

**APPENDIX 1:
SEQR DOCUMENTATION**

SCOPE FOR PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) FOR
CORNWALL COMMONS PAC SITE PLAN FOR LOT 10
TOWN OF CORNWALL, ORANGE COUNTY, NEW YORK
Adopted January 9, 2007

Lead Agency - Town of Cornwall Planning Board

I. FRONT MATERIAL

- A. Cover Sheet: The DSEIS shall begin with a cover sheet that identifies the following:
1. That it is a Draft Supplemental Environmental Impact Statement.
 2. Date submitted.
 3. The name and location of the project.
 4. The Town of Cornwall Planning Board as the Lead Agency for the project and the name and telephone number of a person at the Agency to be contacted for further information.
 5. The name and address of the project sponsor, and the name and telephone number of a contact person representing the applicant.
 6. The name and address of the primary preparer(s) of the DSEIS and the name and telephone number of a contact person representing the preparer.
 7. Website address where the document will be made available when accepted.
 8. Date of acceptance of the DSEIS (to be inserted at a later date).
 9. Deadline by which comments on the DSEIS are due (to be inserted at a later date).
- B. List of Consultants Involved With the Project: The names, addresses, phone numbers, and project responsibilities of all consultants with the project shall be listed.
- C. Table of Contents:

II. SUMMARY

- A. The DSEIS shall include a summary which will only include information found elsewhere in the main body of the DSEIS but at minimum shall include:
1. A brief description of the action
 2. A list of Involved Agencies and required approvals and permits.
 3. A brief listing of the existing conditions, anticipated impacts, and proposed mitigation measures for each impact issue discussed in the DSEIS. The presentation format should be simple and concise.
 4. A brief description of the project alternatives considered in the DSEIS and comparison of each alternative relative to the various impact issues.
 5. A summary of the adverse and beneficial environmental impacts of the proposed action for all areas of impact.

III. DESCRIPTION OF THE PROPOSED ACTION

- A. Introduction: The introduction shall provide a brief description of the nature of the project, including a brief description of the purpose of the DSEIS and a brief statement of the steps in the SEQRA process as it relates to the project. The DSEIS is to address the development of lot 10 in detail, but should also consider the cumulative effects of developing the remaining site on a generic basis, including a projected timeline for the same, except where otherwise specified below. Specific subject areas to be addressed for the overall site are the following: (1) views, (2) traffic, (3) stormwater, and (4) rough grading. The text should explain what

steps (including SEQR compliance) are required in order to implement use of the remaining lots.

B. Project Background:

1. Site Description: The site description shall include the following (it is understood that this information may be presented in more detail later in the DSEIS):
 - a) Precise location, size, and zoning and tax lot number(s).
 - b) Description of existing character of the site and surrounding area, including natural features, key land use characteristics and general characteristics of the surrounding area and transportation corridors, and also including some discussion about the ownership and use of adjoining properties adjacent to the site and on the opposite side of the Moodna Creek
 - c) Brief summary of prior SEQR review history of site. Identify key issues identified from Findings that were to be reviewed as part of detailed site-specific plans. Identify land use approvals that have been received for the overall parcel.
2. Site location relative to surrounding land uses, transportation corridors, area streams, ponds, lakes, wetlands and other prominent natural features.
3. Project history which describes past activities and/or physical changes to the site, along with any permits obtained for the activities and a discussion of whether the activities were consistent with the permits.

C. Involved and Interested Agencies and Required Approvals: List all required or requested approvals and those Involved Agencies (along with their addresses) that have permitting or approval authority. Also list Interested Agencies (along with their addresses), which are those agencies that have expressed an interest in the project or are likely to have an interest in the project, but have no permitting or approval authority. Both Interested and Involved Agencies will receive copies of the DSEIS.

| Involved or Interested Agency | Approval or Permitting Required |
|--|---------------------------------|
| Town of Cornwall Town Board 183 Main Street Cornwall, New York 12518 | |
| Village of Cornwall-on-Hudson 325 Hudson Street Cornwall-on-Hudson, NY 12520 | |
| NYSDOT SEQR Unit (<i>electronic transmission preferred</i>) Traffic Engineering and Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603 | |
| NYSDEC -- Region 3 21 South Putt Corners Road New Paltz, New York 12561 | |
| NYS Office of Parks, Recreation, and Historic Preservation Field Services Bureau – Peebles Island P.O. Box 189 Waterford, New York 12188-0189 | |
| Orange County Department of Planning 124 Main Street Goshen, New York 10924 | |
| PIPC Administration Building Bear Mountain, NY 10911 | |

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| Orange County Department of Health 124 Main Street Goshen, New York 10924 | |
| US Army Corps of Engineers Regulatory Branch – New York District Room 1937 26 Federal Plaza New York, New York 102778 | |

- D. Interested Parties: A complete listing shall be provided of all agencies, persons, and groups (along with their addresses) who have expressed an interest in reviewing the DSEIS in order to provide comments.
- E. Project Description: This section must include a description of the project and its impacts. This section shall also describe the alternative considered under this analysis, including the previous annexation request and a previous subdivision plan.
- F. Site Plan: The DSEIS shall include a Site Plan and associated narrative which describes:
 - 1. Purpose and Need – The purpose of the project and the need for it.
 - 2. Design and Layout – Describe layout, proposed pedestrian and vehicular circulation (including non-resident vehicle access such as public transit vehicles, delivery vehicles, etc); proposed parking; site utilities; and other planned or proposed site changes.
 - 3. Unit count and type of unit, form of ownership. Briefly explain the derivation of unit count.
 - 4. Construction Scheduling.
 - a) Expected year of project completion.
 - b) Phasing plan, if any. Describe any proposed phasing of the project construction and related impacts; if no phasing is proposed, this will be clearly stated.
 - c) Description of construction process within each phase. (e.g., sequencing of project elements.) Also address hours of construction. Consider construction-related traffic, both within the site and off-site. If construction-related traffic to the site will be significant, this shall be considered in the traffic study; including considering the access routing for same.
 - d) Phasing plan shall also address the phasing of any mitigation measures and/or the timing of implementation of any offers made pursuant to the Developer’s Agreement or by other arrangement.
 - 5. The site plan shall clearly show the internal project layout relative to specific features of concern on the site (species of concern, trees, wetlands and other water features) and shall show any buffers, setbacks, or protected areas that are proposed.
 - 6. NYMA – show/discuss connection(s) to NYMA property.

IV. ENVIRONMENTAL SETTING: EXISTING CONDITIONS, ANTICIPATED IMPACTS, AND PROPOSED MITIGATION MEASURES (IF NEEDED)

- A. Land Use, Planning and Zoning
 - 1. Land Use, Planning and Zoning.
 - a) Existing Conditions – land use of the site and within a 1/2 mile radius of the site.
 - b) Potential Impacts – compatibility of proposed project with existing land uses, the Master Plan and Zoning Code of the Town of Cornwall, Orange County Plan, others.
 - c) Mitigation Measures.

B. Soils, Geology, and Topography

1. Existing Conditions.

- a) Existing soils and grades/contours.
- b) Other pertinent soil information.

2. Potential Impacts.

a) Grading impacts

- (1) At a minimum provide rough grading plans for roads (particularly as relates to the loop access road), road profiles, and overall site grading. Describe areas to be graded, depth of cut or fill operations within the site plan; show grading elevations on a plan. Discuss the balance of cut and fill across the overall site, and within the site among the different phases. If cut and fill on the site is not balanced, further consideration may be required.
- (2) Address if retaining walls will be required as part of rough grading plan, if so then provide information on the same (e.g., maximum height, where used, proposed construction materials, relationship to remainder of site development).

- b) Siltation and water quality impacts to the on-site and any adjacent Corps or Isolated wetlands and flood plain caused by construction.
- c) Other potential for erosion.

3. Mitigation Measures.

- a) Stormwater Pollution Prevention Plan in accordance with Phase II Stormwater Requirements and consistent with Best Management Practices.
- b) Description of any other site remedial activities.

C. Surface and Groundwater – Existing Conditions, Impacts, Mitigation Measures

1. A drainage study of the existing on-site conditions.

- (1) Existing drainage patterns.
- (2) Stream classifications, if applicable.
- (3) Wetland areas, if applicable.
- (4) Floodplain areas, if applicable.
- (5) Discharge points of existing drainage.
- (6) Downstream drainage infrastructure. Address condition of any downstream drainage infrastructure as relevant.

- b) Classification information on all watercourses and waters (all information described above) that are directly adjacent to the site or into which the site drains.
- c) Wetlands: See Jurisdictional Determination for Federal wetland delineation: revised delineation, wetland type and location. All currently mapped Federal wetlands and isolated wetlands discussed in the original GEIS shall be shown on a site plan map and clearly labeled so that they can be understood in the context of the original GEIS Findings as relates to this specific site plan. Short and long term impacts on wetlands shall be evaluated; specifically address direct and indirect impacts to wetlands including changes to the hydraulic regime, sedimentation, and any other disturbance. Address any mitigation measures proposed such as buffer areas or undisturbed areas
- d) Quantify all disturbances to watercourses and water (all information included above).

e) Moodna Creek – relationship of site & site drainage to Moodna Creek. No off-site water quality analysis is required for the Moodna Creek. Compliance with Phase II stormwater regulations is sufficient; but brief textual explanation of the purpose/function of the Phase II regulations should be included.

2. Other.

a) Management: Address means of access to stormwater basins and method of ensuring that such access remains reliably available for the long term; address long term maintenance management program.

3. Mitigation Measures.

a) Consider alternative layouts that might reduce impervious surfaces, and/or other stormwater management alternatives.

D. Wastewater Management

a) Calculate projected sewerage generation from the site. Identify the treatment plant that will be receiving site-generated wastewater. Evaluate its ability to handle sewer flows that would be generated from lot 10; consider potential sewer demand from remaining 9 lots.

b) Address any other related concerns such as the capacity of receiving sewer mains and infrastructure.

E. Water Supply

a) Calculate projected water use from the site. Identify the source of potable water supply and evaluate its ability to handle usage that would be generated from lot 10; consider potential water demand from remaining 9 lots. Address any water supply capacity limitations, and consider cumulative impacts of pending land use applications on supply capability.

b) Address any other related water supply concerns.

F. Ecology (Plant and Animal Life)

1. Update to GEIS, GEIS Findings as specific to this Site Plan:

a) 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.

(1) Specifically identify the ground cover, species, size, density of cover and condition of vegetation in areas that are proposed to remain as buffer areas or serve as screening vegetation.

b) Threatened and endangered species. Address specific potential impacts of site plan on same, both during construction and in the long term.

(1) Impacts.

(a) Modifications to existing vegetation patterns.

(i) Fertilizer and pesticide impacts.

(ii) Changes in habitat value and extent of native cover vs. introduced species

2. Mitigation Measures.

a) Landscape Plan - A schematic landscaping plan showing the location, approximate number, density or intended effect) and general type of landscaping (i.e., shade tree, street tree, evergreen tree, shrub, ground cover) proposed.

b) Use of native vegetation.

- c) Develop tree protection plan to ensure the safety of specific trees or tree groupings to remain.

G. Traffic and Transportation:

1. Existing Conditions: same roads/intersections as studied in GEIS:
 - a) Describe existing traffic network; size, capacity, conditions. The design year of the build condition should be identified here (will this project be phased?)
 - (1) Manual traffic survey conditions.
 - (2) Peak hour volume to be graphically shown for each peak hour.
 - (3) Weekday AM peak conditions.
 - (4) Weekday PM peak conditions.
 - (5) Analysis during peak hours.
2. Future traffic conditions
 - a) Considering and without considering the project.
 - (1) Peak hour volume to be graphically shown for each peak hour.
 - (2) Weekday AM peak conditions.
 - (3) Weekday PM peak conditions.
 - (4) Analysis of peak conditions.
 - b) Address status of planned DOT improvements; timing; other recent improvements
3. Capacity analyses.
4. Potential Impacts.
 - a) Proposed action - estimate site-generated traffic for the proposed use for each peak hour noted above. Evaluate traffic generation from lot 10 and from the remainder of the site as compared to the GEIS Findings.
 - b) Capacity analysis of future background conditions including all developments planned or proposed in the immediate area of the site, plus an annual growth factor.
 - c) Capacity analysis of combined conditions (including Proposed development of the site with projected site-generated traffic) including all developments planned or proposed in the immediate area of the site, plus an annual growth factor. Traffic volumes for background and combined conditions shall be shown graphically for each peak hour.
5. Mitigation Measures.
 - (1) Fair Share Contribution; method of implementation
6. Public transportation.
 - a) Provide for public transportation access on site; address.
7. Pedestrian traffic shall be provided for internally; show on plan; address connections to remaining on-site lots, other.
8. Specifically identify any internal road specifications, with attention to safe emergency services access.

H. Air Quality: Existing Conditions, Impacts, Mitigation

1. Evaluate whether increased traffic delays resulting from the project would trigger the threshold for requiring additional CO analysis; if so, include such analysis and also evaluate particulate emissions.

I. Visual Resources/Cultural Resources: Existing Conditions, Impacts, Mitigation

1. Views of the site from surrounding lands and key vantage points, particularly PIPC gorge trail/pending Moodna Greenway-Recreational Corridor, Knox's HQ, Spaulding

Farm (67 Forge Hill Road), and 9W. Based on rough grading plan for site plan, determine post-construction view profiles to key vantage points using DEC visual impact methodology, though other methodology may be included as well at the applicant's option. Address any protective/mitigation measures such as buffer strips with existing and/or proposed vegetation, landscape plantings, specific exterior structural colors and finishes, etc.

2. Sight lighting – show typical lighting scheme; lights to be fully shielded. Also address individual exterior lights on the residential units and possibility of spillover lighting onto adjoining off-site properties.

3. Cultural Resources – include the most recent cultural resources study submitted for the 10-lot subdivision.

J. Community Services – Existing Conditions, Impacts, Mitigation Measures.

1. public services

a) School district:

(1) address the transportation impacts of the small number of qualifying school-aged children that may be on the site

(2) address potential “off-set” effect on school district of project residents selling homes to persons with school children using available data

b) Ambulance Corps: equipment, call rate, personnel

c) Recreation facilities (this section shall include consideration of effects on town-owned senior citizen facilities and programs). Impact on recreational trails.

d) Municipal garbage district; fire district

2. Other services::

a) Management Plan for Common Areas:

(1) Stormwater

(2) Median Landscaping

(3) signage

b) Responsibility for construction

c) Maintenance responsibility

d) Cost allocation; method of assessing and collecting

e) administration of agreement

K. Energy Consumption

1. Incorporation of “green” building standards (LEED) and site layout.

V. SOURCES AND BIBLIOGRAPHY

VI. APPENDICES

A. All SEQR documentation, including the final DSEIS scoping outline.

B. Copies of all official correspondence related to issues discussed in the DSEIS.

C. Copies of all technical studies (e.g., traffic, drainage, cultural resources, visual, etc.)

RESOLUTION ADOPTING A NEGATIVE DECLARATION
AND CONSISTENCY DETERMINATION

Cornwall Commons - 10 Lot Subdivision

PB #04-01

WHEREAS, Cornwall Commons LLC (the "applicant") has applied to the Planning Board of the Town of Cornwall for approval of a preliminary subdivision plat;

WHEREAS, the Cornwall Commons generic SEQRA review was undertaken beginning in the year 2000 on what was then a 5-lot subdivision of vacant industrial lands in what was then the PIO district in the Town of Cornwall and a 69-lot residential development of what were R-3 lands in the Town of New Windsor. The applicant had previously sought a zoning amendment in order to construct a PAC, but the Town Board at the time chose not to entertain the request, and the applicant opted to pursue some development of the property, and asked to begin the SEQRA review process;

WHEREAS, the action that initiated the SEQRA process was a requested five-lot subdivision of the property in the Town of Cornwall. Town of Cornwall Planning Board was the SEQRA Lead Agency. The 5-lot subdivision would have been a "default", inasmuch as it was simply a logical by-product of the proposed construction of an access road to provide access to the residential lands then in the Town of New Windsor, because that portion of the site had no road access except through the Town of Cornwall. The generic SEQRA analysis considered a potential development of up to 1,000,000 square feet of mixed use industrial under the then-current PIO zoning, in addition to the 69 single family detached dwellings in the Town of New Windsor. In addition, the alternatives of a senior development with 230 2-bedroom units, and an alternative of a Planned Unit Development with 10 detached houses and 180 attached units were considered. The generic SEQRA review identified several issues relating to intermunicipal coordination that are no longer relevant given the annexation of the land from New Windsor and its subsequent rezoning to PRD.

WHEREAS, after the completion of the generic Draft and Final Environmental Impact Statements, the Planning Board adopted generic SEQRA Lead Agency Findings in April of 2002. Like all generic Findings, they set forth policies and procedures for addressing future actions. After adopting the Findings, the Town of Cornwall Planning Board granted a

conditioned preliminary subdivision approval for a 5-lot subdivision including a new town road. Among the conditions was approval from DOT for the road intersections. That preliminary approval has been extended several times but appears to have lapsed as of December 2005.

WHEREAS, since 2002, the portion of the site that was in New Windsor has been annexed to Cornwall, the site is now zoned to accommodate PACs, detailed PAC special use permit requirements are now incorporated in the Town's zoning law following the adoption of the Town's 2005 Comprehensive Land Use Plan, and the Town Board has granted a PAC special use permit to the applicant. Prior to taking each of the above actions the Town Board conducted the requisite SEQRA review. Accordingly, the use of the site as a PAC is now permitted by the current Town Code, and would be consistent with the SEQRA analysis as it had been identified as a mitigating measure.

WHEREAS, the applicant has submitted an application to subdivide the parcel into 10 lots, one of which would contain the residential component of the PAC, and the other 9 would be developed commercially. This differs from the GEIS review, as only a total of 5 lots were proposed during the generic study. However, the increase in the number of lots from 5 to 10 only affects the size of the commercial lots, and the applicant is not requesting to increase either the number of residential units in the PAC nor the overall square footage of the commercial development. In other words, the only change will be that the same amount of commercial development will be divided into more, smaller, lots.

WHEREAS, the applicant has submitted a fully executed Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and a SEQRA addendum with supporting documentation detailing how the application is in conformance with the conditions and thresholds established for such actions in the GEIS Findings Statement; and

WHEREAS, where, as here, a generic SEQRA review has been conducted, 6 NYCRR § 617.11(d) requires that no further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement, or, alternatively, A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the

subsequent action will not result in any significant environmental impacts;

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for preliminary subdivision plat approval was held on July 5, 2006 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on July 5, 2006 the public hearing on the application for preliminary subdivision plat approval was closed; and

WHEREAS, the application was duly referred to the Orange County Department of Planning ("OCDP"), and OCDP responded with two reports, the first dated July 17, 2006 and the second dated August 7, 2006. OCDP recommended that the Planning Board grant preliminary subdivision approval subject to certain comments made in OCDP's reports; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the subdivision approval alone does not allow the applicant to begin the construction of either the residential or commercial components of the PAC. The Cornwall Commons development will require site plan approvals 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. Likewise, each approval will also be subject to a SEQRA consistency determination. If any of the necessary approvals would have impacts exceeding the conditions and thresholds of the GEIS and the Findings Statement (or other impacts not identified during the previous environmental review), then further environmental analysis would be appropriate at that time. When the applicant applies for site plan approval for any of the lots, then the Board will have before it actual plans that would properly be the subject of further environmental analysis that would involve the preparation of an SEIS.

WHEREAS, the Planning Board, acting as Lead Agency, has determined that the Proposed Action is consistent with the previously adopted generic SEQRA Findings Statement and minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of this preliminary subdivision plat.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for a coordinated review of this action;
2. This is a Type I Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. ~~Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein, both the FGEIS and SEQRA Findings Statement, and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;~~
5. The Planning Board hereby adopts the SEQRA "Negative Declaration and Consistency Determination" annexed hereto.

Upon motion made by Member Broomer, seconded by Member Klosky, the foregoing resolution was adopted as follows:

| | | | | |
|-------------------------|--------------------------------------|---------------------------|--|------------------------------|
| Member, Kenn Brodmerkel | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, Jane Deans | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, Wynn Gold | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, William Grabe | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, Deke Hazirkian | <input type="radio"/> Aye | <input type="radio"/> Nay | <input checked="" type="radio"/> Abstain | <input type="radio"/> Absent |

Member, Led Klosky

Aye Nay Abstain Absent

Chairman, Neil Novesky


Aye Nay Abstain Absent

Dated: September 5, 2006
Cornwall, New York



Neil Novesky, Chairman

Filed in the Office of the Town Clerk on this 6th day
of September, 2006.



Elaine Tilford Schmeer
Town Clerk

Cornwall Commons 10-lot Subdivision
Generic SEQR Findings Statement- Town of Cornwall
DRAFT Determination of Consistency and Negative Declaration

"When a final generic EIS has been filed no further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement". (6 NYCRR 617.10d)(1))

Background

The Cornwall Commons Generic SEQR review was undertaken beginning in the year 2000 on what was then a 5-lot subdivision of vacant industrial lands in what was then the PIO district in the Town of Cornwall and a 69-lot residential development of what were R-3 lands in the Town of New Windsor. The applicant had previously sought a zoning amendment in order to construct a PAC, but the Town Board at the time chose not to entertain the request, and the applicant opted to pursue some development of the property, and asked to begin the SEQR review process.

The action that initiated the SEQR process was a requested five-lot subdivision of the property in the Town of Cornwall. Town of Cornwall Planning Board was the SEQR Lead Agency. The 5-lot subdivision would have been a "default", inasmuch as it was simply a logical by-product of the proposed construction of an access road to provide access to the residential lands then in the Town of New Windsor, because that portion of the site had no road access except through the Town of Cornwall. The Generic SEQR analysis considered a potential development of up to 1,000,000 square feet of mixed use industrial under the then-current PIO zoning, in addition to the 69 single family detached dwellings in the Town of New Windsor. In addition, the alternatives of a senior development with 230 2-bedroom units, and an alternative of a Planned Unit Development with 10 detached houses and 180 attached units were considered. The Generic SEQR review identified several issues relating to intermunicipal coordination that are no longer relevant given the annexation of the land from New Windsor and its subsequent rezoning to PRD.

After the completion of the Generic Draft and Final Environmental Impact Statements, the Planning Board adopted Generic SEQR Lead Agency Findings in April of 2002. Like all Generic Findings, they set forth policies and procedures for addressing future actions. After adopting the Findings, the Town of Cornwall Planning Board granted a conditioned preliminary subdivision approval for a 5-lot subdivision including a new town road. Among the conditions was approval from DOT for the road intersections. That preliminary approval has been extended several times but appears to have lapsed as of December 2005.

Although the action that was the subject of the Generic SEQR review was the development of 1,000,000 square feet of mixed industrial and 69 single family homes, the Findings did identify that there were alternative uses that were not allowed in the then-PIO zoning, and these alternative uses could potentially reduce impacts and might provide greater flexibility in site development. The applicant used the GEIS process as a means to point out the possibility of other land uses not then allowed in the zoning. In the process of the Town's 2003 and 2005 Comprehensive Plan review process, the applicant presented the PRD concept to the Comprehensive Plan Committees. The Town's recently adopted (2005)

Comprehensive Plan did incorporate this PRD land use, and the Planned Adult Community (PAC) was ultimately provided for in the Town of Cornwall zoning. The New Windsor land annexation took place later, and that annexed land was zoned consistent with the PAC.

The applicant has sought and received the Town-Board-issued special permit for the Planned Adult Community. The current action that is before the Planning Board is a ten-lot subdivision for the PAC use. Just as with the original 5-lot industrial subdivision that you considered in 2002, the subdivision allows no use of the lots without further site plan approval. No specific site plans are presently before you – you have only seen “cartoons” or concept plans.

The applicant has submitted additional environmental reviews and studies pertaining to the site and the PAC use. For example, he has submitted a modified traffic study that compares the projected traffic under the previous zoning with that under the current zoning for the site. He has submitted updated cultural resources studies. And he has developed an overall site access and drainage plan.

Because a Generic SEQR Findings statement has been adopted, the Planning Board needs to determine whether the action is consistent with the conditions and thresholds established in the Findings. To the extent that any circumstances have changed, there is new information, or there are inconsistencies, the Board would need to evaluate them to determine their significance. The end result of this review process is a Negative Declaration/Finding of Consistency if the matter is consistent.

What follows is a brief summary version of the specific 2002 Generic Findings, and a finding of consistency with the same.

| Subject Area of Impact | Abbreviated SUMMARY of Generic SEQR- Lead Agency Findings 4/15/02 | Planning Board Consistency Finding -Ten-lot subdivision for PAC Development |
|--|--|---|
| Land Use and Zoning/ Community Character | <p>(A1) Finding: No adverse impact on land use and zoning associated with proposed action in developing the property in accordance with zoning.</p> <p>(A2) Finding: The other potential uses that could be implemented on the property, that are not currently permitted by zoning, could minimize potential for land disturbance and intensity of development while preserving fiscal benefits to the municipality that should be considered by the Town Master Plan Committee and Town Board.</p> | <p>(A1) It is clear that a PAC can be sited on the property in harmony with town's current PRD zoning.</p> <p>(A2) This Finding relates to an alternative that was considered in the GBIS but was not at that time allowed in the zoning. The current zoning allows the use; as noted in the preceding paragraph.</p> |
| Intermunicipal Planning | (A3) Finding: An issue of concern will be the need to coordinate site plans and land use | (A3) This concern is no longer applicable due to the annexation. |

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| | approvals by both boards. | |
| Soils and Topography | (B1) Finding: Stormwater Management/ Soil Erosion Control Plan must be prepared for site development and SPDES permit obtained relating to construction activity. Grading activities will be limited to those area specified for development and exposure will be minimized. | (B1) The Phase II Stormwater regs are NYSDEC statutory requirements that apply to all projects. It is not up to the Planning Board to re-invent these statewide standards, and all site plans within the subdivision must conform to this Finding. Because the subdivision allows no specific land use without site plan approval, this requirement applies to future site development. |
| | (B2) Finding: All areas proposed for grading will be graded such that runoff will be directed to storm water management areas before being released into surface water drainage. | (B2) As noted above, this is a NYS DEC statutory requirement. The question of the drainage patterns and overall project-wide approach to managing drainage will be evaluated by the Planning Board when considering the site plans. |
| | (B3) Finding: If necessary cross easements to commercial lot owners will be provided to allow the ability to share drainage detention facilities as necessary to adequately treat site runoff. | (B3) The subdivision provides for the locations of stormwater management facilities, and no final subdivision approval will be granted without any and all necessary cross-easements being provided for. Maintenance of such common facilities is provided by way of a developer's agreement. Site plans will incorporate the same information. Therefore the subdivision is consistent with this requirement. |
| | (B4) Finding: Grading, cutting and filling shall be limited only to those areas specified for development. | (B4) No use of the land was proposed at the time of the GEIS, and none could be allowed without site plan approval; that is still the case. The Findings had noted that there would not be pre-grading to develop building sites in advance of a specific user having been identified. This Finding will be maintained; the Planning Board is not being asked to grant, nor will it grant, the authorization to pre- |

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| | | clear and pre-grade the lots absent site plan approval. At the time of the first site plan application, an SEIS will be required and will address potential visual effects of clearing on the PIPC Moodna gorge trail. Therefore, the 10 lot subdivision is consistent with this Finding. |
| Water Resources | (C1) Finding: Project must comply with NYS DEC guidelines. | (C1) See the Consistency Determination for Findings B1 and B2. This requirement applies under law, regardless of SEQR. |
| | (C2) Finding: If necessary cross easements to commercial lot owners will be provided to allow the ability to share drainage detention facilities as necessary to adequately treat site runoff. | (C2) As noted for item B3 above, the subdivision provides for the locations of stormwater management facilities, and no final subdivision approval will be granted without any and all necessary cross-easements being provided for. Maintenance of such common facilities is provided by way of a developer's agreement. Site plans will incorporate the same information. Therefore the subdivision is consistent with this requirement. |
| | (C3) Finding: Any disturbance of the federally protected wetland areas will be avoided to the maximum extent practicable and developer will comply with all appropriate federal regulations relating to any proposed and future disturbance of the federally protected wetlands areas. | (C3) This Finding does not apply to the subdivision, but will apply to future site plans which must comply. This finding essentially just restates the limitations of federal law as it applies to any future site plan (which looks at specific disturbances). |
| | (C4) Finding: The stormwater that will enter into any of the federally protected jurisdictional fresh water wetlands, during and after construction, will be routed through water quality features to remove contaminants as required by the NYSDEC. | (C4) See the Consistency Determination for B1 and B2 above. Agreed; this is essentially a reiteration of the finding for C(1) above. Overall concept stormwater management plan as defined in the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed by the Town Engineer's office and it has taken no exception to the |

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| | | methodology and intent of the treatment. As part of the individual site plan reviews, the site-specific water quality improvements will be reviewed, with the same coordinated with the common treatment elements of the overall SWPPP, and all stormwater that enters federally-protected jurisdictional freshwater wetlands will be ensured to have the necessary treatment, consistent with this Finding |
| Ecology | (D1) Finding: The Planning Board shall require detailed site plans for future land uses in this area to locate significant trees and to preserve them in a natural landscape design wherever possible and encourage protection of wetland areas. In addition to requiring that the "cabbage" oaks be identified and attempting to preserve them in a natural landscape design wherever possible, this Finding directed the Planning Board to discourage the fragmentation of the maturely wooded land in the course of site plan. This Finding also speaks of an undisturbed stream corridor buffer of up to 25 feet on either side | (D1) The Planning Board confirms this Finding will be followed during site plan evaluation. The site plans must conform with this Finding. |
| | | At the time of the first site plan application, an SEIS will be required and will address the location of these trees, stream corridor buffer(s) and ability to avoid fragmentation, consistent with the development of the site pursuant to the zoning and a reasonable investment-backed expectation of the use of the property. |
| | (D2) Finding: Any site grading and earth operations that are needed to develop access to the subdivision shall be in a manner that recognizes the intent to protect existing vegetation and wildlife habitat. | (D2) The site plans must conform with this finding. |
| | (D3) Finding: Site specific plans for all development will require preferential use of native, non-invasive species in order to help protect biological integrity of the remaining lands. | (D3) This requirement is for the Planning Board to implement in its site plan review & approvals process. The subdivision is consistent because this item is being carried forward to site plan, and the Planning Board will verify that any street tree plantings that are part of the subdivision will comply with this Finding prior to |

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| | | final plat approval. |
| | (D4) Finding: Stormwater detention plans will be designed to keep surface flow near pre-development levels to protect the viability of the weak stellate sedge which may be present in these areas. | Same as preceding comments re stormwater |
| | (D5) Finding: With regard to protection of mole salamander habitat, wetlands C and D are undisturbed and a significant amount of habitat would be protected. FGEIS further offered to incorporate consideration for suitable passage under roadways for amphibians. | (D5) See Findings for B and C items above. Future site plans must conform with the Finding. And at the time of the first site plan application, there will be an SEIS addressing compliance with Phase II regulations. |
| Traffic and Transportation | (E1) Finding: The construction of new access road connections to the site from Route 9W must be coordinated with NYS DOT. | (E1) This is required as a matter of law, and it applied to the original 5-lot industrial subdivision that triggered the GEIS just as it does to this 10-lot PAC subdivision. Therefore, this is consistent. |
| | (E2) Finding: Alternative access scenario would include the provision of a full movement signalized intersection at the southerly access on Route 9W. | (E2) Same as preceding. |
| | (E3) Finding: DGEIS indicated that certain intersections would fall below acceptable operating standards if the project were fully completed, under any access scenario. However, these affected intersections are already proposed to be completed as part of the planned NYSDOT improvements to Route 9W. These improvements would cause the intersections to function at acceptable levels of service. All other intersections except one were projected to operate at acceptable levels of service. FGEIS indicated that the applicant would offer a fair share contribution to the installation of a signal at Main Street/ Route 218. | (E3) Supplemental traffic analysis has been submitted accompanying the PAC special permit application showing that the proposed PAC would not generate more traffic than studied in the GEIS. However, the Planning Board emphasizes that the GEIS traffic findings identified that the project would create severe impacts on the Main Street/Rt 218 intersection which already has failing Levels of Service, and signalization would mitigate this. This finding reflects that the applicant has offered a fair share contribution towards a signal as an offsite mitigation measure, but the matter is under DOT jurisdiction. The Planning Board |

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| | | notes that the subdivision of these PRD lands does not allow any land use to take place without the grant of further land use approvals (i.e., site plan.). At the time of the first site plan application, an SEIS will be prepared and will address a specific mechanism to resolve this matter. |
| | (E4) Finding: Lead Agency notes that any of the alternatives explored in the SEQR process can work to provide adequate and safe access to the site. NYS DOT ultimately is the agency that will make the decision. | (E4) The Planning Board will coordinate with DOT pursuant to its standard procedures in accordance with this Finding for the 10-lot subdivision. The Planning Board specifically notes that these plans set forth some basic criteria for access to the lots from the proposed town road, and the access criteria are consistent with the Planning Board's adopted SEQR Findings. |
| | (E5) Finding: Roadway improvements must be provided in accordance with detailed subdivision plans prepared by the applicant in compliance with applicable municipal specifications. | (E5) The access road as proposed within this subdivision is different from the normal municipal specifications in its "boulevard" layout, but its design has been coordinated with the Town Engineer and the Town Highway Superintendent, and its maintenance has been provided for via Developer's Agreement with the Town of Cornwall. Therefore, the plan should be considered to be consistent with this Finding. |
| | (E6) Finding: The Town of Cornwall and the Town of New Windsor highway superintendents will need to cooperate on the matter of highway maintenance as regards to internal site road network. | (E6) This Finding is no longer applicable due to annexation. |
| Utilities & Community Services | (F1) Finding: Projects including land in two different municipalities have the potential to create impacts regarding concerns of overlapping or confused jurisdictions for | (F1) This Finding is no longer applicable due to annexation. The annexation should be considered to be a beneficial change in that it |

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| | emergency responders such as fire, police or ambulance. | eliminates the question of overlapping jurisdictions. |
| | (F2) Finding: Village of COH and New Windsor have signed an intermunicipal agreement providing that COH will service the New Windsor site as part of the same system. Any work done in the NYCDEP ROW will require NYCDEP authorization; | (F2) Annexation resolves the matter of the intermunicipal agreement. Nothing changes with respect to the NYCDEP ROW. This is a matter that is routinely coordinated with NYSDEP. |
| | (F3) Finding: GEIS expects that the project could result in a demand of up to 200,000 gallons per day of water and sewer capacity. Findings state that if the demand is higher then additional study may be required. | (F3) So noted. The site plans must conform to this Finding. All requirements of any other jurisdictional agencies still apply as a matter of course. |
| | (F4) Finding: On substantial completion of the project, the applicant will extend the project's 12" water main from its end at the northwest side of NYS Route 9W to the southeast side of Route 9W. | (F4) The action before the Board is for preliminary subdivision approval only. As part of the completion of that design, and submittal to outside agencies, the applicant will need to finalize the design and routing of the water in order to service the needs of the project. Also note, the Town Engineer has met with the Water Superintendent of the Village of Cornwall on the subject and it is agreed that the ultimate completed work must include a full looped interconnection from the Mill Street corridor to the Academy Avenue/Mailler Avenue area. This full installation should be complete no later than 85% buildout (as calculated in relation to total calculated flows), however, at all times the installed distribution system shall have adequate capacity to provide recommended ISO fire flows to all areas of the project which shall have been constructed, before it is occupied. Town Engineer reports that the preferred connection location for |

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| | | <p>sewer and water would be to Mailler Avenue thru Halvorsen Road, in an effort to avoid the Rt. 9W - Rt. 218 State Highway intersection, which is scheduled for total reconstruction during the build-out period of the project, which would result in likely service interruptions or necessary reconstruction of utility improvements in the area. Therefore note that the location of the sewer and water utility alternatives may be associated with additional impacts which the Planning Board may need to evaluate in the course of site plan and SEIS review.</p> |
| | <p>(F5) Finding: The DGEIS identified the preferred choice as a connection to the existing sanitary sewage system in the Town of Cornwall which would involve construction of a forcemain across NYS Route 9W to Academy Avenue.</p> | <p>Application is consistent with Finding, as connection will be to Main Street sewer trunk main. Also see F-4.</p> |
| | <p>(F6) Finding: Final design of any sewer collection system to service the site shall meet the requirements of the Town of New Windsor and Cornwall and shall be submitted for review and approval of both municipal engineers, as well as the approval of NYSDEC.</p> | <p>See F-4 above. This Finding should note that Town of New Windsor requirements and approvals will not apply depending on the alternative chosen, since the collection system to serve the site is wholly within the Town of Cornwall. Should the main from the site utilize the siphon, rather than discharge to Academy, then New Windsor review and approval would be required.</p> |
| | <p>(F7) Finding: NYSDEC approval is required for the sewer main extension.</p> | <p>(F7) This does not change; the requirement still applies.</p> |
| | <p>(F8) Finding: Future industrial users may pose special security needs depending on the type</p> | <p>(F8) This Finding notes that in the event of any future change in zoning, additional consideration</p> |

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| | <p>of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard.</p> | <p>may be needed. The Planning Board finds that that there would be no unique security needs for the mix of uses proposed within a PAC, as compared to the original industrial subdivision that might potentially have involved some particular public security threat. While an increased residential population could increase the total demand for police, this should be covered by the taxes generated by the use. No additional consideration is needed.</p> |
| | <p>(F9) Finding: Future industrial users may pose special fire protection needs depending on the type of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard.</p> | <p>(F9) This Finding pertains to specific industrial users, from the GEIS analysis of an industrial subdivision. The intent of this Finding will be complied with during site plan review for individual uses, as the Planning Board routinely coordinates firefighting access and circulation needs during specific site plan review. There will be central water supplies.</p> |
| | <p>(F10) Finding: The potential emergency medical impacts of a specific type of industry can vary widely based on the type of operation; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard and will coordinate with local emergency medical services if needed.</p> | <p>(F10) The Findings note that in the event of any future change in zoning, additional consideration may be needed. This use does not pose any unique impacts due to industrial processes or uses, which would no longer apply with the change in zoning, but the impact of a large number of seniors may affect the demands on volunteer COVAC. This item may call for some additional evaluation & comment by COVAC at the time of the SEIS for the first site plan review.</p> |
| | <p>(F11) Finding: The solid waste generation and disposal patterns of industry can vary widely based on the type of operation; therefore the Planning Board will determine at the time of</p> | <p>(F11) Details of on-site collection must meet the requirements of the Town, and will be reviewed as part of the</p> |

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| | site plan review whether any individual future user poses any extraordinary needs in this regard. | site plan approval. There is no solid waste generated as part of the subdivision because no land use is allowed. |
| | (F12) Finding: The entire site is located in the Cornwall Central School District. These new facilities are anticipated to be complete before the residential component in New Windsor can be approved, constructed and occupied. | (F12) Due to the age-restricted community, there will be few if any school aged children generated. In comparison, the GEIS dealt with a project that included a residential component of 69 single family units then in the Town of New Windsor, so there was a previous expectation of school children, though this project uses gated private roads. At the time of the first site plan application, the question of school children generated by such a project will be investigated in an SEIS. Data from similar projects in other areas should be considered, along with related issues such as project-specific school district for transportation needs. |
| | (F13) Finding: New Windsor has the option of either requesting parkland dedication if it deems necessary, or collecting fees in lieu of parkland. | (F13) This Finding is no longer applicable due to the annexation and zoning change. Instead, the site development plan must comply with the zoning law for PACs and with the Developer's Agreement. Accordingly, the parkland fees that will be paid for the Town of Cornwall will be no more than 33% of the recreation fee for comparable dwellings units; however, the fee shall not exceed \$1,000.00 per unit nor be less than \$666.66. This in-lieu fee will be in addition to any recreation facilities that are incorporated on the site. |
| Visual and Noise Impacts | (G1) Finding: Site specific landscaping plans incorporating existing mature trees, to the extent the same are able to be retained, | (G1) The site plans must conform with this finding. Furthermore, an SEIS will be required for the first |

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| | <p>supplemented by new plantings to create a suitable buffer for screening the view of the development.</p> | <p>site plan that will specifically show additional information and features so that the vegetation and topography relative to the Moodna Creek side of the site shall be shown. The SEIS will specifically evaluate views to the site from the PIPC gorge trail and identified future pending public land acquisitions, to determine what portions of existing tree screening is located on the Cornwall Commons property or on lands of others. The SEIS will further determine suitable and adequate buffer and other visual impact mitigation measures that shall apply to the site to protect these resources. The SEIS will also</p> |
| | | <p>address any landscaping and/or screening considerations towards 9W. However, the Planning Board notes that this area has not been identified in the Comprehensive Plan as an area to be protected for Open Space and Recreation. The site is included in an area that is expected to be developed. The Plan specifically notes that future land set-asides should be within the two environmental overlays and through clustering of development elsewhere in the town.</p> |
| | <p>(G2) Finding: During site-specific review of industrial plans, the Planning Board shall consider the needs for appropriate noise screening to be provided for any HVAC units, internal circulations areas or equipment areas if appropriate, in order to limit noise at any residential property lines.</p> | <p>(G2) Although the site use is no longer PIO, there still may be HVAC and other internal circulation or other noise-generating activities whose impact on outside residences as well as internal site impacts should be considered by the Planning Board during site plan review. Therefore, this Finding will be applied to site-specific reviews on</p> |

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| | | this site. This does not apply to the subdivision, however, which allows no land use without further Planning Board action. |
| | (G3) Finding: The Planning Board will pay careful attention during site specific review to landscaping the site lighting as well as the appearance and finish of the structure themselves. | (G3) The site plan must conform with this finding. |
| Cultural Resources | (H1) Finding: None needed; no potential impacts are projected in this subject area. | (H1) Exhibit H of the applicant's PAC submittal includes a letter dated 1/8/06 from the applicant's cultural resources consultant noting that an updated Phase I-A study had been completed for the site, and that the updated study indicated a sensitivity to archeological remains. The letter summarizes the result of follow-up Phase I-B studies that were completed, which studies indicate that the project would have no impact on proposed construction areas, and promising submittal of a detailed report for submission to town and to OPRHP. The Planning Board should note that OPRHP is the agency having jurisdiction to determine whether there are any cultural resources impacts from the project. Any updated/revise determination in this area, therefore, is subject review and acceptance by OPRHP. To date no complete report has been submitted as indicated in the 1/8/06 letter. However, the Planning Board notes that the grant of preliminary subdivision approval does not allow any specific site disturbance, so there is time to resolve this issue. The Planning Board will ensure that the issue is resolved as part of its |

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| | | <p>site-specific plan review process</p> <p>In re the PIPC trails and visual impact, it should be noted that this was not previously evaluated in the GEIS. However, an SEIS will be required for the first site plan that will specifically show additional information and features so that the vegetation and topography relative to the Moodna Creek side of the site shall be shown. The SEIS will specifically evaluate views to the site from the PIPC gorge trail and identified future pending public land acquisitions, to determine what portions of existing tree screening is located on the Cornwall</p> |
| | | <p>Commons property or on lands of others. The SEIS will further determine suitable and adequate buffer and other visual impact mitigation measures that shall apply to the site to protect these resources. The SEIS will also address any landscaping and/or screening considerations towards 9W.</p> <p>The SEIS shall consider the impacts of clearing, grading, and structural or non structural uses towards the Creek onsite structural and non-structural uses structures. The SEIS will further determine a suitable and adequate buffer and other visual impact mitigation measures that shall apply to the site to protect these resources</p> |

Additional Issues: One additional matter that was not discussed in the Generic EIS and Findings was the matter of access to others, specifically NYMA. The Planning Board notes that the preliminary subdivision plan provides for at least one access way to the NYMA property. The Planning Board further notes 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, and thus the action on preliminary approval is consistent with a Negative Declaration.

RESOLUTION ADOPTING A NEGATIVE DECLARATION
UNDER SEQRA

WHEREAS, Cornwall Commons LLC has applied to the Town of Cornwall Town Board for a Special Use Permit ("SUP") pursuant to Town Code §158-21(X) for concept approval for a Planned Adult Community ("PAC") on certain real property located on Route 9W, Cornwall, New York identified as Town of Cornwall Tax Map No. 9-1-25.2 and former Town of New Windsor Tax Map No.37-1-45.1; and

WHEREAS, in regard to proposed development of the Cornwall Commons property a Generic Environmental Impact Statement ("GEIS") and Findings Statement have previously been adopted pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the requested SUP granting concept approval for the proposed development of the Cornwall Commons property as a PAC is consistent with and within the thresholds of the GEIS and Findings Statement;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board does hereby adopt the Negative Declaration attached hereto.

Councilman, J.KERRY MCGUINNESS presented the foregoing resolution which was seconded by Councilwoman Mary Beth Greene-Krafft

The vote on the foregoing resolution was as follows:

Mary Beth Greene-Krafft, Councilwoman, voting AYE

J. Kerry McGuinness, Councilman, voting AYE

Randolph S. Clark, Councilman, voting AYE

Alexander Mazzocca, Councilman, voting AYE

Richard Randazzo, Supervisor, voting AYE

NEGATIVE DECLARATION

Town of Cornwall Town Board, County of Orange

Date: June 5, 2006

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

The Town of Cornwall Town Board has determined that the proposed action described below will not have potential significant harmful effects on the environment, and a Draft Environmental Impact Statement will not be prepared.

Name of Project : Cornwall Commons, LLC
Special Use Permit Application.
Action Type : Type I.
Site Location : Route 9W, Town of Cornwall, New York.
Location : Town of Cornwall.

Summary of Action: The action is grant of a Special Use Permit pursuant to Town Code §158-21(X) for concept approval for a Planned Adult Community ("PAC").

Reasons Supporting This Determination:

Heretofore the Town of Cornwall Planning Board declared its intent to be lead agency in connection with the development of this property, coordinated SEQR review and provided written notice of same to involved agencies, including the Town of New Windsor Planning Board, Town of Cornwall Town Board, Town of New Windsor Town Board, Village of Cornwall-on-Hudson Water Department, Orange County Health Department, Orange County Department of Planning, New York State Health Department, New York State Office of Parks, Recreation, and Historic Preservation, New York State Department of Environmental Conservation; and New York State Department of Transportation. After a lengthy review process including the issuance of a positive declaration, scoping session, submission of a draft GEIS, several public hearings and acceptance of the FGEIS, both the Town of New Windsor and Town of Cornwall Planning Boards adopted Findings Statements determining that all requirements of NYCRR Part 617 were met and that the action will not have a

significant adverse effect on the environment.

The Town Board adopted a new Town Comprehensive Plan recommended by the Comprehensive Plan Committee and Planning Board and zoning amendments recommended by the Planning Board which allow for the development of a Planned Adult Community on the Cornwall Commons property for which the Board prepared and accepted a Generic Environmental Impact Statement for the adoption of the Town Comprehensive Plan and a negative declaration for the adoption of the zoning amendments in furtherance of the Comprehensive Plan.

The Orange County Department of Planning approved the Town Comprehensive Plan and zoning amendments by letters dated December 13, 2004 and June 7, 2005.

The Town Board adopted a negative declaration declaring that upon the annexation of the property in the Town of New Windsor to the Town of Cornwall, the Town of Cornwall Town Board intended to zone the property to allow the construction of a Planned Adult Community, and that the annexation of the New Windsor property and zoning of the New Windsor property to the PRD zoning district, as intended, will not cause a significant adverse impact on the environment.

The Planning Board issued a report on March 13, 2006, recommending that the Town Board grant the application for a PAC special use permit since the use of the site as a PAC is a permitted use under the Town Zoning Code and would be consistent with the Generic SEQR analysis as it had been identified as a mitigating measure.

In regard to the Special Use Permit at issue, the Planning Board issued a report on March 13, 2006, recommending that the Town Board grant the application for a PAC special use permit since the use of the site as a PAC is a permitted use under the Town Zoning Code and would be consistent with the Generic SEQRA analysis as it had been identified as a mitigating measure.

Finally, the Town Board finds and determines that the proposed action is consistent with and within the thresholds of the GEIS and Findings Statement previously adopted in regard to development of the Cornwall Commons property.

Agency Address:

Town of Cornwall Town Board
Town Hall - 183 Main Street
Cornwall, New York 12518
Tel. No. (845) 534-9100

Contact Person:

Town Supervisor, Richard Randazzo

RESOLUTION GRANTING SPECIAL USE PERMIT
FOR CONCEPT APPROVAL FOR A PLANNED ADULT COMMUNITY

WHEREAS, Cornwall Commons LLC has applied to the Town Board for a Special Use Permit ("SUP") pursuant to Town Code §158-21(X) for concept approval for a Planned Adult Community ("PAC") on certain real property located on Route 9W, and

WHEREAS, in regard to the said application the Town of Cornwall Planning Board has rendered a report and recommendation which recommends grant of the SUP; and

WHEREAS, the Town Board has duly noticed and held a public hearing on the proposed SUP and,

WHEREAS, the Town Board has duly referred the said application to the County Planning Department pursuant to GML §239-m and received a report thereon; and

WHEREAS, following grant of the requested SUP for concept approval for development of the property as a PAC, the developer must return to the Planning Board and submit detailed, site-specific plans for development of the property in order to obtain site plan and/or subdivision approval; and

WHEREAS, a negative declaration under SEQRA has been adopted in regard to the request for grant of a SUP;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby accept and adopt the report of the Planning Board in regard to the application for a SUP pursuant to Town Code §158-21(X); and

2. That the Town Board acknowledges receipt of the Report received from the County Planning Department pursuant to GML §239-M dated May 5, 2006 which expresses reservations regarding traffic related issues as well as visual impacts and other environmental concerns. The Town Board has carefully considered the comments in the report of the County Planning Department. The Town Board finds that the application for a special use permit granting concept approval for a PAC presently before it is not the appropriate vehicle for addressing the concerns and issues raised in the said report. Rather, these concerns and issues shall be considered and addressed in context of the Town Planning Board's review of applications for site-specific land use approvals which will, if appropriate, include a Supplemental Environmental Impact Statement.

3. That the Town Board does hereby grant the application for a SUP pursuant to Town Code §158-21(X). In so doing, the Town Board directs the Planning Board to consider and address the comments in the said report of the County Planning Department in the course of processing applications for land use approvals based upon this SUP.

Councilman J.KERRY MCGUINNESS presented the foregoing resolution which was seconded by Councilwoman Mary Beth Greene-Krafft

The vote on the foregoing resolution was as follows:

Mary Beth Greene-Krafft, Councilwoman, voting _____ AYE

J. Kerry McGuinness, Councilman, voting _____ AYE

Randolph S. Clark, Councilman, voting _____ AYE

Alexander Mazzocca, Councilman, voting _____ AYE

Richard Randazzo, Supervisor, voting _____ AYE

DRAKE, SOMMERS, LOEB, TARSHIS, CATANIA & LIBERTH, PLLC

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OF COUNSEL
KAREN COLLINS

WRITER'S DIRECT NO.
(845) 569-4329

WRITER'S E-MAIL
dcordisco@dsltc.com

March 13, 2006

BY HAND DELIVERY

Town Board
Town of Cornwall
183 Main Street
Cornwall, New York 12518

Re: Cornwall Commons
Planned Adult Community
Report of the Planning Board
Planning Board File No. 04-01
Our File No. 00254-5160102

Dear Town Board Members:

The above-referenced project requires the grant of a special use permit from the Town Board for the development of the subject property as a planned adult community ("PAC"). At the Planning Board meeting of March 6, 2006, the Planning Board adopted a resolution directing me to prepare this correspondence as the report of the Planning Board to the Town Board in this matter pursuant to Town Code § 158-41, recommending that the special use permit be granted. Further, it is my understanding that a copy of the application and EAF are being provided to the Town Board by the Town Building Department.

The Planning Board recommends that the Town Board grant the application for a PAC special use permit. The concept that this site be developed as a PAC was an alternative identified during a State Environmental Quality Review ("SEQR") analysis that began in 2000 and involved the preparation and review of a generic environmental impact statement ("GEIS") and a Findings Statement in 2002 by the Planning Board. The PAC alternative was one that reduced or avoided impacts of what was then an as-of-right industrial use in the Town of Cornwall and single family detached residential dwellings in the Town of New Windsor. The

Town of Cornwall Town Board

March 13, 2006

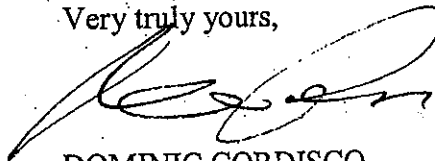
Page 2

2002 Findings Statement noted that the use of the site as a PAC could reduce or avoid some impacts, but the zoning that was in effect at the time did not allow such a use. Since 2002, the portion of the site that was in New Windsor has been annexed to Cornwall, the site is now zoned to accommodate PACs, and detailed PAC special use permit requirements are now incorporated in the Town's zoning law following the adoption of the Town's 2005 Comprehensive Land Use Plan. Accordingly, the use of the site as a PAC is now permissible by the current Town Code, and would be consistent with the Generic SEQR analysis as it had been identified as a mitigating measure.

Given that the Town Board must issue the PAC special use permit, the Town Board must hold a public hearing. The SEQR regulations provide that, when a GEIS applies to an action, no further SEQR review is necessary if the action is consistent with the conditions and thresholds established in the GEIS and the Findings Statement. See 6 NYCRR § 617.11(d). Given that the purpose of the GEIS was to analyze the suitability of this site as a PAC, we offer that no further SEQR review is required prior to issuing the PAC special use permit.

The plans submitted to date for the Cornwall Commons development are conceptual. The Cornwall Commons development will require other approvals from the Planning Board, including an amended preliminary subdivision approval, final subdivision approval, and site plan approvals for each component of the project. Each of those approvals will require the submission of detailed plans showing compliance with all applicable laws. Likewise, each approval will also 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 the Findings Statement (or other impacts not identified during the previous environmental review), then further environmental analysis would be appropriate.

Very truly yours,



DOMINIC CORDISCO

DRC/357689

cc: Town of Cornwall Planning Board
James R. Loeb, Esq.
Stephen J. Gaba, Esq.
Mark J. Edsall, P.E.
Ed Garling
Leslie Dotson
Gerald Jacobowitz, Esq.
Michele Babcock, Esq.

**LEAD AGENCY
WRITTEN SEQR
FINDINGS STATEMENT
FOR**

CORNWALL COMMONS

ADOPTED APRIL 15, 2003

LEAD AGENCY WRITTEN SEQR FINDINGS STATEMENT

Cornwall Commons Land Development
Cornwall Commons
Site Plan and Special Permit Application
SEQRA - Findings Statement

Project Description

WHEREAS, early in the year 2000, Cornwall Commons LLC (hereafter, "the applicant" or "project sponsor"), requested the approval of the Town of Cornwall Planning Board for a two-lot subdivision of an approximately 143.68 acre tract in the PIO (Planned Industry and Office) District, and to create a shared driveway access into the site to access this land as well as its adjoining 52.8 acre tract in the Town of New Windsor, which lands are located in the R-3 (Residential) District. At the time of the initial application, the applicant also sought zoning amendments from the Town of Cornwall and the Town of New Windsor to create a new mixed-use "Planned Development" zone. At that time, the requested land use (hereafter "the use", "the plan", or "the project") required the issuance of:

in the Town of Cornwall, for the application as presented in early 2000:

- subdivision approval for a two-lot plat
- approval of an internal access-way and possible public road that would serve the remainder of the site including the lands in New Windsor
- for the Town Board, consideration of the requested zoning amendment

in the Town of New Windsor, for the application as presented in March of 2000:

- for the Town Board, consideration of the requested zoning amendment
- subdivision application for a residential subdivision

As discussed below, the actual development of the site would involve consideration and possible need for permits from multiple agencies, including but not limited to the New York State Department of Transportation, New York State Department of Environmental Conservation, the Orange County Health Department, and the Town of Cornwall and Town of New Windsor Town Boards. Actual use of the land would also require site plan and in some cases special exception use permit from the Planning Board.

Location and Zoning Designations of Site

WHEREAS, the application involves a 143.68 acre portion of a 196.4-acre total property which is located in both the Towns of Cornwall and New Windsor and which consists of the following tax map parcels: Section 9, Block 1, Lot 25.2, located in the PIO district in Cornwall, and Section 37, Block 1, Lot 45.1, located in the R-3 district in New Windsor. The site is currently vacant wooded land that is located on the northwest side of NYS Route 9W, and adjoins the former O&W Railway line.

Filing of Application

WHEREAS, the land use applications for the project were initiated in or around late 1999 by the application of Cornwall Commons LLC for a 2-lot subdivision and overall project development. Applications were also submitted to the Town of New Windsor for its component of the project on or around the same time.

Lead Agency Declaration and Coordinated Review; Project Modification

WHEREAS, subsequent to the filing of project applications, the Town of Cornwall Planning Board considered the need for SEQR compliance and the matter of Lead Agency designation, particularly given the zoning amendment request and the inter-municipal scope of the overall site development proposal. The Town of Cornwall Planning Board issued a Notice of Intent to act as Lead Agency for the SEQR review of this Action, classifying it Type I and sending the same to all identifiable Involved and Interested Agencies on February 8, 2000, pursuant to a resolution of February 7, 2000. The agencies in receipt of same included the Town of Cornwall Town Board, the Village of Cornwall-on-Hudson Board of Trustees, the Village of Cornwall-on-Hudson Water Department, the Town of New Windsor Town Board, the Town of New Windsor Planning Board, the Orange County Health Department, the Orange County Planning Department, the New York State Health Department, the Office of Coastal Zone Management, the New York State Office of Parks, Recreation, and Historic Preservation, the New York State Department of Environmental Transportation, and the New York State Department of Environmental Conservation. No potentially Involved Agency registered any objection to the Town of Cornwall Planning Board within a 30-day time period after Notice of Intent to Serve as Lead Agency was circulated, although the Town of New Windsor Town Board wished to reserve any commitment to Lead Agency status based on the zone change request. It is specifically noted that the Town of New Windsor has been kept informed as part of the Coordinated SEQR review process and has made no further comment on the Lead Agency status issue.

The Town of Cornwall Town Board voted to reject the applicant's requested zoning amendment in February of 2000. Subsequently, in March of 2000 the action was revised to incorporate more lots (5 lots in the Town of Cornwall) on a proposed access road, and to exclude the formally requested zone changes in both the Towns of Cornwall and New Windsor. The applicant expressed a desire to proceed with the land use approval and environmental review process according to the current zoning in both municipalities and examining alternative development scenarios pursuant to the environmental review process. Because the action had been modified to remove the only issue on which any Involved Agency had reserved comment, the Town of Cornwall Planning Board (hereinafter, "the Planning Board", or "the Board") determined that it should proceed as Lead Agency, but should issue formal notice to that effect.

Lead Agency Notice, Positive Declaration, and Scoping Session

WHEREAS, on April 4, 2000, the Town of Cornwall Planning Board adopted a Positive Declaration and scheduled a public scoping session on the overall project, due to its concerns for multiple areas of potential impact including but not limited to traffic, water,

sewer, drainage, visual and others. The Planning Board circulated a combined Notice of Lead Agency Declaration, formalizing and announcing its status as SEQR Lead Agency for the revised project, Notice of Adoption of Positive Declaration and Notice of Scheduled Scoping Session, accompanied by a draft scoping outline. A public scoping session was held on May 1, 2000, and based on submitted comments a final revised scope was completed by the Cornwall Planning Board on May 11, 2000.

Draft GEIS Submission, Acceptance and Notices

WHEREAS, copies of a Draft Generic EIS were submitted on or about March, 2002. Due to concerns raised by the Planning Board consultants, changes were made to the EIS and a revised document submitted in July, 2002 addressing such concerns. The Town of Cornwall Planning Board resolved to accept the Draft GEIS as revised on July 1, 2002, with the document actually being filed on July 15, 2002. The document was circulated to all Involved and Interested Agencies, and the document was also made available to the Cornwall and New Windsor Town Halls, as well as at the Cornwall Free Library.

Public Hearing dates on Draft GEIS with Comment Period

WHEREAS, the Town of Cornwall Planning Board had scheduled a SEQR hearing on the DGEIS for September 3, 2002. However, due to a publication defect, the hearing was not able to be held as scheduled and was therefore re-scheduled and re-noticed for October 7, 2002. The close of the public comment period was scheduled for the close of business on October 17, 2002, ten days after the close of the SEQR hearing. The Planning Board members made additional comments on November 4, 2002, requesting that a Final Generic Environmental Impact Statement be prepared in order to address the body of comments submitted. Comments were submitted by the public and by other agencies regarding several subjects, including but not limited to threatened or endangered species and habitat issues, grading, demographics, and utilities.

FGEIS submission date and acceptance date

Whereas, copies of a Final GEIS were submitted on or about December 20, 2002. The Lead Agency considered the document and resolved on March 3, 2003 to file it on March 10, 2003. This document was filed and made available in the same manner as the GDEIS,, except that the documents clarified the role of the City of New York DEP as an Involved Agency pursuant to their comments. The ten-day consideration period for the FGEIS expired ten days after the date of filing.

WHEREAS, the Lead Agency has given due and thorough consideration to the Draft and Final Generic Environmental Impact Statements, the transcripts of the public hearing held on the GDEIS, all comments submitted by its professional consultants, all submitted plans and other information submitted by the applicant and its representatives, and all written and oral comments submitted by the public and other Involved and Interested agencies with regard to this application. The Lead Agency considered all of the above-mentioned information with regard to the potentially significant environmental impacts that may be expected from the overall project and reasonable alternatives thereto. These findings show

that the Lead Agency has considered and addressed each significant area of the plan's overall potential environmental impact, and further, although significant elements of the actual plans have not been finalized, these findings establish conditions which address the requirements and effects of said site plan elements where the same would be anticipated to have an impact upon the environment.

NOW THEREFORE BE IT DETERMINED that the Lead Agency finds that all requirements of NYCRR Part 617 have been met, and further makes the following findings:

1. Consistent with social, economic, and other essential considerations from among the reasonable alternatives thereto, the action to be carried out, funded or approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, consistent with other applicable requirements of law. The Lead Agency specifically notes that, among the alternatives identified was the possibility of a zone change which, although not specifically requested, reveals impacts that could be reduced. Such a zone change is neither under the control of the Planning Board nor the applicant and therefore cannot be incorporated nor required by the Planning Board Lead Agency as a mitigation measure pursuant to these Findings, although there is nothing that prevents any other Agency from taking such action based on information set forth in the DGEIS, FGEIS or other information as may be appropriate.
2. Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Generic environmental impact review process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures that were identified as practicable, and as are outlined specifically in this document below:

Statement of Facts and Findings

Background Project History

The instant action developed as a request of Cornwall Commons LLC (hereafter, "the applicant" or "project sponsor"), for approval of a two-lot subdivision of an approximately 143.68 acre tract in the PIO (Planned Industry and Office) District, and to create a shared roadway access into the site to access this land as well as its adjoining 52.8 acre R-3 (Residential) tract in the Town of New Windsor. At the time of the initial application, the applicant also sought zoning amendments from the Town of Cornwall and the Town of New Windsor to create a new mixed-use "Planned Development" zone. Because the initially requested zoning amendment was rejected by the Town of Cornwall Town Board in February of 2000, the applicant later modified his original request to incorporate more lots (5 lots instead of two in the Town of Cornwall) on a proposed access road, and to exclude the formally requested zone changes in both the Towns of Cornwall and New Windsor. The applicant expressed a desire to proceed with the land use approval and environmental review process according to the current zoning in both municipalities.

The impact analysis that was performed for the action constitutes a reasonable worst-case analysis of potential Cornwall Commons project impacts, as applies to all subject areas investigated.

Specific Environmental Conditions, Mitigations and Findings

A. Land Use and Zoning/Community Character

Land Use and Planning Issues Relating to the Subdivision Plan and the Overall Project

The DGEIS considered the effects of a commercial/industrial development of the proposed 5-lot subdivision plus the residential use of the New Windsor lands in accordance with the existing zoning laws for each municipality. In accordance with the R-3 zoning in New Windsor, the DGEIS indicates that approximately 69 single family detached residential lots could be created. A potential development of 1,000,000 square feet of mixed use industrial was evaluated for the Town of Cornwall under the current PIO zoning.

Alternatives were evaluated. For the New Windsor component of the project, the DGEIS considers not only the as-of-right single family detached residential use, but also the alternative of a "planned unit development" (PUD) and senior citizen housing that the document reports is permitted in the Town of New Windsor. The DGEIS evaluates an alternative with 230 two-bedroom senior citizen housing units, and a PUD of 10 single-family detached houses and 180 two-bedroom attached units.

A significant number of construction positions will be created during the period when the project is being developed. Depending on the types of industrial uses that might ultimately be placed in the Cornwall component of the project site, the permanent employment could vary, but permanent employment increases are expected. The DGEIS indicates that the New Windsor portion of the property could be developed under current zoning for 69 single family homes, which would generate approximately 225 new residents to the area, approximately 49 of which would be school age children. Other alternatives evaluated in the GEIS and reported by the GDEIS to be consistent with the New Windsor zoning were a 230-unit senior citizen development that would generate approximately 230 senior citizen residents to the area and no school children; and a 190-unit PUD "Planned Unit Development" project that would generate 441 new residents, 78 of which would be school age children. These Findings make no endorsement of accuracy as to the representations of New Windsor zoning capabilities, as that determination is solely that of the Town of New Windsor and subject to the Town of New Windsor Planning Board's own Findings Statement. However, it is explicitly noted that the Town of New Windsor Planning Board is an Involved Agency and both received and reviewed both GEISs in addition to any submitted plans throughout the course of the environmental review process.

Land Use and Planning Issues Relating to Alternatives

Concerns had been expressed with respect to the alternatives presented and considered in the DGEIS regarding a mix of residential development in the Town of Cornwall. Although the

DGEIS evaluated more than one alternative, including an as-of-right alternative of developing the site in accordance with the current PIO zoning, it also included others involving zoning amendments for uses not currently provided in the PIO zone. The alternative involving zoning changes was inspired by recommendations made by the Glynwood Report, but these recommendations were not in conformance with the currently applicable zoning nor the Town of Cornwall's currently adopted Comprehensive Plan. The Glynwood report was not a Comprehensive Plan prepared according to Section 272-a of Town Law, but the Planning Board is aware that the Town has established a Master Plan Committee which is in the process of re-evaluating land use recommendations for the town. Depending on the results of the current Master Plan committee, and subsequent action by the Town Board to adopt and implement new recommendations therefrom, the potential may exist for an alternative that is not currently provided for. The Planning Board does have a role advising the Town Board on land use issues and zoning amendments. Therefore, the Planning Board determined that it was appropriate for it to consider and evaluate all alternatives that were presented in the DGEIS. Although the Planning Board must and will administer the current Plan and zoning law of the Town as it applies to any property for any site-specific application, it may also make recommendations to the Master Plan Committee and the Town Board regarding a mixed use plan or any other comments it deems appropriate or upon request. Either the Planning Board or the Town Board can use the information incorporated in the Generic EISs and this Findings Statement in order to make specific land use and zoning recommendations deemed appropriate for this site.

Development in accordance with the existing zoning is not anticipated to create any significant harmful land use and community character impacts, as the Town of Cornwall zoning code contains additional setback and screening requirements that apply to non-residential sites adjoining residential uses or districts. Also, performance standards apply to such non-residential uses, in order to avoid nuisance impacts of noise, smoke and other emissions.

Intermunicipal Planning and Land Use Review

An issue of concern for both the Town of New Windsor and Town of Cornwall Planning Boards will be the need to coordinate site plans and the necessary land use approvals with the receipt of other necessary approvals. For example, because the access to the New Windsor lands must come through the Town of Cornwall, it is clear at a minimum that the overall site access and circulation must be comprehensively planned. Project-related grading, drainage and erosion control measures must be planned so as to accommodate the needs of phased development and avoid creating any harmful downgrade impacts. Intermunicipal coordination and cooperation will be necessary in order to address site-specific concerns, and also the potential for off-site impacts.

Mitigation Measures/Policies and Procedures:

- A1. The GEIS analyzes as the primary plan those uses permitted by zoning within the Town of Cornwall and Town of New Windsor. Therefore, there is no adverse impact on land use and zoning associated with the proposed action in developing the property in accordance with the current zoning. New Windsor is part of this process and has not considered any other zoning except for the

single family residential lots proposed. It will neither provide for or offer incentives for senior housing.

- A2. This Board also finds that, based on other environmental considerations set forth in these Findings below, there are several other potential uses that could be implemented on this property that are not currently permitted by zoning that could minimize potential for land disturbance and intensity of development while preserving fiscal benefits to the municipality that should be considered by the Town of Cornwall Master Plan Committee and Town Board.
- A3. An issue of concern for both the Town of New Windsor and Town of Cornwall Planning Boards will be the need to coordinate site plans and the necessary land use approvals with the receipt of other necessary approvals. For example, because the access to the New Windsor lands must come through the Town of Cornwall, it is clear at a minimum that the overall site access and circulation must be comprehensively planned. Project-related grading, drainage and erosion control measures must be planned so as to accommodate the needs of phased development and avoid creating any harmful downgrade impacts. Intermunicipal coordination and cooperation will be necessary in order to address site-specific concerns, and also the potential for off-site impacts.

B. Soils and Topography

The site is a gently rolling property that drops in overall grade towards the north. The highest elevation is a knoll on the western portion of the property at approximately 240 feet above mean sea level; the lowest point is 142 feet on the north side near the former railroad ROW. At least 80% of the site is sloped at 10% or less. The rail ROW lies in a steep-sided cut below the rest of the property.

Site soils are primarily deep, moderately well-drained Mardin gravelly silt loams at 3-8% slopes, although there are also substantial areas of somewhat poorly drainage Erie gravelly silt loam in New Windsor, and Bath-Nassau shaly silt loam at 3-8% slopes in the front of the site adjacent to Route 9W. The on-site soils have a fragipan, which means that they are associated with a seasonal high water table. Test pits were dug at several locations throughout the site, and the shallow soils areas showed that the underlying bedrock was weathered, rippable shale. Therefore it is not expected that blasting will be needed in the course of site preparation. Site soils and topography do not form limits to site development.

A Stormwater Management/ Soil Erosion Control Plan must be prepared for site development and a SPDES permit obtained relating to construction activity. The site will not be pre-graded to develop the five proposed lots as potential building sites in advance of a site-specific user; the DGEIS indicates that grading activities will be limited to those areas specified for development and exposure will be minimized. This will help to reduce soil erosion.

Mitigation Measures/Policies and Procedures:

- B1. Mitigation measures for soil erosion and sediment control shall include a completely coordinated program to avoid discharge of sediment laden storm water from the site. A Stormwater Management/ Soil Erosion Control Plan must be prepared for site development and a SPDES permit obtained relating to construction activity. The site will not be pre-graded to develop the five proposed lots as potential building sites in advance of a site-specific user; the DGEIS indicates that grading activities will be limited to those areas specified for development and exposure will be minimized, which will help to reduce soil erosion. As part of Phase I, the disturbance in the Town of Cornwall would be associated with the access road grading and construction, along with related installation of utilities. Access to the site for additional testing will take place in accordance with all existing Town of Cornwall and Town of New Windsor policies, regulations and requirements.
- B2. All parking lots, roadways and other areas proposed for grading will be graded, such that runoff will be directed to storm water management areas before being released into surface water drainage, in order to prevent runoff of hydrocarbon contaminated water or dirt and salts and sand from the icing practices on these areas or other potential contaminants, from entering Moodna Creek.
- B3. If necessary, cross easements to commercial lot owners will be provided to allow the ability to share drainage detention facilities as necessary to adequately treat site runoff.
- B.4. Grading, cutting and filling shall be limited only to those areas specified for development and will be completed in as short a time as practical in order to reduce the potential for slope and topographic alterations due to erosion.

C. Water Resources (includes Wetlands)

As noted in the section on soils and topography, the site slopes to the northwest. Most of the site drains to the northwest, by way of a series of small undefined streams and surface water flow. A portion of the site drains eastward, towards a small stream located just east of Route 9W. All of the drainage flows ultimately to the Moodna Creek, located northwest of the site.

Less than 9 total acres of wetlands were delineated on the site, and all are located within the Town of Cornwall. No State jurisdictional wetlands exist on the site, but there were three areas of federally protected wetland comprising just over 6 acres in total, some of which contain vernal pools. One area of non-jurisdictional wetland was identified. A Federal Jurisdictional Determination has been made and is appended to the DGEIS. Wetland "A" is a red-maple swamp just under half an acre in size, and it is located along a water course draining Wetland "C" and discharging south under Route 9W. Wetland "C" is a shallow, cold wetland just under 2.5 acres in size containing red maple, swamp white oak, spicebush and tussock sedge and it is surrounded by mixed hardwood forest. Wetland D is primarily wooded in swamp white oak, is 3.27 acres in size and is also surrounded by a red oak/beechn/hemlock forest. Non-jurisdictional Wetland "E" is just under 2.5 acres in size,

and is vegetated with a mix of red maple, spice bush, highbush blueberry, tussock sedge, sphagnum, bladderwort, and arrowhead.

Construction activities are associated with some unavoidable levels of erosion and siltation. However, by implementing erosion control plans, and by careful grading and direction of drainage in parking lots and roads, this can be reduced and avoided. An additional projection measure would be to preserve a buffer area along the surface water corridors connecting the wetlands. This would help not only to protect water quality but also habitat. Adding pavement and impervious surfaces to the project area has the potential to increase pollutant contributions to local water resources. These potential impacts will be reduced or mitigated by structural stormwater controls and Best Management Practices that will be incorporated into the project at the time of site-specific review. No specific stormwater management plan has been completed yet, but the project must comply with DEC guidelines. No use of the land may take place without the development of a stormwater management plan. This can be done on a site-by-site basis to meet water quality and other needs.

Mitigation Measures/Policies and Procedures:

- C1. No site-specific drainage plan has been developed yet. However, because No use of the land may take place without the development of a stormwater management plan. This can be done on a site-by-site basis to meet water quality and other needs, and in any case the project must comply with DEC guidelines. No impediment exists to preclude the design of any acceptable system in compliance with state guidelines on a site-by-site basis. Provisions will be made for future collection systems on other parcels consistent with the general drainage patterns on the site.
- C2. If necessary, cross easements among commercial lot owners will be required to allow the ability to share drainage detention facilities as necessary to adequately treat site runoff.
- C3. Any disturbance of the federally protected wetland areas will be avoided to the maximum extent practicable, and the applicant/developer will comply with all appropriate federal regulations relating to any proposed and future disturbance of the federally protected wetland areas. In addition, the Planning Board will encourage the preservation of protected buffer areas of at least 25 feet on both sides of on-site stream corridors and the jurisdictional wetlands. [John C: Please note: it might be appropriate here to note that, due to the drainage patterns on the site and the nature of non-jurisdictional Wetland "E", it is considered likely that virtually any level of site use would result in the disruption of its inflow and therefore result in its gradual succession to upland. Because that non-jurisdictional wetland is not regulated by any other agency, and does not otherwise constitute a significant ecological resource nor endangered species habitat, the Lead Agency Planning Board understands that this wetland is subject to alteration, and that such alteration will not constitute a significant harmful environmental impact.

- C4. The stormwater that will enter into any of the federally protected jurisdictional fresh water wetlands, during and after construction, will be routed through water quality features to remove contaminants as required by the NYSDEC. The stormwater plan will be designed to, in addition to treating water quality, maintain tributary sources of stormwater runoff into the relevant fresh water wetlands in order to maintain their viability. Protection of an undisturbed stream corridor buffer of up to 25 feet on either side of surface streams on the site will also help in this regard.

D. Ecology

The DGEIS incorporated a description of site vegetation and habitat. Most of the site is wooded former agricultural land, with the exception of a 6-acre grassy knoll towards the northern part of the site. The northern third of the property, closest to the former railroad ROW, is highly degraded and populated by non-native invasive species such as black locust, multiflora rose, greenbriars, and Asiatic bittersweet. Within this area is a small, seasonally inundated wetland of over two acres. The DGEIS reported that there was no outlet from this wetland "E", which is vegetated with a mix of red maple, spice bush, highbush blueberry, tussock sedge, spaghnum, bladderwort, and arrowhead. This is not regulated by the Corps of Engineers as a federal wetland, according to their jurisdictional determination constituting an isolated wetland due to the lack of outflow. Nor is the wetland regulated pursuant to any local law.

The southern two-thirds of the property contains some well-developed oak forest on ridges, with red maple growth in low areas, and abundant hemlock growth in the mesic areas. This section of the site contains some older oaks in the "cabbage" form; these trees are attractive and should be preserved where possible in a sensitive landscape design.

None of the site directly adjoins the Moodna Creek, and the site is well set back and above any critical tidal estuaries. Therefore, no such species as would be found in estuarine habitats would occur on the site.

The site was visited for purposes of biological survey work seven times at various seasons from 1998 to 2002. On three occasions, a field group worked together generating a total of nearly five-man days of sampling. In addition, another half day was spent in Albany at the NYS Museum and Conference with the State Botanist Richard Mitchell and Charles Scheviak, Collections Manager reviewing status of listed species and examining specimens. A total of five specialists in the New York State Heritage Program, New York State Department of Environmental Conservation and the New York State Department of Education (NYS Museum Scientific Reference Collection) were consulted regarding the identification, distribution and status of the species for which concern was expressed by various reviewers.

Wetlands and adjoining upland areas were inventoried on the site as reported in the DGEIS. Wetland "A" is a red-maple swamp just under half an acre in size, and it is located along a water course draining Wetland "C" and discharging south under Route 9W. This wetland was reported to contain no aquatic plants or amphibians. Wetland "C" is a shallow, cold wetland just under 2.5 acres in size containing red maple, swamp white oak, spicebush and tussock sedge and it is surrounded by mixed hardwood forest. Vernal pools within this

wetland contained spotted salamander larvae and egg masses. Wetland D is primarily wooded in swamp white oak, is 3.27 acres in size and is also surrounded by a red oak/beech/hemlock forest. This wetland contained spotted salamander eggs and wood frog tadpoles. Non-jurisdictional Wetland "E" is just under 2.5 acres in size, and it also is a seasonally appearing wooded wetland containing spotted salamander eggs and wood frog tadpoles.

The DGEIS contained a biological inventory of the site performed by Charles Keane, Biologist making systematic 25-to-50-foot transects of the site. Consistent with the vegetation on the site, he reported that the degraded scrub area in the northwest portion of the site contains common catbirds, crows, robins, blue jays, and the like, while the more mature forested southern two-thirds of the site contained wood thrushes, veerys, black-capped chickadees, turkey, ovenbirds, red-eyed vireos, tufted titmouse, and a pair of red-tailed hawks.

The site was visited for purposes of biological survey work seven times at various seasons from 1998 to 2002. On three occasions, a field group worked together generating a total of nearly five-man days of sampling. In addition, another half day was spent in Albany at the NYS Museum and Conference with the State Botanist Richard Mitchell and Chuck Scheviak, Collections Manager reviewing status of listed species and examining specimens. A total of five specialists in the New York State Heritage Program, New York State Department of Environmental Conservation and the New York State Department of Education (NYS Museum Scientific Reference Collection) were consulted regarding the identification, distribution and status of the species for which concern was expressed by various reviewers.

No species of flora or fauna listed as "endangered" either federally or in New York State were reported to be present on the site, nor were such species found on the site, nor suitable habitat for the same documented to be present. Special investigation was undertaken to search for the presence of a rare plant species, the weak stellate sedge, in late May/early June of 2002. Weak stellate sedge, (*Carex seorsa*), is listed as a threatened species in New York State. Like many sedges, it is a wetland edge species and according to the State Botanist is fairly common in the region around Cornwall. The DGEIS indicates it may soon be removed from its status on the threatened species list. The DGEIS reported that it was found on the site on the border of wetland D, a federal jurisdictional wetland, but was not found in at any other wetland there. However, the FGEIS indicated that in fact, the sedge was prevalent in Wetlands C, D, and non-jurisdictional Wetland E. Though the applicant's analysts did not report the present of other threatened floral species such as Emmons' sedge, which is also a hydrophytic sedge, it is noted that its prevalence in and around wetlands which are federally regulated affords substantial protection against disturbance to all such species. At the same time, it is also noted that the possibility of these populations being displaced by invasive species exists.

With regard to fauna, comments on the DGEIS questioned the accuracy of the report in the DGEIS regarding the observation of only spotted salamanders on the site, and indicating the presence of two species of mole salamanders, Jefferson salamander and spotted salamander, both listed as Species of Special Concern in New York State, and also marbled salamander

as well. A concern was expressed in regard to protection of mole salamander habitat, that wooded areas adjoining the wetlands used by these amphibians for breeding were also important for habitat purposes. In response, the FGEIS indicated that the listing of species either as threatened or of special concern affords no legal protection to them. However, the FGEIS also noted that with wetlands C and D not proposed to be disturbed, a significant amount of habitat would be protected, and it further offered to incorporate consideration for suitable passage under roadways for amphibians in consultation with the appropriate specialists at DEC.

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. The fewer the intrusions to the woodland, the more likely that habitat for the woodland bird species such as the wood thrush and ovenbird can be retained. The specifics of any potential disturbance in terms of area and location cannot be determined at this time, however, and the Lead Agency is aware that industrially zoned industrial land may be open to the construction of large buildings and wide expanses of parking that do not lend themselves to the use of creative planning tools such as clustering that might typically be used to shift certain types of development within a given site to protect specific desirable site features.

Mitigation Measures/Policies and Procedures:

- D1. The southern two-thirds of the property contains some well-developed oak forest on ridges, with red maple growth in low areas, and abundant hemlock growth in the mesic areas. This section of the site contains some older oaks in the "cabbage" form; these trees are attractive and should be preserved where possible in a sensitive landscape design. The Planning Board shall require detailed site plans for future land uses in this area to locate such trees and to preserve them in a natural landscape design wherever possible. In addition, the Planning Board shall encourage protection of the wetland areas in its 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. Protection of an undisturbed stream corridor buffer of up to 25 feet on either side of surface streams on the site will help in this regard. To the extent that the zoning and site-specific proposed use(s) allow, the Planning Board further shall discourage the fragmentation of the maturely wooded land in the course of detailed site plan review. To the extent that the current zoning of the site may affect the ability to shift development so as to protect site features, the Planning Board may comment to the Town Board and/or Master Plan committee in regard to this site.
- D2. Any site grading and earth operations that are needed to develop access to the subdivision shall be in a manner than recognizes the intent to protect existing vegetation and wildlife habitat. Prior to any clearing or grading taking place, snow fencing or other flagging shall be used to cordon off the limits of disturbance, with minor adjustments to the roadway encouraged where the same could result in the preservation of specimen trees without creating any safety hazards or non-compliance with municipal road standards.

- D3. Site specific landscaping plans for all development in the Town of Cornwall will require the preferential use of native, non-invasive species in order to help protect the biological integrity of the remaining lands.
- D4. The weak stellate sedge, currently listed as threatened in New York State, was prevalent in Wetlands C, D, and non-jurisdictional Wetland E, and its presence will be considered in leaving federal wetlands "A", "C" and "D" substantially undisturbed. Stormwater detention plans will be designed to keep surface water flow near pre-development levels to protect the viability of the weak stellate sedge which may be present in these areas. Any other threatened sedges which may exist in and directly adjacent to such wetlands would, if present, be similarly protected to the maximum extent practicable by such measures.
- D5. With regard to protection of mole salamander habitat, listed as species of special concern, the Lead Agency notes that the FGEIS indicates that wetlands C and D are undisturbed and a significant amount of habitat would be protected, and the FGEIS further offered to incorporate consideration for suitable passage under roadways for amphibians in consultation with the appropriate specialists at DEC. The Lead Agency will accordingly facilitate such input by DEC specialists in the drainage, utility and road design to the maximum extent practicable, prior to any construction of roadways being authorized within the Town of Cornwall. Protection of an undisturbed stream corridor buffer of up to 25 feet on either side of surface streams on the site will also help in regard to habitat preservation.
- D6. [John C: Please note: it might be appropriate here to note that, due to the drainage patterns on the site and the nature of non-jurisdictional Wetland "E", it is considered likely that virtually any level of site use would result in the disruption of its inflow and therefore result in its gradual succession to upland. Because that non-jurisdictional wetland is not regulated by any other agency, and does not otherwise constitute a significant ecological resource nor endangered species habitat, the Lead Agency Planning Board understands that this wetland is subject to alteration, and that such alteration will not constitute a significant harmful environmental impact.

E. Traffic & Transportation

The DGEIS prepared for the Cornwall Commons included a traffic study. The traffic analysis noted that there would be construction-related traffic increases due to workers and construction equipment accessing the site. The DGEIS indicates that the likely construction access will be a Tee-type intersection with Route 9W, although the NYSDOT would have the final control over even a temporary access. This traffic was not quantified.

The DGEIS traffic study calculated site peak-hour trip generation for the as-of-right uses and for alternatives as discussed previously in this document. Site-generated traffic volumes were then assigned to the roadway network. Traffic counts were collected at intersections designated by the Planning Board and operating Levels of Service determined for existing conditions (original study was completed in the year 2000, so Existing Traffic Volumes

reflect conditions in the year 2000). Conditions were then projected to Year 2003 and Year 2005 conditions both without the project being built ("No-Build" scenario) and assuming project completion ("Build" scenario). By comparing the "Build" to the "No-Build" scenario, the effects of the project-generated traffic can be determined, its significance analyzed, and mitigation measures considered. The report also discusses pending and planned road and intersection improvements. The original traffic study assumed only a 60 lot subdivision in the Town of New Windsor, instead of 69, but this does not substantially change any of the results and in any case, a subsequent table was prepared comparing different development alternatives analyzing 69 residential lots in New Windsor as-of-right. One million square feet of light industrial space was used for the Town of Cornwall as-of-right component.

The following intersections were evaluated:

1. Routes 9W and 218 (Academy Avenue) interchange *
2. Route 218 (Academy Avenue) and Main Street/Faculty Road
3. Route 9W and Caesar's Lane #, *
4. Route 9W and Forge Hill Road
5. Willow Ave (CR 32) and Route 9W interchange
6. Route 9W and southerly site access road
7. Route 9W and northerly site access road

indicates an intersection to be signalized by DOT as part of the Rt. 9W improvement project.

* indicates an intersection to be improved by installation of turn lanes or other lane improvements as part of the Rt. 9W improvement project.

Only the 2003 "Build" scenario [including only the residential lots in New Windsor] caused no deterioration in intersection function. The DGEIS indicated that certain intersections would fall below acceptable operating standards if the project were fully completed, under either access scenario. However, these intersections - Caesar's Lane and 9W, and Forge Hill Road and 9W - are already proposed to be completed as part of the planned NYSDOT improvements to Route 9W. These improvements would cause the intersections to function at acceptable Levels of Service (LOS). All other intersections except one were projected to operate at acceptable Levels of Service, although some intersections did suffer some deterioration in LOS due to project-generated traffic. The only intersection that is already operating at failing LOS, the Main Street/Rt 218 intersection, is projected to increase delays even without the project in 2003 and 2005. However, at full buildout the delays with the project significantly increase, from a delay of 263.9 seconds for the northbound movement without the project, to 822.5 seconds with the project. With signalization, acceptable LOS would be achieved, but the DGEIS did not offer to complete this improvement. In response to comments, the FGEIS indicated that the applicant would offer a fair-share contribution to the installation of a signal at this intersection.

Two different access scenarios to the site were evaluated. Access Scenario 1 considers the construction of a right turn entry and right turn exit at the northerly and southerly sections of the site's road frontage on Route 9W. Under this scenario there would be no median break in 9W. Vehicles wanting access to or from the northbound lanes would need to use the existing Rt. 9W/218 interchange to access the opposite lanes on Route 9W. The DGEIS notes that this alternative relies on the need to develop a signage plan to direct traffic

accordingly, with the authorization of NYSDOT. Alternate Access Scenario 2 considers the construction of a full-movement signalized intersection with Route 9W at the site's southerly access point. This alternate would allow for improvements on 9W including separate right and left turn lanes. A variant to this scenario would allow access to the NYMA property on the west side of 9W in association with the Route 218 interchange area reconstruction. Under this scenario it would be possible to create a road extension to Cornwall Commons with direct access to the Route 218 interchange, if a connection through the NYMA property were possible. Such a connection would make it possible for traffic to enter the site from the south and exit north without involving any left turns on Route 9W.

The traffic study considered trip generation patterns for alternate uses of the site other than the as-of-right. According to the study, all three alternatives involving mixed uses of the site were projected to generate similar cumulative numbers of trips as the as-of-right development would generate.

Mitigation Measures

- E1. Under the current subdivision plan, the site is proposed be served via an internal loop road with access to Route 9W via right turn entry and right turn exit of the northerly and southerly end portions of the property. The construction of new access road connections to the site from Route 9W must be coordinated with the NYSDOT. No such construction can take place without prior approval from that agency.
- E2. The GEIS evaluated an alternative access scenario that would include the provision of a full movement signalized intersection at the southerly access on Route 9W. This access scenario would include the construction of separate turn lanes on US Route 9W as well as the installation of the new traffic signal. This access scenario would allow connection use to the property on the east side of US Route 9W. The level of improvements necessary will be determined and in part, contingent upon the timing of the schedule of NYSDOT improvements to Route 9W. The projected improvements include extension of acceleration and deceleration lanes at Route 218 intersection. These improvements are compatible to the design of the proposed access location of the applicant. A variant of this alternative involving access through the NYMA property was also identified.
- E3. Only the 2003 "Build" scenario, incorporating just the single family residential component in New Windsor, caused no deterioration in intersection function. The DGEIS indicated that certain intersections would fall below acceptable operating standards if the project were fully completed, under any access scenario. However, these affected intersections - Caesar's Lane with 9W, and Forge Hill Road with 9W - are already proposed to be completed as part of the planned NYSDOT improvements to Route 9W. These improvements would cause the intersections to function at acceptable Levels of Service (LOS). All other intersections except one were projected to operate at acceptable Levels of Service, although some intersections did suffer some deterioration in LOS due to project-generated traffic. The only

intersection that is already operating at failing LOS, the Main Street/Rt 218 intersection, is projected to increase delays even without the project in 2003 and 2005. However, at full buildout the delays with the project significantly increase, from a delay of 263.9 seconds for the northbound movement without the project, to 822.5 seconds with the project. This is a significant project-induced delay. With signalization, the study indicated that acceptable LOS would be achieved, but the DGEIS did not offer to complete this improvement. In response to comments, the FGEIS indicated that the applicant would offer a fair-share contribution to the installation of a signal at this intersection, as an off-site mitigation measure. In order to ensure that the proffered contribution will be made to help resolve such severe project-induced impact, the Lead Agency will require a developer's agreement or some other appropriate device setting forth the mechanism, timing, and amount of such fair-share contribution. The timing of such fair share contribution will have to be handled under the Highway work permit process with NYSDOT, under whose jurisdiction such off-site improvement would lie. Failing some means of avoiding such severe traffic-related impacts, the Lead Agency would need to require monitoring of the intersection and to limit additional traffic impacts on the same until the signal were provided by others.

- E4. The Lead Agency notes that any of the alternatives explored in the SEQR process can work to provide adequate and safe access to the site. NYSDOT ultimately is the agency that will make the decision among the alternatives, and will make the choice consistent with their own agency criteria.
- E5. Roadway improvements must be provided in accordance with detailed subdivision plans prepared by the applicant in compliance with applicable municipal specifications. A work permit, where such work permits are needed, shall be provided by the applicant for access to Route 9W prior to any construction taking place. Offers of dedication to be submitted to both municipalities for the proposed internal roads, and any other construction, inspection and surety requirements applicable to the same.
- E6. The Town of Cornwall and the Town of New Windsor highway superintendents will need to cooperate on the matter of highway maintenance as regards the internal site road network, which crosses the municipal boundary and is proposed to be dedicated to the towns when complete. This Finding is simply intended to note the point and does not require any new procedures to be established; the Planning Board notes that there are other existing roads that cross the municipal boundaries and these pose no unusual burden.

F. Utilities & Community Services

Intermunicipal Concerns

Projects including land in two different municipalities have the potential to create impacts regarding concerns of overlapping or confused jurisdictions for emergency responders such as fire, police or ambulance. For example, where a municipal line may divide a residential subdivision but cannot be seen on the ground, residents may not readily know which municipality they live in and this can create confusion and delay in emergency services response. However, this potential impact is not a concern for this project, because the two different types of land use (industrial in Cornwall and residential in New Windsor) form a clear dividing line that will eliminate such potential confusion. In the event that future zoning amendments in the Town of Cornwall may permit some type of residential use, care must be taken to avoid creating such inter-municipal services impacts.

Water Supply and Distribution

The project is located in the Town of Cornwall water district, and the New Windsor portion is located in the Town of New Windsor water district. Although there are water mains in New Windsor north of the site, the DGEIS indicates that there are several limitations affecting the feasibility of a New Windsor water connection, including crossing the Moodna Creek and extensive construction adjacent to Route 9W. Accordingly, in order to provide water to this project site, an extension of the existing Village of Cornwall-on-Hudson water distribution system is proposed to service all parts of the project, and this could be considered a mitigation measure avoiding such disturbance for the New Windsor component. The Village of Cornwall-on-Hudson and New Windsor have signed an intermunicipal agreement providing that Cornwall-on-Hudson will service the New Windsor site as part of the same system.

The Village already has an agreement with the Town of Cornwall to service designated areas within the Town of Cornwall. The DGEIS indicates that the Village system has sufficient capacity to serve this project's needs. As a maximum estimate, the GEIS expects that the project could result in a demand of up to 200,000 gallons per day of capacity. This is subject to a wide potential variation based on the actual needs of users of the industrial land. In the event of greater than expected demands, additional study may be required.

The preliminary plans show a proposed schematic layout for the water lines to service the site needs, and flow tests were performed demonstrating that adequate flows and pressures were available to meet the project needs. This proposed extension will be made from existing water main in the Mill Street, along Howard Street and into the project site. The water main would then be continued through the site to NYS Route 9W where it would be temporarily capped. In order to coordinate the development of site utilities (roads and other infrastructure), the main road through the site to NYS Route 9W would be built as part of phase 1 of the project, and the site utilities would be installed in the road right-of-way. Phase I of the project incorporates the construction of the road and development of the residential lots in New Windsor.

On substantial completion of the project, the applicant will extend the water main to the southeast side of Rout 9W. The water main could then be further extended as set forth in the

FGEIS, to meet the existing Village of Cornwall-on-Hudson water main at the intersection of Mailler Avenue and Academy (NYS Route 9W) thereby completing a beneficial water loop. "Substantial completion of the project" is defined as 85% (eighty-five percent) of build-out of the site area for purposes of these Findings.

Sanitary Sewage

The project will be provided with sanitary sewer service, as the site is located in both Towns' sewer districts. The applicant will construct an on-site collection system as needed to provide for the largest anticipated user of the site. Future industrial users of the Cornwall component may pose extraordinary sewage demands depending on the type of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard.

The DGEIS describes two alternative options for provision of sewer service, the "Cornwall Option" and the "New Windsor Option." Under the Cornwall Option, the GDEIS indicated that the Town had sufficient capacity available to serve the projected 200,000 gallons per day of use. Three different connection options were evaluated to collect and convey the sewerage. The preferred choice was identified as a connection to the existing sanitary sewage system in the Town of Cornwall involving construction of a force main across NYS Route 9W to Academy Avenue in connection to the existing Town of Cornwall Sanitary Sewage Collection System through a receiving manhole which would discharge in an existing manhole (102) of the existing Cornwall System. Other alternatives discussed in the EIS and feasible would be: (1) connection at Faculty Drive/Main Street, Town of Cornwall; (2) a Main Street connection to the New York Military Academy playing field, the Town of Cornwall System; and (3) connection to the New Windsor Sewage Collection System.

The "New Windsor Option" would involve the use of sewer capacity allocated in the Town of New Windsor plant for Majestic Weaving and reportedly acquired by the applicant. The DGEIS indicates this option would probably require two separate pump stations to monitor the flows from each municipal segment, running parallel with the existing sewer line in the old rail right-of-way.

Police Protection

Both the Town of Cornwall and the Town of New Windsor have local police departments, whose staff and resources are described in the DGEIS. Future industrial users of the Cornwall component may pose special security needs depending on the type of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard, seeking input from the Cornwall Police Department and others as needed.

Fire Protection

All components of the property will be provided with central water services and fire flows, which will facilitate fire protection activities. The Cornwall component of the property is serviced by Cornwall's Canterbury Fire District, which has indicated it can adequately service the project. The New Windsor component is served by the Vail's Gate Fire Department. Future industrial users of the Cornwall component may pose special fire

protection needs depending on the type of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard, seeking input from fire districts as needed.

Ambulance Service

Ambulance service in both municipalities is provided by each town's respective volunteer ambulance corps, with nearby ready access from Route 9W to the St. Lukes/Cornwall Hospital campus. The potential emergency medical impacts of a specific type of industry can vary widely based on the type of operation; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard, and will coordinate with local emergency medical services if needed.

Solid Waste Disposal

Both the Towns of New Windsor and Cornwall collect municipal solid waste and recyclables and will be able to use the proposed road system in order to provide service to site development. The solid waste generation and disposal patterns of industry can vary widely based on the type of operation; therefore the Planning Board will determine at the time of site plan review whether any an individual future user poses any extraordinary needs in this regard.

Schools

The entire site is located within the Cornwall Central School District, which is currently in the process of constructing a new high school and re-planning the use of its other existing facilities. These new facilities, being currently under construction, are expected to be complete well before the residential component in New Windsor can be approved, constructed and occupied; therefore no harmful impacts would be anticipated regarding school capacity. However, the completion of the school is explicitly not a pre-condition for any site-specific land use approvals to be granted by any Involved Agency, as there would at most only be short-term temporary impacts associated with the same. See Fiscal Impacts for additional considerations.

Recreation

The Towns of Cornwall and New Windsor provide a wide range of park and recreational facilities which are described fully in the DGEIS. New Windsor has the option of either requesting parkland dedication if it deems necessary, or collecting fees in lieu of parkland. Given the slope and means of access to the site, it is not considered likely that New Windsor would request parkland dedication, although that determination is solely the jurisdiction of the Town of New Windsor Planning Board, and is not affected by any determination made in these Findings.

Mitigation Measures/Policies and Procedures:

- F1. Projects including land in two different municipalities have the potential to create impacts regarding concerns of overlapping or confused jurisdictions for emergency responders such as fire, police or ambulance. This impact does not affect this project under the current zoning, because the two different types of land use (industrial in Cornwall and residential in New Windsor) form a clear dividing line that will eliminate such potential confusion. In the event that future zoning amendments in the Town of Cornwall may permit some type of residential use, care must be taken to avoid introducing such inter-municipal impacts.
- F2. In order to provide water to this project site, an extension of the existing Village of Cornwall-on-Hudson water distribution system is proposed to service all parts of the project, and this could be considered a mitigation measure avoiding the disturbances that would otherwise be necessary for New Windsor to provide service from its existing lines for the New Windsor component. The Village of Cornwall-on-Hudson and New Windsor have signed an intermunicipal agreement providing that Cornwall-on-Hudson will service the New Windsor site as part of the same system. This Finding further notes that the Village of Cornwall-on-Hudson may be required to obtain additional approval for NYCDEP or others for the extension of service.
- Work that must be done within the NYCDEP right-of-way in order for the project site to complete its waterline connection with the Village of Cornwall on Hudson system will require the authorization of NYCDEP.
- F3. As a maximum estimate, the GEIS expects that the project could result in a demand of up to 200,000 gallons per day of water and sewer capacity, which the DGEIS indicates exists. This demand estimate is subject to a wide potential variation based on the actual needs of users of the industrial land. In the event of greater than expected demands, additional study may be required to determine adequacy of both. These Findings indicate that central water and sewer services must be provided to the site, and that the final design, location and construction of the collection and/or distribution systems shall be in accordance with all requirements of the Town of Cornwall, Town of New Windsor, Village of Cornwall-on-Hudson, and any other jurisdictional agencies.
- F4. On substantial completion of the project, the applicant will extend the project's 12" water main will be extended from its end at the northwest side of NYS Route 9W to the southeast side of Route 9W. The water main could then be further extended as set forth in the FGEIS, to meet the existing Village of Cornwall-on-Hudson water main at the intersection of Mailler Avenue and Academy (NYS Route 9W) thereby completing a beneficial water loop. "Substantial completion of the project is defined as 85% (eighty-five percent) of build-out of the site area for purposes of these Findings.
- F5. Both the Cornwall and New Windsor parcels are located within sewer districts in the respective municipalities and therefore the project will be

supplied with sewer service. The GEIS analyzed two options to treat the total of approximately 200,000 gallons per day of effluent to be generated by the maximum potential development of both parcels. The "Cornwall Option" and the "New Windsor" option involved different approvals and authorizations, and also involved different collection arrangements. The DGEIS identified the preferred choice as a connection to the existing sanitary sewage system in the Town of Cornwall which would involve construction of a force main across NYS Route 9W to Academy Avenue in connection to the existing Town of Cornwall Sanitary Sewage Collection System through a receiving manhole which would discharge in an existing manhole (102) of the existing Cornwall System. The GEIS indicates that an agreement in principal has been reached in favor of the "Cornwall Option" between the Towns of Cornwall and New Windsor.

No sewer service can be provided until either the aforementioned intermunicipal agreement between the Town of Cornwall and Town of New Windsor for service of Town of New Windsor site by the Town of Cornwall has been finalized and executed, or until some alternative acceptable arrangement is formalized. The Lead Agency notes that the only action before it is a 5-lot subdivision in the Town of Cornwall with connections to New Windsor, and further notes that no site-specific land use approvals for the proposed lots in either town may be issued until there is sewer service. Therefore, no significant harmful sewer impacts are generated by the Lead Agency's action hereunder.

- F6. Final design of any sewer collection system to service the site shall meet the requirements of the Town of New Windsor and Town of Cornwall, and shall be submitted for the review and approval of both municipal Engineers, as well as approval of NYSDEC.
- F7. NYSDEC approval is required for the sewer main extension.
- F8. Future industrial users of the Cornwall component may pose special security needs depending on the type of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard, seeking input from the Cornwall Police Department and others as needed. In the event of any future change in zoning, there may need to be additional consideration given to this subject area.
- F9. Future industrial users of the Cornwall component may pose special fire protection needs depending on the type of use; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard, seeking input from fire districts as needed. In the event of any future change in zoning, there may need to be additional consideration given to this subject area.
- F10. The potential emergency medical impacts of a specific type of industry can vary widely based on the type of operation; therefore the Planning Board will determine at the time of site plan review whether any individual future user

poses any extraordinary needs in this regard, and will coordinate with local emergency medical services if needed. In the event of any future change in zoning, there may need to be additional consideration given to this subject area.

- F11. The solid waste generation and disposal patterns of industry can vary widely based on the type of operation; therefore the Planning Board will determine at the time of site plan review whether any individual future user poses any extraordinary needs in this regard and will ensure that any such special needs are addressed.
- F12. The entire site is located within the Cornwall Central School District, which is currently constructing a new high school and re-planning the use of its other existing facilities. These new facilities are anticipated to be complete before the residential component in New Windsor can be approved, constructed and occupied. See Fiscal Impacts for additional considerations. However, the completion of the school construction and related work is explicitly not a pre-condition for any site-specific land use approvals to be granted by any Involved Agency, as there would at most only be short term temporary impacts associated with the same.
- F13. New Windsor has the option of either requesting parkland dedication if it deems necessary, or collecting fees in lieu of parkland in order to provide adequate parkland facilities if it deems necessary.

G. Visual and Noise Impacts

The primary visual changes that will result from subdividing the property and future use will be the removal of large portions of existing tree cover and vegetation, and the construction of a road network, drainage and utility network with future buildings in accordance with the zoning on the site.

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 the 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. Some portions of the site may be visible from the top of the Storm King Mountain, however, the site will appear as part of the wider urbanized landscape in the valley below and is not expected to be unusually prominent as compared to other development sites. The Planning Board will pay careful attention during site-specific review to landscaping and site lighting as well as the appearance and finish of the structures themselves in order to encourage a coordinated, attractive site appearance, and to minimize the effect of industrial sites' internal site circulation and HVAC and other site elements on the adjoining residential lands, both in the New Windsor component of the site as well as near Frost Lane and elsewhere in the Town of Cornwall.

Mitigation Measures/Policies and Procedures:

- G1. Site specific landscaping plans incorporating existing mature trees, to the extent the same are able to be retained, supplemented by new plantings to create a suitable buffer for screening the view of development and Frost Lane will be required to be submitted with any site specific application.
- G2. During site-specific review of industrial plans, the Planning Board shall consider the needs for appropriate noise screening to be provided for any HVAC units, internal circulation areas or equipment areas if appropriate, in order to limit noise at any residential property lines.
- G3. The Planning Board will pay careful attention during site-specific review to landscaping and site lighting as well as the appearance and finish of the structures themselves in order to encourage a coordinated, attractive site appearance that considers the Cornwall component's role as gateway to the residential component in New Windsor.

H. Cultural Resources

The GDEIS considered the possibility of cultural resources impacts of site development, including the possibility of visual impacts on any nearby structure or facility of cultural, historical, or archeological importance. This included consideration of properties that were potentially eligible for listing on the State or National Registers of Historic Places.

Phase I-A and I-B Cultural Resources analyses were completed for the site. That study indicated that there were no structures of historic or pre-historic importance at the site, and archeological sampling performed at the site indicated only episodic Native American use of the site not considered to be significant. The nearest site of documented cultural value is Knox's Headquarters on Forge Hill Road in New Windsor, and the DGEIS notes that the project site would not be visible from that location. The Cultural Resources analysis was referred to the NYS Office of Parks, Recreation and Historic Preservation in February of 2002; no objections have been received by the Lead Agency to date.

Cultural Resources Mitigation Measures/Policies and Procedures:

- H1. None needed; no potential impacts are projected in this subject area.

Alternatives:

The DGEIS considered several alternatives and compared their potential impacts in the key subject areas of water and sewer consumption, community services impacts, fiscal impacts and traffic impacts. The DGEIS evaluated more than one alternative, including an as-of-right alternative of developing the site in accordance with the current PIO zoning, but also included others involving zoning amendments for uses not currently provided in the PIO zone and not contemplated by the existing municipal plan. The alternative zoning changes was inspired by recommendations made by the Glynwood Report, but these

recommendations were not in conformance with the currently applicable zoning nor the Town of Cornwall's currently adopted Comprehensive Plan. The Glynwood report was not a Comprehensive Plan prepared according to Section 272-a of Town Law, but the Planning Board is aware that the Town has established a Master Plan Committee which is in the process of re-evaluating land use recommendations for the town. Depending on the results of the current Master Plan committee, and subsequent action by the Town Board to adopt and implement new recommendations therefrom, the potential may exist for an alternative that is not currently provided for. The Planning Board does have a role advising the Town Board on land use issues and zoning amendments. Therefore, the Planning Board determined that it was appropriate for it to consider and evaluate all alternatives that were presented in the DGEIS. Although the Planning Board must and will administer the current Plan and zoning law of the Town as it applies to any property for any site-specific application, it may also make recommendations to the Master Plan Committee and the Town Board regarding a mixed use plan or any other comments it deems appropriate or upon request. And in any case, either the Planning Board or the Town Board can use the information incorporated in the Generic EISs and this Findings Statement in order to make specific land use and zoning recommendations deemed appropriate for this site.

No policies and procedures are set forth for this section as they would duplicate what has already been set forth in the Land Use and Zoning considerations.

Planned Adult Community (PAC) zoning was examined and analyzed in the DGEIS which can be the basis to develop such services in Cornwall. Fiscal impact analysis were provided and all scenarios were addressed.

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OFFICE OF THE PLANNING BOARD

Notice of Adoption of and Lead Agency Written SEQR Findings Statement

Cornwall Commons Land Development

WHEREAS, in March 2000, Cornwall Commons, LLC, submitted an application for a 66-lot subdivision for a 52.8 +/- acre tract located in the Town of New Windsor located in the R-3, Residential Zoning District; and

WHEREAS, the parcel is located on New York State Route 9W just south of its intersection with Forge Hill Road designated on the Town of New Windsor tax map parcel as Section 37, Block 1, Lot 45.1, and parcel adjoins a ±143.68 parcel in the Town of Cornwall designated on the Town of Cornwall tax map as Section 9, Block 1, Lot 25.2; and

WHEREAS, the Town of Cornwall Planning Board has granted preliminary approval for a five (5) lot commercial subdivision of the Cornwall portion of the project; and

WHEREAS, since the loop access road to be constructed will serve both the Cornwall and New Windsor projects and since the projects are owned by the same developer, the SEQR review conducted examined the cumulative impacts of both the commercial development of the Cornwall parcel and the residential development of the New Windsor parcel; and

WHEREAS, Town of New Windsor Planning Board consented to the Town of Cornwall Planning Board being the lead agency under SEQR for this cumulative SEQR review in February 2000; and

WHEREAS, the Town of New Windsor Planning Board as an involved agency fully and actively participated in the SEQRA proceedings which included issuance of a positive declaration, preparation of a draft environmental impact statement, conduct of a public hearing and public comment period, and preparation of a final environmental impact statement; and

WHEREAS, the Town of Cornwall Planning Board adopted lead agency written findings statement on April 15, 2002, setting forth in detail design guidelines and mitigation measures for the future development of the entire 198 acre parcel in a coordinated manner; and

WHEREAS, the Town of New Windsor Planning Board has reviewed said finding statement and intends to adopt, join in and incorporate said finding statement into this finding statement as if fully set forth herein.

NOW THEREFOR BE DETERMINED that Town of New Windsor Planning Board as an involved agency finds that all requirements of 6 NYCRR 617 have been met and further joins with the Town of Cornwall Planning Board as lead agency by adopting and incorporating the lead agency written SEQR findings statement of said Board adopted on April 15, 2002, as if fully set forth herein; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Town of New Windsor Planning Board make the following additional findings based upon the SEQRA reference for certain issues particularly affecting the Town of New Windsor:

I. Traffic.

A. The northerly access road immediately adjoining the New Windsor parcel shall be owned and controlled by the Town of New Windsor to insure control by the Town of New Windsor of the maintenance including snow plowing of said road to serve said New Windsor residential subdivision. The procedure and mechanism for consummating such transfer of ownership shall be agreed to by the respective municipalities prior to the Town of New Windsor Planning Board granting final approval for the residential subdivision.

B. Both access roads from 9W shall be included in any final subdivision plan approved by this Board and said loop road shall be bonded prior to filing any final subdivision map. Said loop roadway shall be constructed in its entirety (end to end) to a level of completion, as per established code or policy by the Town of New Windsor Building Department, prior to the issuance of any Certificates of Occupancies of any of the residential homes in New Windsor.

C. So as to make available the necessary access to the New Windsor Subdivision, the improvements to the Rt. 218 intersection which will permit "U-turn" movements associated with access to the site must be constructed at the same time the on site loop road is constructed and completed, as well as any other related improvements deemed appropriate by the NYSDOT for adequate and safe access. It is the Board's opinion that appropriate signs should be requested on the State highway directing the motoring public of the new traffic movements available/required.

II. **Storm Water.** The project sponsor shall form a drainage district for the Town of New Windsor portion of the parcel to insure that drainage from the facilities serving the residential subdivision will be paid by the property owners within the Town of New Windsor subdivision.

BE IT FURTHER RESOLVED, that this notice of adoption of and written finding statement shall be filed in the Town of New Windsor Planning Board with the Town Clerk's office in accordance with 6 NYCRR 617.

On the motion of Argenio, seconded by Schlesinger, this notice of adoption and written findings statement was adopted on a vote of 7 ayes 0 nays.