

March 29, 2001

DESCRIPTION
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

All that certain plot, piece, or parcel of land situate in the Town of Cornwall, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point marked by a concrete monument lying on the northwesterly line of NYS Route 9W, said point being the southeasterly corner of lands herein described and the easterly corner of lands now or formerly Monahan; thence running along the northeasterly line of lands of said Monahan being a portion of a southwesterly line of lands herein described (1) North $40^{\circ}-09'-23''$ West, as per Filed Map No. 10191, a distance of 250.00 feet to a point being the northerly corner of lands of said Monahan and the easterly corner of lands now or formerly Bamb Realty Corp.; thence running along the northeasterly line of lands of said Bamb Realty Corp., being a portion of a southwesterly line of lands herein described (2) North $39^{\circ}-43'-23''$ West, a distance of 225.63 feet to an iron pipe being the northerly corner of land of said Bamb Realty Corp.; thence running along a portion of the northwesterly line of lands of said Bamb Realty Corp., being a southeasterly line of lands herein described (3) South $60^{\circ}-24'-13''$ West, a distance of 688.79 feet to an iron pipe being a southerly corner of lands herein described and the easterly corner of lands now or formerly Boggio; thence running along the northeasterly line of lands of said Boggio, being a southwesterly line of lands herein described (4) North $31^{\circ}-27'-23''$ West, a distance of 378.63 feet to a point being the northeasterly corner of lands of said Boggio; thence running along the northerly line of lands of said Boggio and continuing along the northerly line of lands now or formerly Brauer and lands now or formerly Mooney (5) North $81^{\circ}-06'-09''$ West, a distance of 611.55 feet to a point being the northerly corner of lands of said Mooney and the easterly corner of lands now or formerly DeLorenzo; thence running along the northeasterly line of lands of said DeLorenzo being a southwesterly line of lands herein described (6) North $22^{\circ}-31'-31''$ West, a distance of 173.30 feet to an iron pipe being the northerly corner of lands of said DeLorenzo and the easterly corner of lands now or formerly Haight; thence running along the northeasterly line of lands of said Haight being a southwesterly line of lands herein described (7) North $58^{\circ}-01'-49''$ West, a distance of 311.34 feet to a point being the northerly corner of lands of said Haight; thence running along the northwesterly line of lands of said Haight being a portion of a southeasterly line of lands herein described (8) South $34^{\circ}-01'-44''$ West, a distance of 130.17 feet to a point being the westerly corner of lands of lands of said Haight and the northerly corner of lands now or formerly Roach; thence running along the northwesterly line of lands of said Roach and continuing along the northwesterly line of lands now or formerly Tyson being a portion of a southeasterly line of lands herein described (9) South $34^{\circ}-03'-08''$ West, a distance of 211.99 feet to a point being the westerly corner of lands of said Tyson and the northerly corner of lands now or formerly DiMarzo; thence running along the northwesterly line of lands of said DiMarzo, being a portion of the southeasterly line of lands herein described (10) South $36^{\circ}-09'-23''$ West, a distance of 100.00 feet to a point being the westerly corner of lands of said DiMarzo; thence running along the southwesterly line of lands of said DiMarzo, being a northeasterly line of lands herein described (11) South $37^{\circ}-00'-37''$ East, a distance of 115.00 feet to a point being the southwesterly corner of lands of said DiMarzo, a southeasterly corner of lands herein

March 29, 2001

DESCRIPTION -continued
CORNWALL COMMONS, LLC,
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

described and lying on the northwesterly line of Frost Lane; thence running along a portion of the northwesterly line of said Frost Lane and continuing along the northwesterly line of lands now or formerly Sobocinske, lands now or formerly Mieczkowski, lands now or formerly Hershberger, lands now or formerly Nunally, lands now or formerly Florio, and a portion of Scofield Lane, being a southeasterly line of lands herein described (12) South 62°-09'-35" West, a distance of 923.34 feet to a point being the southwesterly corner of land herein described and the easterly corner of lands now or formerly Ladley; thence running along the northeasterly line of lands of said Ladley and continuing along the northeasterly line of Howard Street and a portion of the northeasterly line of lands now or formerly DiMiceli, being a southwesterly line of lands herein described (13) North 40°-31'-50" West, a distance of 256.23 feet to a point being a westerly corner of lands herein described and the southerly corner of lands now or formerly the Town of Cornwall; thence running along southerly, southeasterly and northeasterly lines of lands of said Town of Cornwall being northerly, northwesterly and southwesterly lines of lands herein described on the following three (3) courses and distances: (14) North 63°-33'-17" East, a distance of 110.57 feet; (15) North 30°-21'-30" East, a distance of 450.00 feet to a point being the easterly corner of lands of said Town of Cornwall; and (16) North 59°-07'-50" West, a distance of 250.48 feet to a point being the northerly corner of lands of said Town of Cornwall, a westerly corner of lands herein described and lying on the southeasterly line of lands now or formerly Moodna Creek Development, Ltd.; thence running along a portion of the southeasterly line of lands of said Moodna Creek Development Ltd., being a northwesterly line of lands herein described on the following six (6) courses and distances: (17) North 28°-21'-35" East, a distance of 132.13 feet; (18) North 44°-09'-30" East, a distance of 95.70 feet; (19) North 28°-22'-00" East, a distance of 686.70 feet; (20) North 12°-49'-40" East, a distance of 96.05 feet; (21) North 27°-00'-00" East, a distance of 545.75 feet to a point of curvature; and (22) on a curve to the right having a radius of 1,382.29 feet, an arc length of 299.35 feet, as defined by the chord North 33°-12'-14" East, 298.77 feet to a point being the northwesterly corner of lands herein described and the southwesterly corner of lands now or formerly Cornwall Commons, LLC, said point also lying on the northerly line of the Town of Cornwall being the southerly line of the Town of New Windsor; thence running along the northerly line of said Town of Cornwall, being the southerly line of said Town of New Windsor (23) South 87°-16'-58" East, a distance of 4,209.43 feet to a point lying on the southerly line of lands now or formerly the County of Orange; thence running along a portion of the southerly line of lands of said County of Orange, being a portion of the northerly line of lands herein described on the following two (2) courses and distances: (24) South 78°-25'-30" East, a distance of 118.44 feet; and (25) South 88°-18'-10" East, a distance of 88.19 feet to a point being a southwesterly corner of land of said Cornwall Commons, LLC, said point also lying on the northerly line of lands of said Town of Cornwall being the southerly line of lands of said Town of New Windsor; thence running along a portion of the northerly line of lands of said Town of Cornwall, being a portion of the southerly line of lands of said Town of New Windsor (23) South 87°-05'-53" East, a distance of 150.93 feet to a point being the southeasterly corner of lands of said Cornwall Commons, LLC, the northeasterly corner of lands herein described and lying on the northwesterly line of NYS Route 9W; thence running along the northwesterly line of said NYS Route 9W being a southeasterly line of lands herein described on the following two (2)

March 29, 2001

DESCRIPTION *continued*
ORNWALL COMMONS, LLC,
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

courses and distances: (27) South 43°-25'-50" West, a distance of 374.20 feet; and (28) South 42°-00'-40" West, a distance of 410.00 feet to a point being a southerly corner of lands herein described and the easterly corner of lands now or formerly New York Military Academy; thence running along northeasterly, northerly, northwesterly and southwesterly lines of lands of said New York Military Academy, being southwesterly, southerly, southeasterly, and northeasterly line of lands herein described on the following four (4) courses and distances: (29) North 47°-59'-20" West, a distance of 487.00 feet to a point being the northeasterly corner of lands of said New York Military Academy; (30) North 79°-42'-46" West, a distance of 802.18 feet to a point being the northerly corner of lands of said New York Military Academy; (31) South 58°-14'-40" West, a distance of 940.00 feet to a point being the westerly corner of lands of said New York Military Academy; and (32) South 31°-45'-20" East, a distance of 1,199.90 feet to a point being the southerly corner of lands of said New York Military Academy, an easterly corner of land herein described and lying on the northwesterly line of NYS Route 9W; thence running along the northwesterly line of NYS Route 9W, being a southeasterly line of lands herein described (33) South 58°-16'-19" West, a distance of 709.34 feet to the point or place of beginning; all as shown on a map entitled "Survey Prepared for Cornwall Commons, LLC, Town of Cornwall, Town of New Windsor, Orange County, New York", dated April 5, 1999, last revised April 26, 2000, prepared by Lanc & Tully Engineering and Surveying, P.C.

Containing 151.518± acres.

Premises herein described being Tax Map Lot No. 25.2, in Block 1, within Section 9, as shown on the Tax Maps of the Town of Cornwall, Orange County, New York, dated 2000.

Premises herein described being a portion of the same premises as described in Liber 4171 of Deeds at Page 285, as filed in the Orange County Clerk's Office.

Premises herein described being subject to an access easement as described in Liber 3436 of Deeds at Page 105, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a permanent easement for the City of New York Catskill Aqueduct as described in Liber 1592 of Deeds at Page 239, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a sanitary sewer easement as described in Liber 1725 of Deeds at Page 571, as filed in the Orange County Clerk's Office.

March 29, 2001

DESCRIPTION -continued
CORNWALL COMMONS, LLC,
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

Premises herein described being subject to utility easements as described in Liber 1234 of Deeds at Page 192 and Liber 1725 of Deeds at Page 571, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a restrictive easement to the Town of Cornwall as described in Liber 1725 of Deeds at Page 492, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants, or restrictions of record.

PRESENT: Helen Bunt, Supervisor
James Fanning, Councilman
David Lincoln, Councilman
Daniel Rohe, Councilman
Mary Beth Greene-Kraft, Councilperson

In the Matter

of

The Extension of The Cornwall Water District in the Town of
Cornwall, Orange County, New York.

**ORDER AND
DETERMINATION
EXTENDING THE
CORNWALL WATER
DISTRICT**

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the TOWN OF CORNWALL, Orange County, New York, relating to the extension of a Water District in said Town, and

WHEREAS, such map, plan and said report was prepared by Lanc & Tully Engineering Consultants, P.C., a competent engineering firm duly licensed by the State of New York, describing the boundaries of the proposed district and the general plan of the said system including a report on the extent of improvements necessary; and

WHEREAS, the boundaries of said district are more particularly described in Schedule "A"; and

WHEREAS, an order was duly adopted by the Town Board of the Town of Cornwall, on May 14, 2001, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the maximum amount proposed to be expended for the improvements by the District, which as stated in the said petition, is zero (\$0.00) dollars it being the intention that the entire cost of the improvements are to be paid by the developer or its successor within the territory for which the extension of the district is proposed, that the estimated cost of hook-up to the system would not be levied by the district, the fact that the map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and stating all other matters required by law to be stated, and specifying June 6, 2001 at 7:10 p.m. on that day, as the time and the Town Hall located at 183 Main Street, Cornwall, New York, as the place where the said Town Board would meet to consider said map, plan and report, and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, permission of the State Comptroller to create such district is not required because the cost is not to be financed by bonds, notes or other evidence of indebtedness; and

WHEREAS, a hearing on said matter was duly held by said Town Board on June 6, 2001 at 7:10 p.m. of that day, at the Town Hall located at 183 Main Street, Cornwall, New York, and full discussion of the matter having been duly heard, and after due consideration; and

WHEREAS, on even date herewith the Town Board adopted a resolution approving the extension of the Cornwall Water District.

DETERMINED AND ORDERED:

Based on the map, plan and report, the Environmental Assessment Form, reviewed by this Board, and the recommendations of the Town's engineering consultant, and for the reason set forth in the SEQRA Negative Declaration attached hereto, this Board determines that this action will not have a significant impact on the environment.

BE IT FURTHER DETERMINED AND ORDERED:

- (A) That the notice of hearing was published and posted as required by law and is otherwise sufficient.
- (B) That all property and property owners, within the proposed extension, are benefitted thereby.
- (C) That all the property and property owners benefitted are included within the limited of the proposed extension.
- (D) That it is in the public interest to extend said Town of Cornwall Water District; and it is

BE IT FURTHER DETERMINED AND ORDERED, all expenses attended upon the extension of this District shall be the responsibility of the owner of the premises within such extension; and

BE IT FURTHER DETERMINED AND ORDERED, that the Town Clerk shall cause a certified copy of this resolution to be filed in duplicate of the office of the State Department of Audit


and Control at Albany.

BE IT FURTHER DETERMINED AND ORDERED, that the Town Clerk shall cause a certified copy of this Order to be duly recorded in the Office of the Clerk in County of Orange, New York and such Clerk shall also within ten (10) days after adoption of this Order, cause a certified copy thereof to be filed in the Office of the State Department of Audit and Control at Albany, New York

The Town Board adopted of the foregoing was duly put to a vote and upon roll call, the vote was a s follows:


Helen Bunt, Supervisor


James Fanning, Councilperson


David Lincoln, Councilperson


Daniel Rohe, Councilperson


Mary Beth Greene-Krafft
COUNCILPERSON

LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

March 29, 2001

DESCRIPTION
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

All that certain plot, piece, or parcel of land situate in the Town of Cornwall, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point marked by a concrete monument lying on the northwesterly line of NYS Route 9W, said point being the southeasterly corner of lands herein described and the easterly corner of lands now or formerly Monahan; thence running along the northeasterly line of lands of said Monahan being a portion of a southwesterly line of lands herein described (1) North $40^{\circ}09'23''$ West, as per Filed Map No. 10191, a distance of 250.00 feet to a point being the northerly corner of lands of said Monahan and the easterly corner of lands now or formerly Bamb Realty Corp.; thence running along the northeasterly line of lands of said Bamb Realty Corp., being a portion of a southwesterly line of lands herein described (2) North $39^{\circ}43'23''$ West, a distance of 225.63 feet to an iron pipe being the northerly corner of land of said Bamb Realty Corp.; thence running along a portion of the northwesterly line of lands of said Bamb Realty Corp., being a southeasterly line of lands herein described (3) South $60^{\circ}24'13''$ West, a distance of 688.79 feet to an iron pipe being a southerly corner of lands herein described and the easterly corner of lands now or formerly Boggio; thence running along the northeasterly line of lands of said Boggio, being a southwesterly line of lands herein described (4) North $31^{\circ}27'23''$ West, a distance of 378.63 feet to a point being the northeasterly corner of lands of said Boggio; thence running along the northerly line of lands of said Boggio and continuing along the northerly line of lands now or formerly Brauer and lands now or formerly Mooney (5) North $81^{\circ}06'09''$ West, a distance of 611.55 feet to a point being the northerly corner of lands of said Mooney and the easterly corner of lands now or formerly DeLorenzo; thence running along the northeasterly line of lands of said DeLorenzo being a southwesterly line of lands herein described (6) North $22^{\circ}31'31''$ West, a distance of 173.30 feet to an iron pipe being the northerly corner of lands of said DeLorenzo and the easterly corner of lands now or formerly Haight; thence running along the northeasterly line of lands of said Haight being a southwesterly line of lands herein described (7) North $58^{\circ}01'49''$ West, a distance of 311.34 feet to a point being the northerly corner of lands of said of Haight; thence running along the northwesterly line of lands of said Haight being a portion of a southeasterly line of lands herein described (8) South $34^{\circ}01'44''$ West, a distance of 130.17 feet to a point being the westerly corner of lands of lands of said Haight and the northerly corner of lands now or formerly Roach; thence running along the northwesterly line of lands of said of Roach and continuing along the northwesterly line of lands now or formerly Tyson being a portion of a southeasterly line of lands herein described (9) South $34^{\circ}03'08''$ West, a distance of 211.99 feet to a point being the westerly corner of lands of said of Tyson and the northerly corner of lands now or formerly DiMarzo; thence running along the northwesterly line of lands of said Dimarzo, being a portion of the southeasterly line of lands herein described (10) South $36^{\circ}09'23''$ West, a distance of 100.00 feet to a point being the westerly corner of lands of said DiMarzo; thence running along the southwesterly line of lands of said Dimarzo, being a northeasterly line of lands herein described (11) South $37^{\circ}00'37''$ East, a distance of 115.00 feet to a point being the southwesterly corner of lands of said DiMarzo, a southeasterly corner of lands herein

March 29, 2001

DESCRIPTION -continued
 CORNWALL COMMONS, LLC,
 TOWN OF CORNWALL
 ORANGE COUNTY, NEW YORK

described and lying on the northwesterly line of Frost Lane; thence running along a portion of the northwesterly line of said Frost Lane and continuing along the northwesterly line of lands now or formerly Sobocinske, lands now or formerly Mieczkowski, lands now or formerly Hershberger, lands now or formerly Nunally, lands now or formerly Florio, and a portion of Scofield Lane, being a southeasterly line of lands herein described (12) South 62°-09'-35" West, a distance of 923.34 feet to a point being the southwesterly corner of land herein described and the easterly corner of lands now or formerly Ladley; thence running along the northeasterly line of lands of said Ladley and continuing along the northeasterly line of Howard Street and a portion of the northeasterly line of lands now or formerly DiMiceli, being a southwesterly line of lands herein described (13) North 40°-31'-50" West, a distance of 256.23 feet to a point being a westerly corner of lands herein described and the southerly corner of lands now or formerly the Town of Cornwall; thence running along southerly, southeasterly and northeasterly lines of lands of said Town of Cornwall being northerly, northwesterly and southwesterly lines of lands herein described on the following three (3) courses and distances: (14) North 63°-33'-17" East, a distance of 110.57 feet; (15) North 30°-21'-30" East, a distance of 450.00 feet to a point being the easterly corner of lands of said Town of Cornwall; and (16) North 59°-07'-50" West, a distance of 250.48 feet to a point being the northerly corner of lands of said Town of Cornwall, a westerly corner of lands herein described and lying on the southeasterly line of lands now or formerly Moodna Creek Development, Ltd.; thence running along a portion of the southeasterly line of lands of said Moodna Creek Development Ltd., being a northwesterly line of lands herein described on the following six (6) courses and distances: (17) North 28°-21'-35" East, a distance of 132.13 feet; (18) North 44°-09'-30" East, a distance of 95.70 feet; (19) North 28°-22'-00" East, a distance of 686.70 feet; (20) North 12°-49'-40" East, a distance of 96.05 feet; (21) North 27°-00'-00" East, a distance of 545.75 feet to a point of curvature; and (22) on a curve to the right having a radius of 1,382.29 feet, an arc length of 299.35 feet, as defined by the chord North 33°-12'-14" East, 298.77 feet to a point being the northwesterly corner of lands herein described and the southwesterly corner of lands now or formerly Cornwall Commons, LLC, said point also lying on the northerly line of the Town of Cornwall being the southerly line of the Town of New Windsor; thence running along the northerly line of said Town of Cornwall, being the southerly line of said Town of New Windsor (23) South 87°-16'-58" East, a distance of 4,209.43 feet to a point lying on the southerly line of lands now or formerly the County of Orange; thence running along a portion of the southerly line of lands of said County of Orange, being a portion of the northerly line of lands herein described on the following two (2) courses and distances: (24) South 78°-25'-30" East, a distance of 118.44 feet; and (25) South 88°-18'-10" East, a distance of 88.19 feet to a point being a southwesterly corner of land of said Cornwall Commons, LLC, said point also lying on the northerly line of lands of said Town of Cornwall being the southerly line of lands of said Town of New Windsor; thence running along a portion of the northerly line of lands of said Town of Cornwall, being a portion of the southerly line of lands of said Town of New Windsor (23) South 87°-05'-53" East, a distance of 150.93 feet to a point being the southeasterly corner of lands of said Cornwall Commons, LLC, the northeasterly corner of lands herein described and lying on the northwesterly line of NYS Route 9W; thence running along the northwesterly line of said NYS Route 9W being a southeasterly line of lands herein described on the following two (2)

March 29, 2001

DESCRIPTION-continued
**CORNWALL COMMONS, LLC,
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK**

courses and distances: (27) South 43°-25'-50" West, a distance of 374.20 feet; and (28) South 42°-00'-40" West, a distance of 410.00 feet to a point being a southerly corner of lands herein described and the easterly corner of lands now or formerly New York Military Academy; thence running along northeasterly, northerly, northwesterly and southwesterly lines of lands of said New York Military Academy, being southwesterly, southerly, southeasterly, and northeasterly line of lands herein described on the following four (4) courses and distances: (29) North 47°-59'-20" West, a distance of 487.00 feet to a point being the northeasterly corner of lands of said New York Military Academy; (30) North 79°-42'-46" West, a distance of 802.18 feet to a point being the northerly corner of lands of said New York Military Academy; (31) South 58°-14'-40" West, a distance of 940.00 feet to a point being the westerly corner of lands of said New York Military Academy; and (32) South 31°-45'-20" East, a distance of 1,199.90 feet to a point being the southerly corner of lands of said New York Military Academy, an easterly corner of land herein described and lying on the northwesterly line of NYS Route 9W; thence running along the northwesterly line of NYS Route 9W, being a southeasterly line of lands herein described (33) South 58°-16'-19" West, a distance of 709.34 feet to the point or place of beginning; all as shown on a map entitled "Survey Prepared for Cornwall Commons, LLC, Town of Cornwall, Town of New Windsor, Orange County, New York", dated April 5, 1999, last revised April 26, 2000, prepared by Lanc & Tully Engineering and Surveying, P.C.

Containing 151.518± acres.

Premises herein described being Tax Map Lot No. 25.2, in Block 1, within Section 9, as shown on the Tax Maps of the Town of Cornwall, Orange County, New York, dated 2000.

Premises herein described being a portion of the same premises as described in Liber 4171 of Deeds at Page 285, as filed in the Orange County Clerk's Office.

Premises herein described being subject to an access easement as described in Liber 3436 of Deeds at Page 105, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a permanent easement for the City of New York Catskill Aqueduct as described in Liber 1592 of Deeds at Page 239, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a sanitary sewer easement as described in Liber 1725 of Deeds at Page 571, as filed in the Orange County Clerk's Office.

March 29, 2001

DESCRIPTION-continued
CORNWALL COMMONS, LLC,
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

Premises herein described being subject to utility easements as described in Liber 1234 of Deeds at Page 192 and Liber 1725 of Deeds at Page 571, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a restrictive easement to the Town of Cornwall as described in Liber 1725 of Deeds at Page 492, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants, or restrictions of record.

TOWN OF CORNWALL TOWN BOARD
TOWN OF CORNWALL WATER DISTRICT EXTENSION

**SEQRA
Negative Declaration**

Date June 11, 2001

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Town Board of the Town of Cornwall, as lead agency, has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Cornwall Commons - Cornwall Water District Extension

SEQR Status: Type 1

Unlisted

Description of Action:

Extension of the existing Cornwall Water District in the Town of Cornwall to include a ±151.518 acre parcel being a portion of Petitioners premises located on the northwest side of New York State Route 9W in said town.

Location:

Northwest side of New York State Route 9W, west of the intersection of Forge Hill Road and approximately 300 feet west of the New York Ontario and Western Railroad line. The property is designated on Town of Cornwall tax map as Section 9, Block 1, Lot 25.2.

Reasons Supporting This Determination:

The Town Board has reviewed a long Environmental Assessment Form (EAF) submitted in support of this action together with the Petition, map, plan and report prepared and submitted by Petitioner. The Board's actions are consistent with town's policy to encourage central water service and provide that service by including properties to be served in a water district. Inclusion of this property in the District strengthens the grid of existing system which serves neighboring properties.

Due to the fact that this property is located in a commercial district, any subsequent development of this parcel on any portion of it will require, at the very least, site plan approval from the Town of Cornwall Planning Board including full compliance with SEQRA. At that time, the details regarding land disturbance and any other physical alteration to the site will be fully reviewed and examined by the Town of Cornwall Planning Board and all other involved agencies.

The Board reviewed the contract between the developer and the Village of Cornwall-on-Hudson which evidenced that adequate water supply is available to service this parcel. The Town Board acknowledges that any future developer could enter into an outside user agreement with the Village of Cornwall-on-Hudson to provide water to the site without the necessity of extending the District. Therefore, this extension of the water district in and of itself does not induce the development of this parcel. The Board further finds that the inclusion of this property in the District will allow for orderly development of the property in relation to surrounding properties already served by the water district. Based on the above the Board finds that there is no potential environmental impacts associated with the extension of this water district.

For Further Information:

Contact Person: Hon. Elaine Tillford Schneer, Town Clerk

Address: Town of Cornwall
183 Main Street
Cornwall, New York 10918

Phone No.: 845-534-9100

Copies of this Notice Sent to:

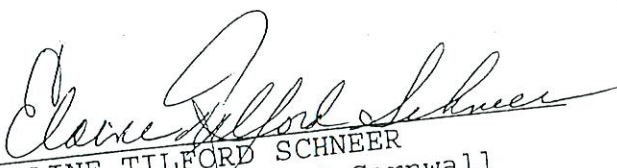
Separate Notice Sent to:

EXHIBIT 3

STATE OF NEW YORK:
COUNTY OF ORANGE : ss.
TOWN OF CORNWALL :

I, ELAINE TILFORD SCHNEER, the Town Clerk of the Town of Cornwall, County of Orange, State of New York, do hereby certify that I have compared the preceding Order with the original thereof filed in my Office on the 13th day of December, 2005 and that the same is a true and correct copy of said original and the whole thereof, as far as the same relates to the subject matters referred therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Cornwall this 12th day of December, 2005.


ELAINE TILFORD SCHNEER
Town Clerk Town of Cornwall

(Seal)

Board of the
Cornwall in the County of
Orange, State of New
York, held at Town Hall,
183 Main Street,
Town of Cornwall, NY,
On the 12th day of
December, 2005

-----x
In the Matter of the Extension
of Cornwall Ambulance District
in the Town of Cornwall, County
of Orange, State of New York,
Pursuant to Article 12 of the Town Law
-----x

ORDER OF
TOWN BOARD
EXTENDING
AMBULANCE DISTRICT

WHEREAS, a written Petition dated the 25th day of
April, 2005 in due form and containing the required signatures
has been filed with the Town Clerk on the 28th day of April, 2005
which Petition has been presented to and filed with the Town
Board of the Town of Cornwall, County of Orange, State of New
York, for the extension of Cornwall Ambulance District in the
Town of Cornwall bounded and described in annexed Schedule "A",
and

WHEREAS, a detailed explanation of how the hook-up
fees, if any, and the cost to the typical one-family home in the
proposed district was computed was filed in the Town Clerk's
Office on the 14th day of November, 2005, and

WHEREAS, at a meeting of the Town Board held on the
14th day of November, 2005, an order was adopted by the Town
Board reciting the description of the boundaries of the district,
the fact that there were no improvements proposed, the fact that
there was no maximum amount proposed to be expended, the fact that
that the map, plan and report together with the detailed

explanation of how any hook-up fees and the cost to the typical one-family home were computed were on file in the Town Clerk's Office and specifying the 12th day of December, 2005 at 7:00 p.m. in the Town Hall, 183 Main Street, Cornwall, New York, as the time when and the place where the Town Board would meet in a public hearing to hear all persons interested in the creation of the district and for any other action on the part of the Town Board concerning the proposed district as may be required by law, and

WHEREAS, the order was published and posted in the manner and in the time prescribed by Town Law Section 193 and proof of the publication and posting having been presented to the Town Board, and

WHEREAS, the public hearing was held at the time and place set forth in the order and all persons desiring to be heard were heard, and

WHEREAS, following the public hearing the Town Board concluded SEQOR by adoption of a Negative Declaration, and

WHEREAS, the Town Board adopted a resolution making the determination required by Section 194 of the Town Law, and

WHEREAS, the permission of the State Comptroller for the extension of the district is not required,


IT IS HEREBY ORDERED as follows:

1. The Cornwall Ambulance District in the Town of Cornwall, Orange County, New York, is hereby extended substantially in accordance with the map, plan and report, and

the extension shall be bounded and described as set forth in annexed Schedule "A".

2. The Town Clerk is hereby ordered and directed to cause a certified copy of this order to be duly recorded in the office of the Orange County Clerk within ten (10) days after the adoption of this order and the Town Clerk is further ordered and directed to file a certified copy of this order in the office of the State Department of Audit and Control in Albany with ten (10) days.

3. This order shall take effect immediately.


Richard Randazzo, Supervisor


Randolph S. Clark, Councilman


Mary Beth Greene-Krafft, Councilwoman


Alexander Mazzocca, Councilman

J. Kerry McGuinness, Councilman

JRL/mmw/ef/339104
00254-53632
11/30/05

LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

FEBRUARY 15, 2005

DESCRIPTION

LANDS OF CORNWALL COMMONS

TO BE ANNEXED TO THE TOWN OF CORNWALL

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

All that certain plot, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point lying on the northwesterly line of NYS Route 9W, said point being the northeasterly corner of lands herein described and the southeasterly corner of lands now or formerly Mid-Hudson II Holdings Company, Inc. (formerly New York/Ontario and Western Railroad); thence running along the northwesterly line of said NYS Route 9W, being the southeasterly line of lands herein described (1) South 43°-25'-50" West, as per Filed Map No. 10191, a distance of 190.90 feet to a point being the southeasterly corner of lands herein described and lying on the southerly line of the Town of New Windsor, being the northerly line of the Town of Cornwall; thence running through lands now or formerly Cornwall Commons, LLC being a southerly line of lands herein described, said line also being a portion of the southerly line of Town of New Windsor, being the northerly line of said Town of Cornwall (2) North 85°-07'-50" West, a distance of 4,545.69 feet to a point being the southwest corner of lands herein described and lying on the southeasterly line of lands now or formerly Moodna Creek Development, Ltd.; thence running along a portion of the southeasterly line of lands of said Moodna Creek Development, Ltd. and continuing along the southerly line of lands now or formerly Mid-Hudson II Holdings Company, Inc., being the northwesterly and northerly lines of lands herein described on the following twenty-two courses and distances: (3) on a curve to the right having a radius of 1,382.29 feet, an arc length of 746.77 feet, as defined by the chord North 55°-33'-14" East, 737.72 feet to a point of tangency; (4) North 71°-01'-50" East, a distance of 381.52 feet; (5) North 55°-33'-14" East, 737.72 feet to a point of tangency; (6) North 69°-06'-30" East, a distance of 353.62 feet; (7) North 82°-47'-10" East, a distance of 186.02 feet; (8) South 59°-13'-00" East, a distance of 85.46 feet; (9) North 88°-14'-50" East, a distance of 186.38 feet; (10) South 69°-23'-20" East, a distance of 217.45 feet; (11) North 25°-59'-50" East, a distance of 20.00 feet; (12) South 64°-00'-10" East, a distance of 140.26 feet; (13) South 58°-38'-30" East, a distance of 141.69 feet; (14) South 34°-14'-50" East, a distance of 113.58 feet; (15) South 40°-19'-40" East, a distance of 391.08 feet; (16) South 43°-07'-00" East, a distance of 248.42 feet; (17) South 83°-22'-50" East, a distance of 55.00 feet; (18) South 71°-08'-10" East, a distance of 97.03 feet; (19) south 49°-32'-50" East, a distance of 92.23 feet; (20) South 71°-46'-10" East, a distance of 254.47 feet; (21) South 86°-18'-30" East, a distance of 270.13 feet; (22) South 83°-47'-20" East, a distance of 366.52 feet; (23) South 78°-25'-30" East, a distance of 275.38 feet; and (24) South 88°-18'-10" East, a distance of 262.40 feet to the point or place of beginning.

Containing: 53.862± acres.

Premises herein described being Tax Map Lot No. 45.1, in Block 1, within Section 37, as shown on the Tax Maps of the Town of New Windsor, Orange County, New York, dated 2004.

Premises herein described being a portion of the same premises as described in Liber 4171 of Deeds at Page 285, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a portion of a perpetual easement granted to Central Gas & Electric Corporation by the New York/Ontario and Western Railway Company for a gas transmission line as described in Liber 1860 of Deeds at Page 886 as filed in the Orange County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

11-17-2005
9109
WHEREAS, heretofore on the 28th day of April 2005, Cornwall Commons filed Petitions with the Town Clerk seeking to extend the Cornwall Sewer District, Cornwall Water District and Cornwall Ambulance District, and

COPY

WHEREAS, heretofore on the 14th day of November, 2005 Cornwall Commons filed a Petition seeking to extend the Cornwall Refuse and Garbage District, and

WHEREAS, these are actions subject to the provision of SEQR, and

WHEREAS, the Town Board is the sole Involved Agency in all four actions, and

WHEREAS, the Town Board has also received Short Environmental Assessment Forms accompanying the said Petitions,

NOW, THEREFORE, be it resolved as follows:

1. The Town Board does hereby determine that the proposed extensions of the Cornwall Sewer District, Cornwall Water District, Cornwall Ambulance District and Cornwall Refuse and Garbage District are actions subject to the provision of SEQR and are Unlisted Actions.

2. That the Town Board does hereby assume Lead Agency status in all four SEQR proceedings; the Town Board is the sole Involved Agency.

Councilwoman MARY BETH GREENE -KRAFFT presented the foregoing resolution which was seconded by Councilman Randolph Clark,

The vote on the foregoing resolution was as follows:

Randolph S. Clark, Councilman, voting AYE

Mary Beth Greene-Krafft, Councilwoman, voting AYE

Alexander Mazzocca, Councilman, voting AYE

J. Kerry McGuinness, Councilman, voting AYE

Richard Randazzo, Supervisor, voting AYE

ALAN G. HEVESI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

December 22, 2005

James R. Loeb, Esq.
Counsel for the Town of Cornwall
One Corwin Court
P.O. Box 1479
Newburgh, New York 12550

Re: Town of Cornwall;
Extension to the Ambulance
District

Dear Mr. Loeb:

This will acknowledge receipt of the order of the town board of the Town of Cornwall dated December 12, 2005, extending the above referenced district. This order was filed in the Office of the State Comptroller on December 21, 2005.

In acknowledging receipt, we express no opinion as to the validity of the proceedings undertaken by the town in connection with the formation of this extension.

Very truly yours,

A handwritten signature in cursive script that reads "Mitchell S. Morris".

Mitchell S. Morris
Associate Counsel

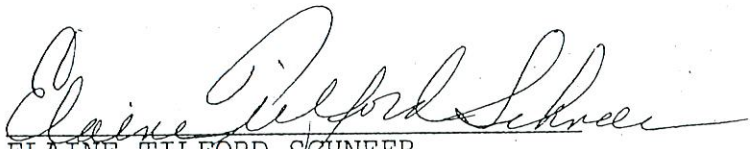
MSM:EMM:sm
cc: Steve Fountain

EXHIBIT 4

STATE OF NEW YORK:
COUNTY OF ORANGE : ss.
TOWN OF CORNWALL :

I, ELAINE TILFORD SCHNEER, the Town Clerk of the Town of Cornwall, County of Orange, State of New York, do hereby certify that I have compared the preceding Order with the original thereof filed in my Office on the 13th day of December 2005 and that the same is a true and correct copy of said original and the whole thereof, as far as the same relates to the subject matters referred therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Cornwall this 13th day of December 2005.


ELAINE TILFORD SCHNEER
Town Clerk Town of Cornwall

(Seal)

At a Meeting of the Town Board of the Town of Cornwall in the County of Orange, State of New York, held at Town Hall, 183 Main Street, Town of Cornwall, NY, On the 12th day of December, 2005

-----x
In the Matter of the Extension of Cornwall Refuse and Garbage District in the Town of Cornwall, County of Orange, State of New York, Pursuant to Article 12 of the Town Law
-----x

**ORDER OF
TOWN BOARD
EXTENDING
REFUSE AND GARBAGE
DISTRICT**

WHEREAS, a written Petition dated the 25th day of April, 2005 in due form and containing the required signatures has been filed with the Town Clerk on the 28th day of April, 2005 which Petition has been presented to and filed with the Town Board of the Town of Cornwall, County of Orange, State of New York, for the extension of Cornwall Refuse and Garbage District in the Town of Cornwall bounded and described in annexed Schedule "A", and

WHEREAS, a detailed explanation of how the hook-up fees, if any, and the cost to the typical one-family home in the proposed district was computed was filed in the Town Clerk's Office on the 14th day of November, 2005, and

WHEREAS, at a meeting of the Town Board held on the 14th day of November, 2005, an order was adopted by the Town Board reciting the description of the boundaries of the district, the fact that there were no improvements proposed, the fact that there was no maximum amount proposed to be expended, the fact that the map, plan and report together with the detailed

explanation of how any hook-up fees and the cost to the typical one-family home were computed were on filed in the Town Clerk's Office and specifying the 12th day of December, 2005 at 7:00 p.m. in the Town Hall, 183 Main Street, Cornwall, New York, as the time when and the place where the Town Board would meet in a public hearing to hear all persons interested in the creation of the district and for any other action on the part of the Town Board concerning the proposed district as may be required by law, and

WHEREAS, the order was published and posted in the manner and in the time prescribed by Town Law Section 193 and proof of the publication and posting having been presented to the Town Board, and

WHEREAS, the public hearing was held at the time and place set forth in the order and all persons desiring to be heard were heard, and

WHEREAS, following the public hearing the Town Board concluded SEQOR by adoption of a Negative Declaration, and

WHEREAS, the Town Board adopted a resolution making the determination required by Section 194 of the Town Law, and

WHEREAS, the permission of the State Comptroller for the extension of the district is not required,

IT IS HEREBY ORDERED as follows:

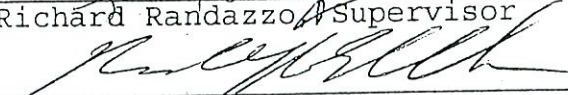
1. The Cornwall Refuse and Garbage District in the Town of Cornwall, Orange County, New York, is hereby extended substantially in accordance with the map, plan and report, and

the extension shall be bounded and described as set forth in annexed Schedule "A".


2. The Town Clerk is hereby ordered and directed to cause a certified copy of this order to be duly recorded in the office of the Orange County Clerk within ten (10) days after the adoption of this order and the Town Clerk is further ordered and directed to file a certified copy of this order in the office of the State Department of Audit and Control in Albany with ten (10) days.

3. This order shall take effect immediately.


Richard Randazzo, Supervisor


Randolph S. Clark, Councilman


Mary Beth Greene-Krafft, Councilwoman


Alexander Mazzocca, Councilman

J. Kerry McGuinness, Councilman

JRL/mmw/ef/339104
00254-53632
11/30/05

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

FEBRUARY 15, 2005

DESCRIPTION
LANDS OF CORNWALL COMMONS
TO BE ANNEXED TO THE TOWN OF CORNWALL
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

All that certain plot, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point lying on the northwesterly line of NYS Route 9W, said point being the northeasterly corner of lands herein described and the southeasterly corner of lands now or formerly Mid-Hudson II Holdings Company, Inc. (formerly New York/Ontario and Western Railroad); thence running along the northwesterly line of said NYS Route 9W, being the southeasterly line of lands herein described (1) South 43°-25'-50" West, as per Filed Map No. 10191, a distance of 190.90 feet to a point being the southeasterly corner of lands herein described and lying on the southerly line of the Town of New Windsor, being the northerly line of the Town of Cornwall; thence running through lands now or formerly Cornwall Commons, LLC being a southerly line of lands herein described, said line also being a portion of the southerly line of Town of New Windsor, being the northerly line of said Town of Cornwall (2) North 85°-07'-50" West, a distance of 4,545.69 feet to a point being the southwestery corner of lands herein described and lying on the southeasterly line of lands now or formerly Moodna Creek Development, Ltd.; thence running along a portion of the southeasterly line of lands of said Moodna Creek Development, Ltd. and continuing along the southerly line of lands now or formerly Mid-Hudson II Holdings Company, Inc., being the northwesterly and northerly lines of lands herein described on the following twenty-two courses and distances: (3) on a curve to the right having a radius of 1,382.29 feet, an arc length of 746.77 feet, as defined by the chord North 55°-33'-14" East, 737.72 feet to a point of tangency; (4) North 71°-01'-50" East, a distance of 381.52 feet; (5) North 65°-19'-10" East, a distance of 392.82 feet; (6) North 69°-06'-30" East, a distance of 353.62 feet; (7) North 82°-47'-10" East, a distance of 186.02 feet; (8) South 59°-13'-00" East, a distance of 85.46 feet; (9) North 88°-14'-50" East, a distance of 186.38 feet; (10) South 69°-23'-20" East, a distance of 217.45 feet; (11) North 25°-59'-50" East, a distance of 20.00 feet; (12) South 64°-00'-10" East, a distance of 140.26 feet; (13) South 58°-38'-30" East, a distance of 141.69 feet; (14) South 34°-14'-50" East, a distance of 113.58 feet; (15) South 40°-19'-40" East, a distance of 391.08 feet; (16) South 43°-07'-00" East, a distance of 248.42 feet; (17) South 83°-22'-50" East, a distance of 55.00 feet; (18) South 71°-08'-10" East, a distance of 97.03 feet; (19) south 49°-32'-50" East, a distance of 92.23 feet; (20) South 71°-46'-10" East, a distance of 254.47 feet; (21) South 86°-18'-30" East, a distance of 270.13 feet; (22) South 83°-47'-20" East, a distance of 366.52 feet; (23) South 78°-25'-30" East, a distance of 275.38 feet; and (24) South 88°-18'-10" East, a distance of 262.40 feet to the point or place of beginning.

Containing: 53.862± acres.

Premises herein described being Tax Map Lot No. 45.1, in Block 1, within Section 37, as shown on the Tax Maps of the Town of New Windsor, Orange County, New York, dated 2004.

Premises herein described being a portion of the same premises as described in Liber 4171 of Deeds at Page 285, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a portion of a perpetual easement granted to Central Gas & Electric Corporation by the New York/Ontario and Western Railway Company for a gas transmission line as described in Liber 1860 of Deeds at Page 886 as filed in the Orange County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

COPY

1909
WHEREAS, heretofore on the 28th day of April 2005, Cornwall Commons filed Petitions with the Town Clerk seeking to extend the Cornwall Sewer District, Cornwall Water District and Cornwall Ambulance District, and

WHEREAS, heretofore on the 14th day of November, 2005 Cornwall Commons filed a Petition seeking to extend the Cornwall Refuse and Garbage District, and

WHEREAS, these are actions subject to the provision of SEQR, and

WHEREAS, the Town Board is the sole Involved Agency in all four actions, and

WHEREAS, the Town Board has also received Short Environmental Assessment Forms accompanying the said Petitions,

NOW, THEREFORE, be it resolved as follows:

1. The Town Board does hereby determine that the proposed extensions of the Cornwall Sewer District, Cornwall Water District, Cornwall Ambulance District and Cornwall Refuse and Garbage District are actions subject to the provision of SEQR and are Unlisted Actions.

2. That the Town Board does hereby assume Lead Agency status in all four SEQR proceedings; the Town Board is the sole Involved Agency.

Councilwoman MARY BETH GREENE-KRAFFT presented the foregoing resolution which was seconded by Councilman Randolph Clark

The vote on the foregoing resolution was as follows:

- Randolph S. Clark, Councilman, voting AYE
- Mary Beth Greene-Krafft, Councilwoman, voting AYE
- Alexander Mazzocca, Councilman, voting AYE
- J. Kerry McGuinness, Councilman, voting AYE
- Richard Randazzo, Supervisor, voting AYE

ALAN G. HEVESI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

December 22, 2005

James R. Loeb, Esq.
Counsel for the Town of Cornwall
One Corwin Court
P.O. Box 1479
Newburgh, New York 12550

Re: Town of Cornwall;
Extension to the Cornwall
Refuse and Garbage District

Dear Mr. Loeb:

This will acknowledge receipt of the order of the town board of the Town of Cornwall dated December 12, 2005, extending the above referenced district. This order was filed in the Office of the State Comptroller on December 21, 2005.

In acknowledging receipt, we express no opinion as to the validity of the proceedings undertaken by the town in connection with the formation of this extension.

Very truly yours,

A handwritten signature in cursive script that reads "Mitchell S. Morris".

Mitchell S. Morris
Associate Counsel

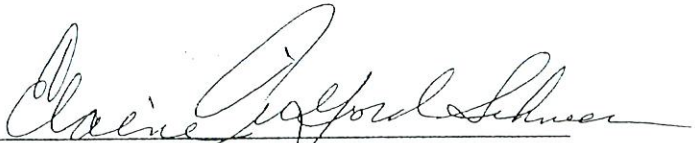
MSM:EMM:sm
cc: Steve Fountain

EXHIBIT 5

STATE OF NEW YORK:
COUNTY OF ORANGE : ss.
TOWN OF CORNWALL :

I, ELAINE TILFORD SCHNEER, the Town Clerk of the Town of Cornwall, County of Orange, State of New York, do hereby certify that I have compared the preceding Order with the original thereof filed in my Office on the 13th day of December 2005 and that the same is a true and correct copy of said original and the whole thereof, as far as the same relates to the subject matters referred therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Cornwall this 13th day of December 2005.



ELAINE TILFORD SCHNEER
Town Clerk Town of Cornwall

(Seal)

At a Meeting of the Town Board of the Town of Cornwall in the County of Orange, State of New York, held at Town Hall, 183 Main Street, Town of Cornwall, NY, On the 12th day of December, 2005

-----X
In the Matter of the Extension of Cornwall Sewer District in the Town of Cornwall, County of Orange, State of New York, Pursuant to Article 12 of the Town Law
-----X

ORDER OF
TOWN BOARD
EXTENDING
SEWER DISTRICT

WHEREAS, a written Petition dated the 25th day of April, 2005 in due form and containing the required signatures has been filed with the Town Clerk on the 28th day of April, 2005 which Petition has been presented to and filed with the Town Board of the Town of Cornwall, County of Orange, State of New York, for the extension of Cornwall Sewer District in the Town of Cornwall bounded and described in annexed Schedule "A", and

WHEREAS, a detailed explanation of how the hook-up fees, if any, and the cost to the typical one-family home in the proposed district was computed was filed in the Town Clerk's Office on the 14th day of November, 2005, and

WHEREAS, at a meeting of the Town Board held on the 14th day of November, 2005, an order was adopted by the Town Board reciting the description of the boundaries of the district, the fact that there were no improvements proposed, the fact that there was no maximum amount proposed to be expended, the fact that the map, plan and report together with the detailed explanation of how any hook-up fees and the cost to the typical

one-family home were computed were on filed in the Town Clerk's Office and specifying the 12th day of December, 2005 at 7:00 p.m. in the Town Hall, 183 Main Street, Cornwall, New York, as the time when and the place where the Town Board would meet in a public hearing to hear all persons interested in the creation of the district and for any other action on the part of the Town Board concerning the proposed district as may be required by law, and

WHEREAS, the order was published and posted in the manner and in the time prescribed by Town Law Section 193 and proof of the publication and posting having been presented to the Town Board, and

WHEREAS, the public hearing was held at the time and place set forth in the order and all persons desiring to be heard were heard, and

WHEREAS, following the public hearing the Town Board concluded SEQR by adoption of a Negative Declaration, and

WHEREAS, the Town Board adopted a resolution making the determinations required by Section 194 of the Town Law, and

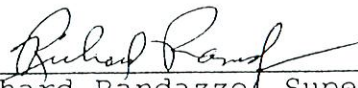
WHEREAS, the permission of the State Comptroller for the extension of the district is not required,

IT IS HEREBY ORDERED as follows:

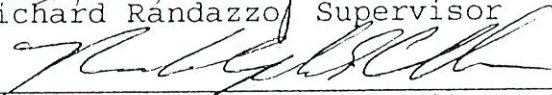
1. The Cornwall Sewer District in the Town of Cornwall, Orange County, New York, is hereby extended substantially in accordance with the map, plan and report, and the extension shall be bounded and described as set forth in annexed Schedule "A".

2. The Town Clerk is hereby ordered and directed to cause a certified copy of this order to be duly recorded in the office of the Orange County Clerk within ten (10) days after the adoption of this order and the Town Clerk is further ordered and directed to file a certified copy of this order in the office of the State Department of Audit and Control in Albany within ten (10) days.

3. This order shall take effect immediately.



Richard Randazzo, Supervisor



Randolph S. Clark, Councilman



Mary Beth Greene-Krafft, Councilwoman



Alexander Mazzocca, Councilman

J. Kerry McGuinness, Councilman

JRL/mmw/339051
00254-53632
11/30/05

LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

FEBRUARY 15, 2005

DESCRIPTION

LANDS OF CORNWALL COMMONS

TO BE ANNEXED TO THE TOWN OF CORNWALL

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

All that certain plot, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point lying on the northwesterly line of NYS Route 9W, said point being the northeasterly corner of lands herein described and the southeasterly corner of lands now or formerly Mid-Hudson II Holdings Company, Inc. (formerly New York/Ontario and Western Railroad); thence running along the northwesterly line of said NYS Route 9W, being the southeasterly line of lands herein described (1) South 43°-25'-50" West, as per Filed Map No. 10191, a distance of 190.90 feet to a point being the southeasterly corner of lands herein described and lying on the southerly line of the Town of New Windsor, being the northerly line of the Town of Cornwall; thence running through lands now or formerly Cornwall Commons, LLC being a southerly line of lands herein described, said line also being a portion of the southerly line of Town of New Windsor, being the northerly line of said Town of Cornwall (2) North 85°-07'-50" West, a distance of 4,545.69 feet to a point being the southwest corner of lands herein described and lying on the southeasterly line of lands now or formerly Moodna Creek Development, Ltd.; thence running along a portion of the southeasterly line of lands of said Moodna Creek Development, Ltd. and continuing along the southerly line of lands now or formerly Mid-Hudson II Holdings Company, Inc., being the northwesterly and northerly lines of lands herein described on the following twenty-two courses and distances: (3) on a curve to the right having a radius of 1,382.29 feet, an arc length of 746.77 feet, as defined by the chord North 55°-33'-14" East, 737.72 feet to a point of tangency; (4) North 71°-01'-50" East, a distance of 381.52 feet; (5) North 65°-19'-10" East, a distance of 392.82 feet; (6) North 69°-06'-30" East, a distance of 353.62 feet; (7) North 82°-47'-10" East, a distance of 186.02 feet; (8) South 59°-13'-00" East, a distance of 85.46 feet; (9) North 88°-14'-50" East, a distance of 186.38 feet; (10) South 69°-23'-20" East, a distance of 217.45 feet; (11) North 25°-59'-50" East, a distance of 20.00 feet; (12) South 64°-00'-10" East, a distance of 140.26 feet; (13) South 58°-38'-30" East, a distance of 141.69 feet; (14) South 34°-14'-50" East, a distance of 113.58 feet; (15) South 40°-19'-40" East, a distance of 391.08 feet; (16) South 43°-07'-00" East, a distance of 248.42 feet; (17) South 83°-22'-50" East, a distance of 55.00 feet; (18) South 71°-08'-10" East, a distance of 97.03 feet; (19) south 49°-32'-50" East, a distance of 92.23 feet; (20) South 71°-46'-10" East, a distance of 254.47 feet; (21) South 86°-18'-30" East, a distance of 270.13 feet; (22) South 83°-47'-20" East, a distance of 366.52 feet; (23) South 78°-25'-30" East, a distance of 275.38 feet; and (24) South 88°-18'-10" East, a distance of 262.40 feet to the point or place of beginning.

Containing: 53.862± acres.

Premises herein described being Tax Map Lot No. 45.1, in Block 1, within Section 37, as shown on the Tax Maps of the Town of New Windsor, Orange County, New York, dated 2004.

Premises herein described being a portion of the same premises as described in Liber 4171 of Deeds at Page 285, as filed in the Orange County Clerk's Office.

Premises herein described being subject to a portion of a perpetual easement granted to Central Gas & Electric Corporation by the New York/Ontario and Western Railway Company for a gas transmission line as described in Liber 1860 of Deeds at Page 886 as filed in the Orange County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

COPY

9109
WHEREAS, heretofore on the 28th day of April 2005, Cornwall Commons filed Petitions with the Town Clerk seeking to extend the Cornwall Sewer District, Cornwall Water District and Cornwall Ambulance District, and

WHEREAS, heretofore on the 14th day of November, 2005 Cornwall Commons filed a Petition seeking to extend the Cornwall Refuse and Garbage District, and

WHEREAS, these are actions subject to the provision of SEQR, and

WHEREAS, the Town Board is the sole Involved Agency in all four actions, and

WHEREAS, the Town Board has also received Short Environmental Assessment Forms accompanying the said Petitions,

NOW, THEREFORE, be it resolved as follows:

1. The Town Board does hereby determine that the proposed extensions of the Cornwall Sewer District, Cornwall Water District, Cornwall Ambulance District and Cornwall Refuse and Garbage District are actions subject to the provision of SEQR and are Unlisted Actions.

2. That the Town Board does hereby assume Lead Agency status in all four SEQR proceedings; the Town Board is the sole Involved Agency.

Councilwoman MARY BETH GREENE -KRAFFT presented the foregoing resolution which was seconded by Councilman Randolph Clark

The vote on the foregoing resolution was as follows:

Randolph S. Clark, Councilman, voting AYE

Mary Beth Greene-Krafft, Councilwoman, voting AYE

Alexander Mazzocca, Councilman, voting AYE

J. Kerry McGuinness, Councilman, voting AYE

Richard Randazzo, Supervisor, voting AYE

ALAN G. HEVESI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

February 28, 2006

James R. Loeb, Esq.
Counsel for the Town of Cornwall
One Corwin Court
P.O. Box 1479
Newburgh, New York 12550

Re: Town of Cornwall;
Extension to the Cornwall
Sewer District

Dear Mr. Loeb:

This will acknowledge receipt of the order of the town board of the Town of Cornwall dated December 12, 2005, extending the above referenced district. This order was filed in the Office of the State Comptroller on December 21, 2005.

In acknowledging receipt, we express no opinion as to the validity of the proceedings undertaken by the town in connection with the formation of this extension.

Very truly yours,

A handwritten signature in cursive script that reads "Mitchell S. Morris".

Mitchell S. Morris
Associate Counsel

MSM:EMM:sm
cc: Steve Fountain

EXHIBIT 6

WHEREAS, the Town Planning Board has been reviewing the Cornwall Commons PAC project for the past several years, and

WHEREAS, the issue of private roads and the width of those roads has been carefully considered and explored by the Planning Board, the Town's consultants and the applicant, and

WHEREAS, the Planning Board and Cornwall Commons have agreed that a private road with a 40' right-of-way and a 28' wide pavement with parking on one-side would be an appropriate design for the roads within the Cornwall Commons PAC project, and

WHEREAS, Section 158-16(A)(11) of the Zoning Law states that the decision on whether or not to allow private roads in a planned adult community is the sole province of the Town Board, following input from the Planning Board and the Planning Board Engineer, and

WHEREAS, at the Planning Board's August 4, 2008 meeting the Planning Board adopted a resolution recommending that the Town Board authorize private roads within Cornwall Commons PAC and that by memo dated August 4, 2008 the Consulting Engineer for the Town supports the private road concept provided the same has a 40' right-of-way and a 28' paved width with parking on one side,

NOW, THEREFORE, BE IT RESOLVED as follows:

That based upon the recommendations of the Cornwall Planning Board and the Planning Board's Engineer, the Town Board

hereby determines that, except for the boulevard road in Cornwall Commons which is proposed to be a public road, all the other roads within Cornwall Commons shall be private roads with a 40' wide right-of-way, a 28' wide pavement with parking on one side.

Councilman RANDOLPH CLARK presented the foregoing resolution which was seconded by Councilman J. KERRY McGUINNESS,

The vote on the foregoing resolution was as follows:

Mary Beth Greene-Krafft, Councilwoman, voting Aye

Randolph S. Clark, Councilman, voting Aye

J. Kerry McGuinness, Councilman, voting Aye

Alexander Mazzocca, Councilman, voting Absent

D. Kevin Quigley, Supervisor, voting Aye

JRL/ef/62202
254-61800
8/8/08

**DRAKE LOEB HELLER
KENNEDY GOGERTY
GABA & RODD_{PLLC}
ATTORNEYS AT LAW**

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloeb.com

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco

Lawrence M. Klein
Senior Bankruptcy Counsel

Jeanne N. Tully
Timothy P. McElduff, Jr.
Jennifer E. Wright
Stuart L. Kossar

*LL.M. in Taxation

August 5, 2008

Attention: D. Kevin Quigley, Supervisor
Town Board
Town of Cornwall
183 Main Street
Cornwall, New York 12518

Re: Cornwall Commons // Recommendation on Private Roads
Our File No.: 00254 - 5460119

Dear Supervisor Quigley and Town Board Members:

I am writing at the direction of the Planning Board.

One of the open issues regarding the Cornwall Commons project has been the design of the roads for the residential development. Originally, the applicant, Cornwall Commons, LLC, proposed privately owned roadways 24 feet wide with parking on one side. However, that proposal raised safety concerns and was inconsistent with the Town of Cornwall road specifications for any other project with more than six homes (which require private roads to be designed to public road specifications). Public road specifications require 28 feet wide roads. Cornwall Commons, LLC previously proposed several alternative road designs in the Draft Supplemental Environmental Impact Statement (DSEIS).

On July 17, 2008, Cornwall Commons, LLC wrote to the Planning Board stating that they "have determined to proceed with the private road alternative for a 40 foot right of way with a 28 foot wide pavement with parking on one side." A copy of the July 17, 2008 letter is enclosed.

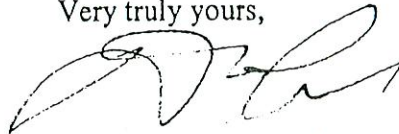
Pursuant to Town of Cornwall Zoning Law § 158-16(A)(11), the decision on whether to allow private roads in a Planned Adult Community (PAC) must be made by the Town of Cornwall Town Board, with input from the Planning Board and Planning Board Engineer.

At the Planning Board's August 4, 2008 meeting, the Board adopted a resolution recommending that the Town Board allow private roads within the Cornwall Commons PAC in accordance with the July 17, 2008 letter, and directed me to send this letter to you. The Planning Board Engineer provided a memo to the Planning Board dated August 4, 2008 which supports the selected alternative. A copy of Mark Edsall's memo is enclosed.

Writer's Direct
Phone: 845-458-7316
Fax: 845-458-7317
dcordisco@drakeloeb.com

Kindly accept this letter as the Planning Board's recommendation that the Town Board approve private roads with a width of 28 feet with parking on one side in the Cornwall Commons PAC.

Very truly yours,



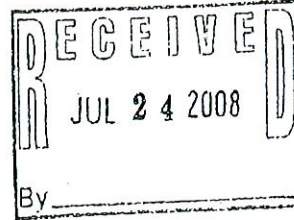
DOMINIC CORDISCO

DRC/rt/61963
Enclosures

cc: Town of Cornwall Planning Board
Mark J. Edsall, P.E.
Leslie Dotson, AICP

Gerald N. Jacobowitz, Esq.
(all by email with copies of the enclosures)

Corwall Commons, LLC
P.O. Box 503
Highland Mills, NY 10830



July 17, 2008

06-19

Hon. Chairman Novesky
Planning Board Members
Town of Cornwall
183 Main Street
Cornwall, New York 12518

RE: Corwall Commons Planned Adult Community
Supplemental Environmental Impact Statement

Dear Chairman and Board Members:

In the Draft Supplemental Environmental Impact Statement (DSEIS) accepted by your Board on June 2, 2008, alternative road width plans were included depicting the internal roadway in the residential community at road widths varying from 24 feet to 28 feet. In the course of considering those alternatives and based on the recommendations of the Board and its consultants, we have determined to proceed with the private road alternative for a 44 foot right of way with a 28 foot wide pavement with parking on one side.

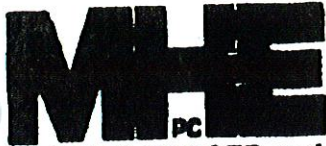
This alternative will provide significant benefits to the Town of Cornwall since highway taxes would be paid, and there would be no demand on Town services for snow and ice control, street maintenance, street repairs, street reconstruction, curb maintenance repairs or construction.

I respectfully request that your Board recommend this alternative to the Town Board for approval in accordance with Section 158-16 of the Town Zoning Code.

Thank you in advance for your cooperation and courtesies.

Very truly yours,

Joseph A. Amato
Managing Member



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553
(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM
WRITERS EMAIL: MJE@MHEPC.COM



TOWN OF CORNWALL
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CORNWALL COMMONS SITE PLAN
(DEVELOPMENT OF LOT #10)
PROJECT LOCATION: CORNWALL COMMONS PROPERTIES – ROUTE 9W
SECTION 9 – BLOCK 1 – LOT 25.2 (portion of)
PROJECT NUMBER: 06-19
DATE: 4 AUGUST 2008
DESCRIPTION: THE APPLICATION PROPOSES DEVELOPMENT OF LOT #10 OF THE
CORNWALL COMMONS SUBDIVISION (APPLICATION 04-01) WITH A
TOTAL OF 490 RESIDENTIAL UNITS. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 6 NOVEMBER 2006, 4 DECEMBER 2006,
9 JANUARY 2007, 4 FEBRUARY 2008, 3 MARCH 2008, 7 APRIL 2008,
2 JUNE 2008 AND 7 JULY 2008 PLANNING BOARD MEETINGS.

1. The Public Hearing on the SDEIS and Site Plan (Lot 10) was closed at the July meeting, and the written comment period has expired. The Board has received several letters from involved and interested agencies, as well as individuals and the Board's consultants. It is my understanding that the applicant intends to provide response for all these comments, although we have not seen a submittal to date. We are available to discuss the comments (in general) and will provide specific detailed comments in the future, for those issues the Board deems appropriate/necessary.
2. We have had the opportunity to read a letter from the applicant which proposes to provide site roadways with a width of 28 ft., with private ownership. We are advised by the project engineers that the stormwater facilities on the site are capable of treating stormwater runoff from such roadway widths, in full compliance with State standards. Such an offer to modify the plans in that manner will eliminate the issues previously raised regarding safe emergency access to the site and we commend the applicant's willingness to resolve this issue.

Respectfully Submitted,

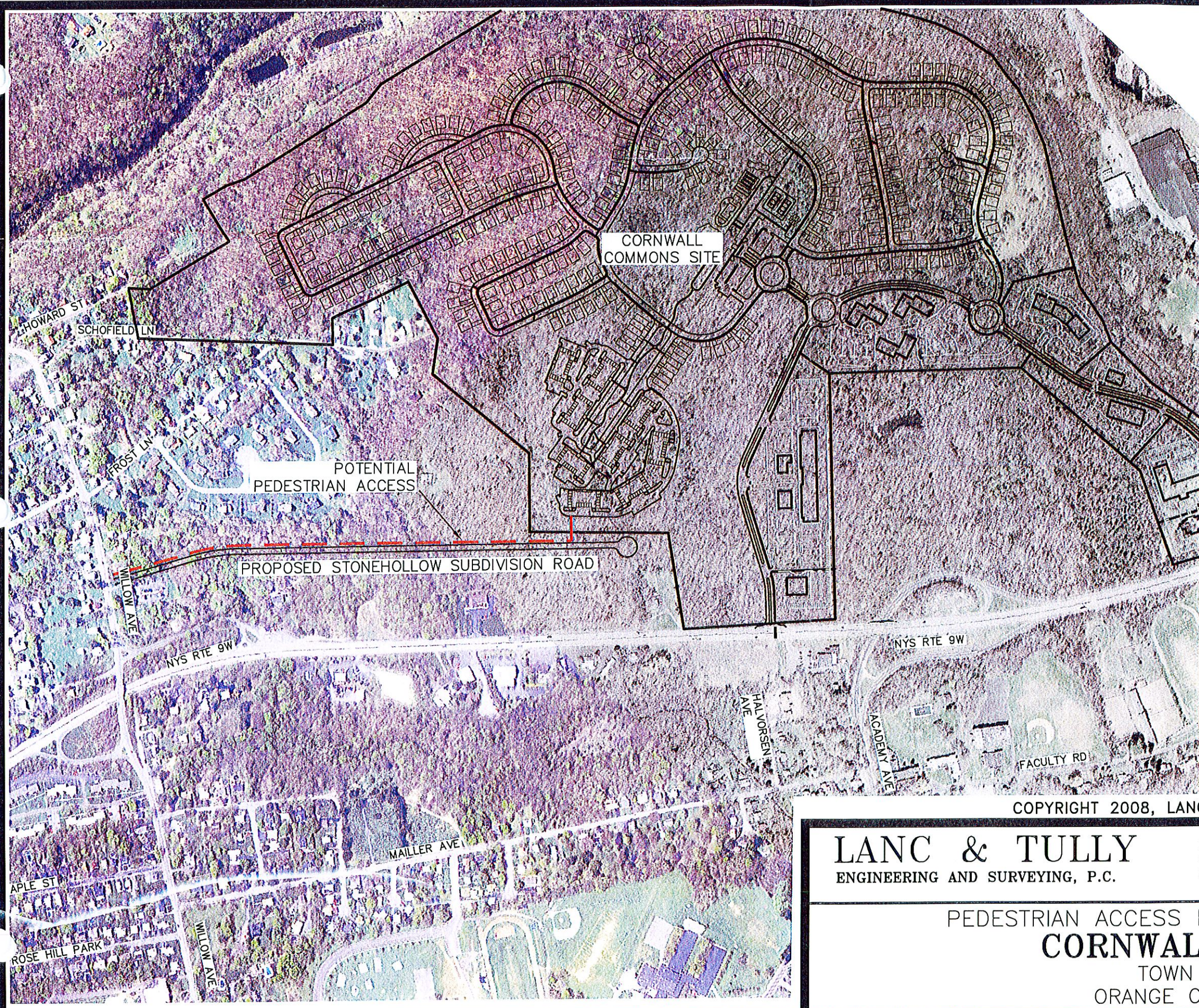
Mark J. Edsall, P.E., R.P.
Engineer For the Town

MJE/m
Corn06-19-04Ang08.doc

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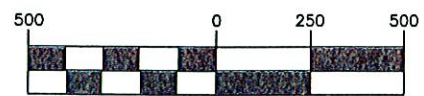
EXHIBIT 7



LEGEND:

--- POTENTIAL ROUTE

GRAPHIC SCALE



(IN FEET)
1 inch = 500 ft.

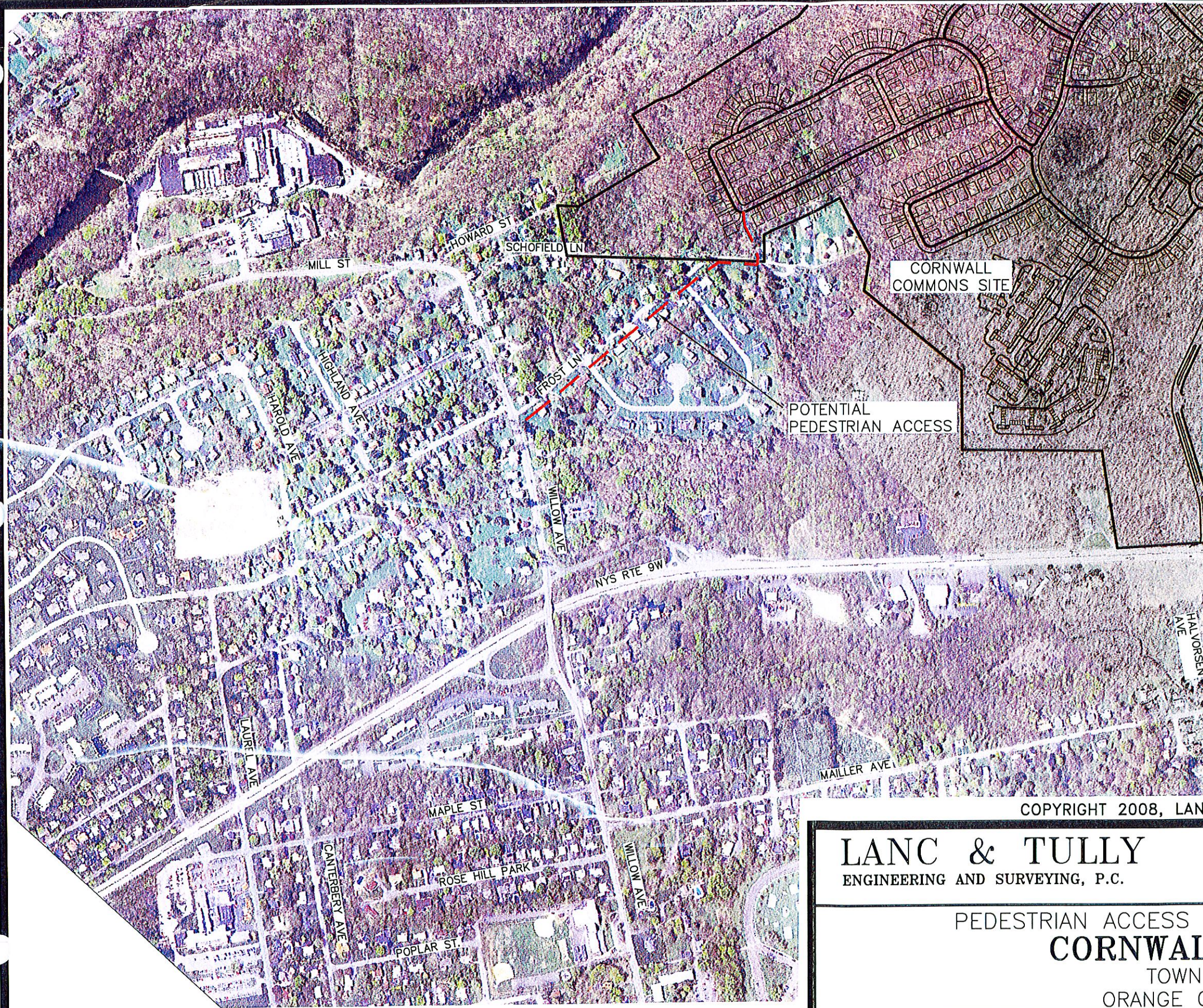
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Goshen, N.Y. 10924
(845) 294-3700

Date: AUGUST 8, 2008
CAD File: OFFSITE-SIDEWALK.DWG
Layout: OFFSITE ACCESS 11X17(1)
Scale: 1" = 500'
Drawn By: JWC

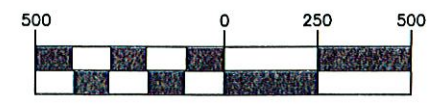
PEDESTRIAN ACCESS PLAN 1 PREPARED FOR
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK



LEGEND:

--- POTENTIAL ROUTE

GRAPHIC SCALE



(IN FEET)
1 inch = 500 ft.

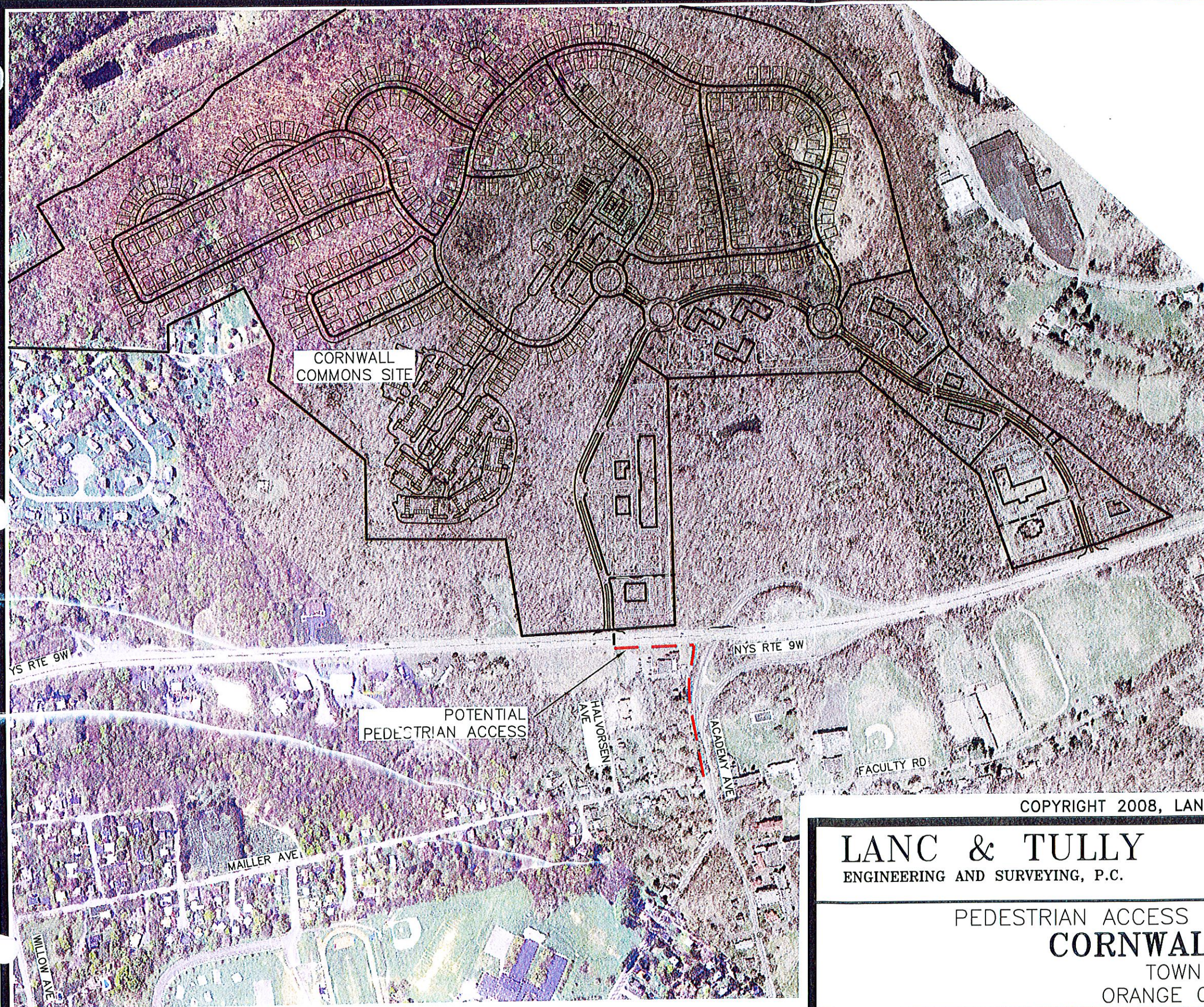
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Date: AUGUST 8, 2008
CAD File: OFFSITE-SIDEWALK.DWG
Layout: OFFSITE ACCESS 11X17(2)
Scale: 1" = 500'
Drawn By: JWC

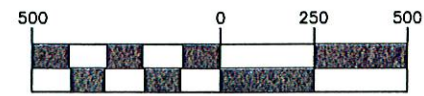
PEDESTRIAN ACCESS PLAN 2 PREPARED FOR
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK



LEGEND:

--- POTENTIAL ROUTE

GRAPHIC SCALE



(IN FEET)
1 inch = 500 ft.

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Date: AUGUST 8, 2008
Rev. Date: AUGUST 13, 2008
CAD File: OFFSITE-SIDEWALK.DWG
Layout: OFFSITE ACCESS 11X17(3)
Scale: 1" = 500'
Drawn By: JWC

PEDESTRIAN ACCESS PLAN 3 PREPARED FOR
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

EXHIBIT 8

CORNWALL COMMONS
Town of Cornwall, New York
Stormwater Runoff Peak Flowrate and Quantity Summary
(Revised 10/6/08)

Pre-Development Wetland Drainage Conditions

Wetland Area	Rainfall Peak Flow (CFS)			Rainfall Volume (ac.ft)		
	1-Year	10-Year	100-Year	1-Year	10-Year	100-Year
Wetlands A	12.96	54.69	98.15	1.504	5.507	9.791
Wetlands B	22.28	66.16	107.48	2.211	6.414	10.546
Wetlands C Non-Jurisdictional	5.96	25.11	45.12	0.722	2.644	4.701
Wetlands D	7.46	29.85	52.87	0.799	2.841	5.004
Wetlands E	5.74	23.01	40.87	0.773	2.747	4.839
Wetlands F Non-Jurisdictional	4.16	14.22	24.16	0.500	1.597	2.714

Post-Development Wetland Drainage Conditions

Wetland Area	Rainfall Peak Flow (CFS)			Rainfall Volume (ac.ft)		
	1-Year	10-Year	100-Year	1-Year	10-Year	100-Year
Wetlands A	5.73	25.44	71.20	1.446	7.089	13.190
Wetlands B	22.28	66.16	107.48	2.211	6.414	10.546
Wetlands C Non-Jurisdictional	9.36	27.99	45.55	0.718	2.183	3.649
Wetlands D	8.98	31.63	54.08	0.914	2.995	5.135
Wetlands E	0.47	22.07	54.08	0.483	4.055	7.564
Wetlands F Non-Jurisdictional	0.00	0.00	0.00	0.000	0.000	0.000

Pre- and Post-Development Differences to Wetlands

Wetland Area	Rainfall Peak Flow (CFS)			Rainfall Volume (ac.ft)		
	1-Year	10-Year	100-Year	1-Year	10-Year	100-Year
Wetlands A	-7.23	-29.25	-26.95	-0.058	1.582	3.399
Wetlands B	0.00	0.00	0.00	0.000	0.000	0.000
Wetlands C Non-Jurisdictional	3.40	2.88	0.43	-0.004	-0.461	-1.052
Wetlands D	1.52	1.78	1.21	0.115	0.154	0.131
Wetlands E	-5.27	-0.94	13.21	-0.290	1.308	2.725
Wetlands F Non-Jurisdictional	-4.16	-14.22	-24.16	-0.500	-1.597	-2.714

CORNWALL COMMONS
Town of Cornwall, New York
Stormwater Runoff Peak Flowrate and Quantity Summary
(Revised 10/6/08)

Pre- and Post-Development Differences to Wetlands (Percent)

Wetland Area	Rainfall Peak Flow (Percent)			Rainfall Volume (Percent)		
	1-Year	10-Year	100-Year	1-Year	10-Year	100-Year
Wetlands A	-55.8%	-53.5%	-27.5%	-3.9%	28.7%	34.7%
Wetlands B	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Wetlands C Non-Jurisdictional	57.0%	11.5%	1.0%	-0.6%	-17.4%	-22.4%
Wetlands D	20.4%	6.0%	2.3%	14.4%	5.4%	2.6%
Wetlands E	-91.8%	-4.1%	32.3%	-37.5%	47.6%	56.3%
Wetlands F Non-Jurisdictional	-100.0%	-100.0%	-100.0%	-100.0%	-100.0%	-100.0%

Summary of Changes

Wetland Area A: The drainage area discharging to this area will increase by 7.35 acres, causing the stormwater quantity to increase for the 10- and 100-year storms, however peak flowrates will decrease. Stormwater Ponds C and E discharge into Area A, detention provided by the ponds causes the flowrate decrease.

Wetland Area B: The drainage area for Area B is located off-site and outside the limits of disturbance. There will be no change in flows entering this wetland area.

Wetland Area C: This area is a non-regulated, non-jurisdictional wetland area. The drainage area discharging to Area C will decrease by 4.54 acres, causing the stormwater quantity to decrease as well. Flowrates will increase slightly due to conversion of permeable surfaces to impermeable surfaces.

Wetland Area D: The drainage area discharging to Area D will decrease by 0.65 acres. However, the flowrates and rainfall volumes will increase due to conversion of permeable surfaces to impermeable surfaces. Runoff from impervious areas is intercepted by two dry swales which provide water quality treatment.

Wetland Area E: The drainage area discharging to Area E will increase by 6.66 acres, causing rainfall volume for the 10- and 100-year storms to increase. Pond D discharges into this area. Detention provided by the pond causes the flowrates for the 1- and 10-year storms to decrease.

Wetland Area F: This area is a non-regulated, non-jurisdictional wetland area. The drainage area discharging to this area will be redirected to Wetland Area E through the proposed stormwater control system.

EXHIBIT 9

connected includes the Town of Cornwall and the Town of New Windsor. Each option is discussed further below.

As described previously, the property lies within both the Town of New Windsor and the Town of Cornwall, Orange County, New York.

Cornwall Option

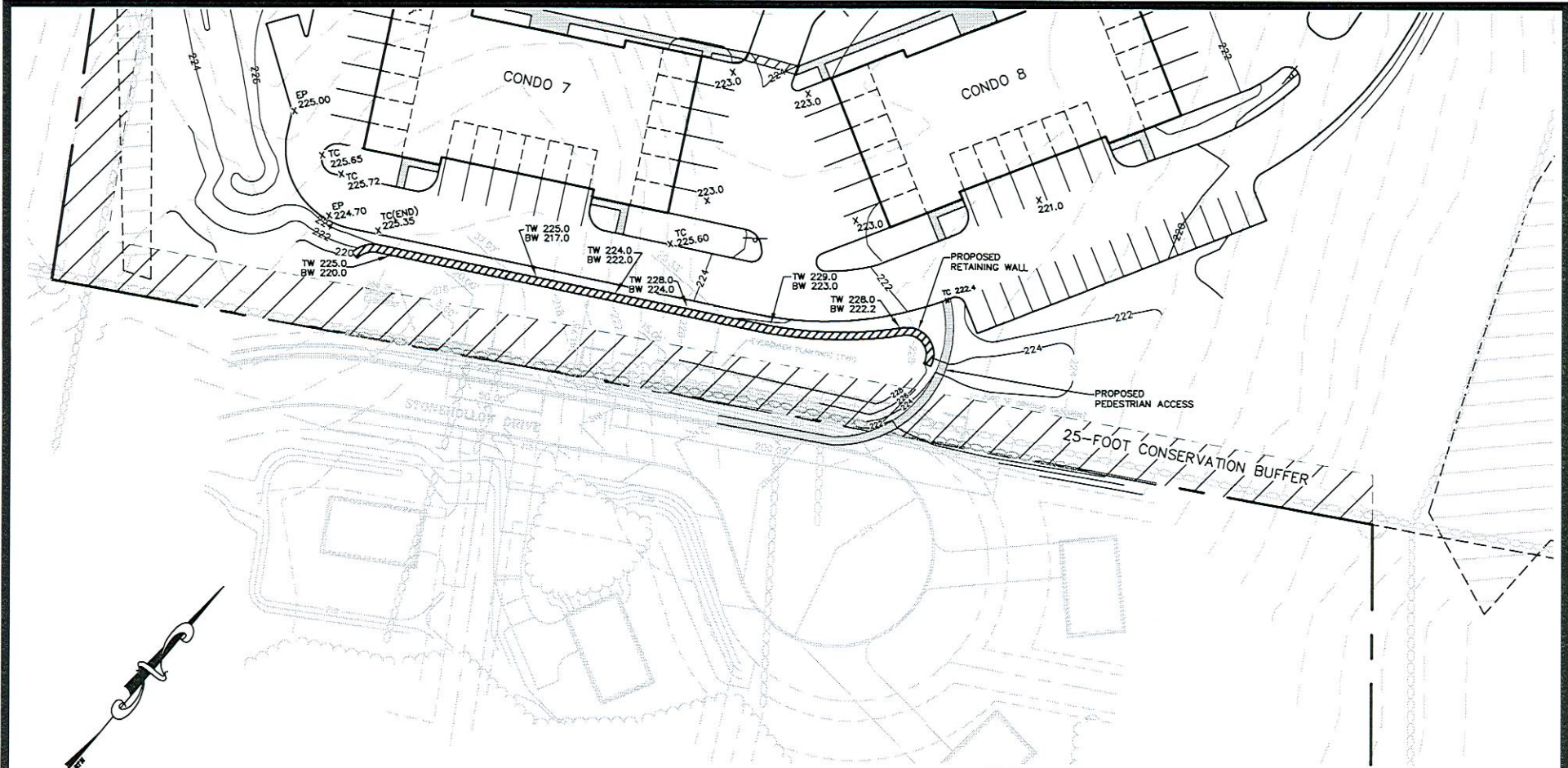
This discussion is based on information provided by Town of Cornwall officials regarding the connection of sanitary sewer for the Cornwall Commons project. There is sufficient capacity at the Town of Cornwall's sewage treatment plant to serve this project, and there are several possible routing alternatives to connect sewage flow from the project to the existing municipal collection system, located on the easterly side of Route 9W. According to town officials, in the Fall of 2001, there is an excess capacity in the Cornwall Sewer Treatment Plant (STP) of 400,000 GPD. The STP has a SPDES permit to treat up to 1.2 million gallons per day. There is an existing Town sanitary sewer manhole in NYS Highway Route 218, as it comes off of Route 9W and intersects with the sewer trunk line in Mailer Avenue. However, according to the Town engineer, due to existing problems in the sewer main in Mailer Avenue, he felt it would be preferable to have a connection to the sewer trunk line further down Main Street as far as possible, perhaps before it crosses the brook on Main Street. The connection from Cornwall Commons would most likely be accomplished by pump station and force main, since topography in the area may not allow a gravity connection. The pump station, or stations, would be provided on the northwesterly portion of the project site, located on the westerly side of Route 9W and would involve constructing a sanitary sewer force main perpendicular to Route 9W in a southerly direction, then crossing in the vicinity of the cloverleaf by either boring under Route 9W or possibly trenching within the area of the exit ramp. The force main could then parallel the existing sewer trunk line to the manhole prior to crossing Main Street (Faculty Drive). An alternative to the manhole in Faculty Drive would be to have the force main continue up Academy Avenue to the top of the hill and discharge into a proposed receiving manhole and then connect to existing MH 102 by gravity. Refer to Appendix A, "Letters of Record," for a March 6, 2002 letter from the Town of Cornwall affirming the use of Sewer District No. 1.

Another alternative would be for this forcemain, or possibly gravity sewer, to cross Route 9W within the New York Military Academy property through an existing tunnel under Route 9W and continue across the New York Military Academy playing fields, where it could connect to the existing trunk sewer in Main Street. Further investigations of the conditions of the existing trunk sewer, existing topography, and the possibility of crossing the New York Military Academy ball fields would be necessary in order to determine the most advantageous alternate for this sewer connection.

New Windsor Option

Another alternate for sanitary sewer connection for the entire Cornwall Commons parcel is the connection of the project to the Town of New Windsor sewer treatment plant utilizing flow allocation that the project sponsor has acquired from the Majestic Weaving Reserve. This would be accomplished by constructing two separate sanitary sewer collection systems; one within the Town of Cornwall and one within the Town of New Windsor. This would most likely require two sewage pump stations located in the vicinity of the northwesterly side of Route 9W. The necessity for the two separate pump stations would in effect be able to monitor the flows coming from the two separate Township parcels within the project site for billing purposes. The force mains from these pump stations would then run in a trench parallel to one another to the existing sanitary sewer on the northerly side of the project to an existing Town of New Windsor sewer main located within the abandoned railroad right-of-way.

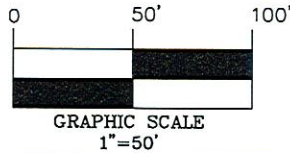
EXHIBIT 10



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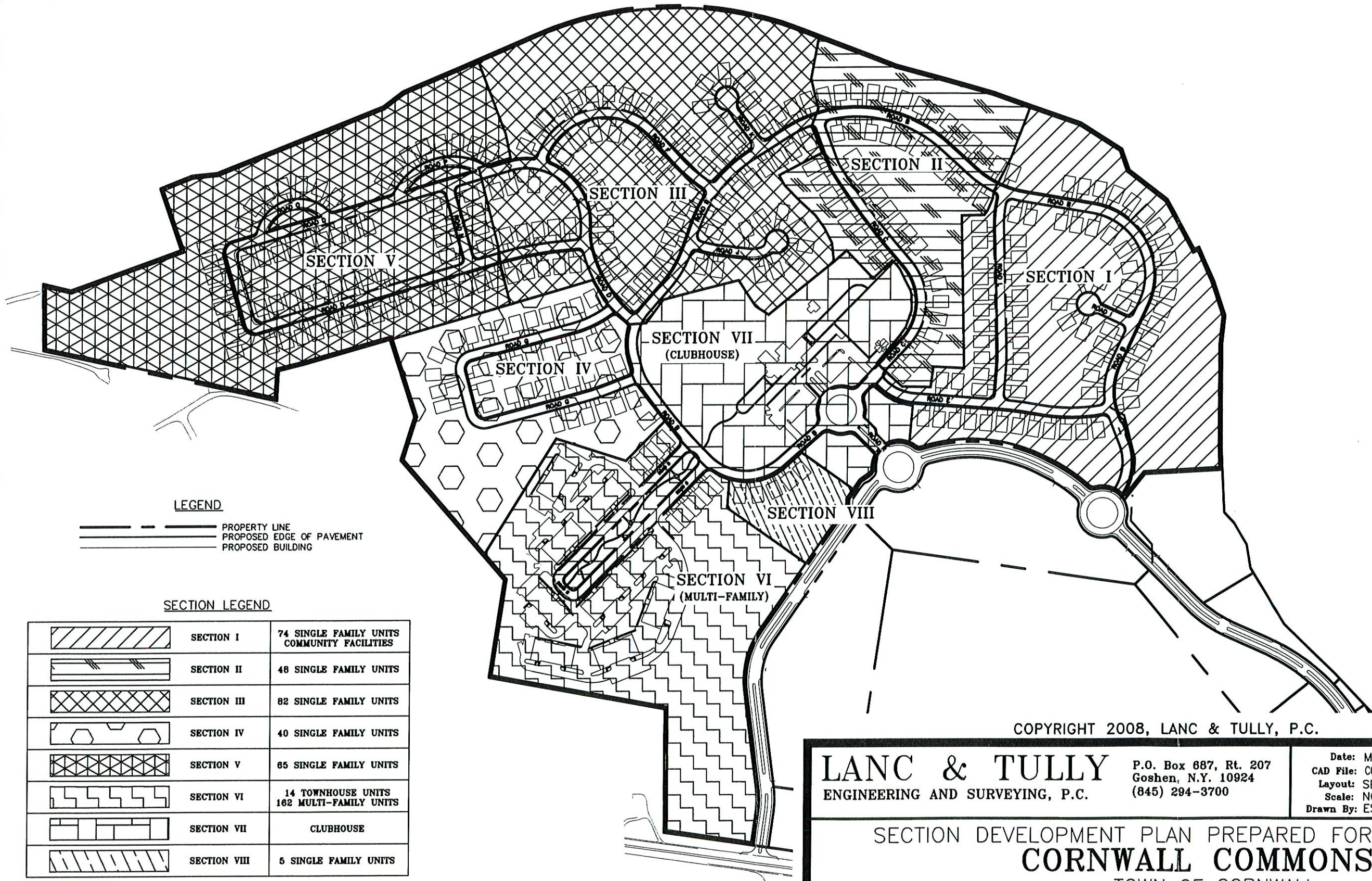
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Date: AUGUST 26, 2008
CAD File: CC-COMSUBDIVISION.DWG
Layout: LOT 10 200 SCALE STONE HOLLOW(figure)
Scale: 1" = 50'
Drawn By: JWC

200 SCALE OVERALL SITE PLAN SHOWING STONE HOLLOW SUBDIVISION PREPARED FOR
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK

EXHIBIT 11



LEGEND

- — — — — PROPERTY LINE
- ==== PROPOSED EDGE OF PAVEMENT
- — — — — PROPOSED BUILDING

SECTION LEGEND

	SECTION I	74 SINGLE FAMILY UNITS COMMUNITY FACILITIES
	SECTION II	48 SINGLE FAMILY UNITS
	SECTION III	82 SINGLE FAMILY UNITS
	SECTION IV	40 SINGLE FAMILY UNITS
	SECTION V	65 SINGLE FAMILY UNITS
	SECTION VI	14 TOWNHOUSE UNITS 162 MULTI-FAMILY UNITS
	SECTION VII	CLUBHOUSE
	SECTION VIII	5 SINGLE FAMILY UNITS

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Date: MAY 14, 2008
CAD File: CC-ComSubdivision-drainage.DWG
Layout: SECTIONAL 11x17
Scale: NOT TO SCALE
Drawn By: ESR/JWC

SECTION DEVELOPMENT PLAN PREPARED FOR LOT 10
CORNWALL COMMONS
TOWN OF CORNWALL
ORANGE COUNTY, NEW YORK