

AMENDED FINDINGS STATEMENT
State Environmental Quality Review Act

Pursuant to Article 8 of the New York Environmental Conservation Law (the New York State Environmental Quality Review Act), and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively, "SEQRA"), the Town of Tuxedo Town Board, as Lead Agency for the coordinated environmental review of the Proposed Action identified below, makes the following amended findings:

Name of Action: Tuxedo Farms Planned Integrated Development (formerly known as "Tuxedo Reserve")

Description of Action: Amended Special Permit and Preliminary Plan approvals for a Planned Integrated Development consisting of 1,609 housing units and approximately 299,100 square feet of associated non-residential use on 2,247 acres. The action also includes an Amendment to Local Law 3 of 2011.

Location: The Project is to be located primarily within the Town of Tuxedo, Orange County, New York, with approximately 40 acres in the Village of Sloatsburg, Rockland County, New York. Major roads generally bordering the site are Warwick Brook Road on the north, County Route 84 on the west, County Route 72 and Eagle Valley Road on the south, and State Route 17 on the east.

Lead Agency: Town of Tuxedo Town Board, Tuxedo Town Hall
One Temple Drive Tuxedo, New York 10987

Contact: Marisa Dollbaum, Town Clerk (845) 351-4411

SEQRA Classification: Type I

Date Final EIS Filed: November 20, 2003

Date Final SEIS Filed: November 8, 2010

Date Findings Adopted: November 15, 2004 (EIS)
November 22, 2010 (SEIS)
April 20, 2015 (Amended Findings)

Lead Agency Adoption of this Amended Findings: October 24, 2022

I. Background

The Town of Tuxedo Town Board ("Town Board") has served as SEQRA lead agency in connection with the Planned Integrated Development known as Tuxedo Farms ("Tuxedo Farms," "Proposed Action," or "Project").

On November 15, 2004, the Town Board issued a SEQRA Findings Statement based upon its review and consideration of an Environmental Impact Statement prepared to assess the

environmental impacts of the Project. Thereafter, on November 15, 2004, the Town Board approved a Special Permit and Preliminary Plan for the Project.

On November 22, 2010, the Town Board issued further SEQRA Findings in connection with proposed modifications to the Project. On that same date, the Town Board issued Amended and Restated Special Permit and Preliminary Plan approvals for the Project.

On April 20, 2015, the Town Board issued Amended SEQRA Findings in connection with proposed modifications to the Project. On or about April 20, 2015, the Town Board issued further amended Special Permit and Preliminary Plan approvals for the Project.

A copy of the 2004 Findings Statement, 2010 Findings Statement, and 2015 Amended Findings Statement are attached to this Amended Findings Statement and incorporated herein by reference.

The Lead Agency is hereby amending the 2015 Amended SEQRA Findings due to proposed modifications to the 2015 Special Permit and Preliminary Plan Approvals as described below. The Town Board, as assisted by its independent planning, engineering and traffic consultants, as well as the Town Attorney, has conducted a thorough review of the potential significant adverse environmental impacts of the Proposed Action to make sure that any such impacts are mitigated to the maximum extent practicable. The 2022 Technical Memorandum, prepared by AKRF (the Applicant's environmental and planning consultants), dated October 11, 2022, and reviewed by the Town Board and its consultants, analyzed specifically the proposed modifications to the Project to determine whether they present the potential for any new significant adverse environmental impacts not previously addressed in the prior environmental reviews or analyzed in the 2022 Technical Memorandum prepared in connection with the Proposed Action. The purpose of this Amended Findings Statement is to set forth the Town Board's findings of this review in accordance with SEQRA's requirements.

II. Project Description

Tuxedo Reserve Owner, LLC ("Applicant") is seeking to amend its development program last approved in April 2015 by the Town Board as part of the 2015 Amendment to the Special Permit for Tuxedo Farms.

As previously approved, Tuxedo Farms is a walkable planned community comprising several residential neighborhoods centered around a mixed-use center. The centerpiece of Tuxedo Farms is the Commons. It is a neighborhood commercial area providing a critical place-making function which is essential to establishing the character and quality of Tuxedo Farms.

The Proposed Action will increase the total dwelling unit count (including age-restricted units) from 1,195 to 1,609, and increase the total bedroom count from 3,324 to 3,574. The 2015 Special Permit limited the number of non-age-restricted bedrooms to 2,860 and the Proposed Action would increase that cap to 3,070. Based on existing and projected sewer and water capacity, the maximum number of bedrooms inclusive of age-restricted units would be capped at 3,620. As such, the Technical Memorandum analyzed both the proposed 1,609 unit/3,574 bedroom development program, and a maximum build-out scenario of 1,609 units with 3,620 bedrooms.

The Applicant has represented that the proposed changes to the Special Permit and the Preliminary Plan would adjust the unit mix distribution to meet current market demand for "Missing Middle" housing. Missing Middle housing provides a range of housing types in a variety of building configurations that are compatible in scale and form to single-family detached dwellings, all located in walkable neighborhoods. In addition, the Applicant proposes to update and replace the Preliminary Plan and Design Standards to accommodate the new development

program, to allow new building types such as stacked townhomes, and to permit additional building materials. The Applicant also proposes an amendment to Local Law 3 of 2011 to modify certain caps and minimum requirements on unit counts (collectively, all the modifications to the Project described herein are referred to as the "Proposed Action").

The Proposed Action locates the development within the previously analyzed limits of disturbance and would not establish new development areas. In addition, because the Proposed Action involves more townhome and multi-family units to meet demand for the "Missing Middle," the overall limits of disturbance on the Southern Tract would be reduced from approximately 443 acres to approximately 380 acres. The development would be more concentrated in the Commons area and the neighborhoods immediately surrounding it. Under the Proposed Action, the limits of disturbance would be reduced in the area formerly designated as Phase III (where the "Farm Lots" are now proposed) in the western portion of the Southern Tract. The remaining areas of disturbance would be substantially similar to the previously approved project with minor deductions due to slight roadway realignments or reduction in lots.

Table 1
2022 Program Mix*

Unit Type	Beds	2022 Plan Number of Units	2022 Number of Bedrooms
NON-RESTRICTED			
<i>Single Family Detached</i>			
Farm Lots (fmr. Estate)	4	8	32
Single Family (fmr. Village)	4	137	548
Single Family (fmr. Village)	3	10	30
<i>Subtotal</i>		155	610
<i>Single Family Attached</i>			
Townhouse	3	297	829
Townhouse	2	226	452
Stacked Townhouses	2	232	464
<i>Subtotal</i>		755	1,807
MULTI-FAMILY			
Multi-family	2	136	272
Multi-family	1	275	275
<i>Subtotal</i>		411	547
AGE-RESTRICTED			
<i>Single Family Detached</i>			
Single-family (fmr. Cottage)	3	34	102
Single-family (fmr. Cottage)	2	80	160
<i>Subtotal</i>		114	262
<i>Single Family Attached</i>			
Duplex (fmr. Carriage)	2	174	348
<i>Subtotal</i>		174	348
TOTAL RESIDENTIAL		1,609	3,574
Notes:	* The 2022 Preliminary Plan currently shows 125 non-restricted detached single-family units and a total of 3,514 bedrooms. However, at the Town Board's request and as required in the 2022 Special Permit, the Applicant shall replace 30 1-3 bedroom Multi-Family and/or Townhouse units with 30 single-family detached dwellings (anticipated to be 4 bedrooms each) and thus increasing the number of bedrooms by 60 (average of 2 additional bedrooms per each of the 30 units), for a maximum of 3,574 bedrooms, while maintaining a maximum unit count of 1,609. The Technical Memorandum studied this increase in single-family units and bedrooms and concludes that such program mix would not result in any potential significant adverse environmental impacts.		

Table 1 above summarizes the proposed development program. Again, the Proposed Action will include a total of 1,609 units and 3,574 bedrooms. Based on existing and projected sewer and water capacity, the maximum number of bedrooms inclusive of age-restricted units would be capped at 3,620.

The Tuxedo Farms homes sizes are anticipated to range as follows: single-family detached, 2,400 to 3,400 square feet; townhomes, 2,200 to 3,000 square feet; stacked townhomes 1,200 to 1,900 square feet; age-restricted single-family detached 1,900 to 2,900 square feet; and, age-restricted carriage homes, 2,100 square feet. Multi-family units would range from 790 to 1,180 square feet. The Proposed Action will increase the number of townhome and multi-family units but will reallocate the bedrooms between unit types to minimize the increase in the future population size. The 2022 building program would generate an estimated population of 3,899 residents.

The Commons includes multi-family apartment units in mixed-use buildings, resident recreational amenities, a trail network, and local retail and restaurant spaces. **Table 2** summarizes the proposed commercial and community spaces.

Table 2
Commercial and Community Amenity Space

Use	2015	2022
Southern Tract		
Neighborhood Retail, Service Business & Commercial	30,000 sf	44,000 sf
Private Community Club ³	35,000 sf	41,000 sf
Library ¹	5,000 sf	4,000 sf
Active Adult Social Club ³	5,000 sf	8,000 sf
Private Pool Club	6,000 sf	NA
Welcome Center	4,000 sf	NA
Neighborhood Amenity Buildings Maintenance and Recreation ³	15,000 sf	3,000 sf
Farm Stand (Sloatsburg)	3,000 sf	3,000 sf
Subtotal	103,000 sf	103,000 sf
Northern Tract/LIO Parcel		
Office/Light Industrial/Flex Space	196,100 sf	196,100 sf
TOTAL	299,100 sf	299,100 sf
<p>Notes: ¹ The 2015 Special Permit provided that the Library would have an opportunity to construct, at its own cost, a new library facility on land to be donated by the Applicant within the Project site. Instead, as part of the Proposed Action, the Applicant shall construct an Event Building (approx. 4,000 sf) in the Commons, at the Applicant's own cost, which would be used exclusively by the Applicant for the first three (3) years, after which the Applicant and Town (and Library) would share the use of the Event Building for special events based on a schedule and other terms to be agreed upon between the Applicant and Town. The Town would also have an option to purchase the Event Building from the Applicant within a certain period of time. As required in the Special Permit, all terms and conditions relating to the shared use of the Event Building shall be set forth in a written agreement entered between the Applicant and Town.</p> <p>² 2015 and 2022 amenity sizes are estimated.</p> <p>³ Amenity components for residents and resident's guest use only.</p>		

III. Proposed Amendments:

The proposed amendments to the 2015 Special Permit and the 2015 Preliminary Plan comprising the 2022 Proposed Action include, but are not limited to, the following:

A. Special Permit:

- a. Remove the requirement to build 764 single family homes and replace it with a requirement to build 269 single family detached units;
- b. Increase the maximum unit count from 1,375 to 1,609;
- c. Increase the non-age restricted maximum bedroom cap from 2,860 to 3,070;
- d. Remove references to the Palisades Interstate Parks Commission (PIPC) swap alternative as it is no longer contemplated;
- e. Update the definition of multi-family to exclude attached home concepts such as townhomes and stacked townhomes;
- f. Revise the timing and amount of the Hamlet Revitalization Funding Program payments (the amount of the Grant Fund would increase from \$1,000,000.00 to \$1,100,000.00, and the Loan Fund would be eliminated);
- g. Modify the library agreement to permit shared use between the Applicant and Town (and Library) of a new, approximately 4,000 sf community event building in the Commons to be constructed by the Applicant, with an option for the Town to acquire the building;
- h. Modify the PILOT¹ payment schedule regarding the 88.78 acres of LIO zoned land depicted on the 2022 Preliminary Plan;
- i. Remove the requirement to build the project in three phases in strict sequence to allow a more thoughtful and flexible development phasing to meet the market demands and allow construction of the Active Adult community sooner;
- j. Update the Preliminary Plan and Regulating Plan to:
 - i. Show new master plan with planned unit types;
 - ii. Adjust certain Transect Zone designations to allow smaller homes/lots and allow concentrated development around the Commons; and
- k. Update and replace the Design Standards to allow proposed home types to reflect market demand and the latest trends in building materials while maintaining the high quality and desired aesthetic character of the Development.

B. Preliminary Plan:

- a. Amend the Preliminary Plan, which includes an amended Regulating Plan, to be consistent with the 2022 Special Permit flexibility provisions.

C. Amendment to Local Law 3 of 2011, "Amendment to Local Law No. 4A of 1998"

- a. Amend the text to read, "No more than 1,609 residential dwelling units may be constructed on the Tuxedo Farms Planned Integrated Development of which no

¹ Payment in Lieu of Taxes (PILOT).

more than 500 units shall be multi-family units and no less than 269 units shall be single family detached units and no less than 174 shall be duplex units.”

IV. SEQRA Review Procedure

In or around November 2021, the Applicant filed an application for an amended Special Permit for Tuxedo Farms as described in this Amended Findings Statement.

During the course of the Town Board’s review, the Applicant submitted, among other things, (i) 2022 Technical Memorandum, (ii) 2022 Preliminary Plan, which consists of a set of drawings, including Surveys, Zoning Plan, Regulating Plan, Public and Private Road Hierarchy Plans, Conceptual Stormwater Management Plan, and Concept Plan, (iii) updated Design Standards, including Smart Code, Performance Standards, and Architectural and Landscape Design Guidelines, and (iv) Traffic Assessment of Proposed Modifications to Tuxedo Farms (last revised May 5, 2022).

The Town Board held approximately ten (10) work session meetings, which were duly noticed and attended by members of the public, to discuss and provide comments on the referenced materials and the proposed changes to the Project. The Applicant submitted revised documents on several occasions, including January 27, 2022, March 10, 2022, and May 26, 2022. The Town Board reviewed all iterations of these materials, together with its professional consultants, to ensure they were complete and in a form suitable for acceptance by the Lead Agency.

The Town Board conducted Public Hearings on the Proposed Action on June 16, 2022 and June 23, 2022 (the Public Hearing on the proposed amendment to Local Law 3 of 2011 was also continued on June 27, 2022), at which time those wishing to comment on the Project were afforded an opportunity to be heard. The Board listened carefully to all the comments raised by those in attendance during the Public Hearings, including, but not limited to, representatives of the Tuxedo Union Free School District (“TUFSD”), as well as comments that were submitted during the written comment period, which ended on July 7, 2022.

The Town Board also received and has considered referrals from the Town Planning Board, dated June 6, 2022, and the Orange County Planning Department (“OCPD”), dated July 25, 2022. As a result of the OCPD’s transportation-related comments in its referral letter, a virtual meeting was conducted on August 22, 2022, by and among representatives of the Town, OCPD, Orange County Department of Public Works, New York State Department of Transportation (“DOT”), and the Applicant and its traffic consultants. Following the meeting, the Applicant submitted additional information and analyses to DOT and OCPD, including a commitment to install additional mitigation as described below. On September 2, 2022, DOT and OCPD issued e-mails stating that given the additional information and mitigation, their respective concerns had been addressed and that the Town Board could complete its traffic review under SEQRA.

The Town Board also permitted the TUFSD to submit additional comments following the close of the Public Hearings. Representatives of the Town Board and TUFSD met in-person on September 6, 2022, during which the TUFSD shared a presentation entitled “Tuxedo Farms: District Operational and Facilities Impact Study,” which was submitted to the Town Board on September 8, 2022. The TUFSD (by its attorney) thereafter submitted a letter to the Town Board via its attorney, Larry Wolinsky, Esq., on September 19, 2022, setting forth additional comments. The Town Board also received correspondence from Deputy Minority Whip Karl A. Brabenec, and Village of Tuxedo Park Mayor David McFadden, relating to the TUFSD. The Town Supervisor also conducted discussions with NYS Senator James Skoufis regarding the TUFSD. The Applicant, by its planning consultant, AKRF, updated the 2022 Technical Memorandum, and prepared and submitted a Supplemental Letter to the Town Board, both of which are dated

October 11, 2022, addressing all the TUFSD comments. The Town Board, together with the Board's planning consultant and legal counsel, has independently considered all the TUFSD comments and the technical information submitted in response by the Applicant. The Town Board's planning consultant independently evaluated the TUFSD comments and the Applicant's responses, and issued a Memorandum, dated October 14, 2022, concluding, among other things, that the Applicant's responses to the TUFSD's comments are reasonable, and that the Project would result in a positive fiscal benefit for the TUFSD ("Town School Memorandum").

On October 12, 2022, the Town Board re-opened the Public Hearing on the proposed amendment to Local Law 3 of 2011, because the minimum required number of single-family units increased from 239 to 269 units since the June 27, 2022, Public Hearing. Comments were received and considered by the Town Board, and the Town Board closed the Hearing on October 12, 2022.

On October 19, 2022, the Applicant submitted a Report prepared by Murphy Burnham & Buttrick Architects, further addressing certain comments of the TUFSD, and demonstrating that there is a range of potential feasible approaches for accommodating the projected growth in enrollment in TUFSD ("MB&B Report").

On October 20, 2022, the Town Board conducted a Special Meeting that focused exclusively on comments raised by the TUFSD, and included a discussion by and among the Town Board, Applicant and TUFSD, and their respective experts and consultants ("TUFSD Special Meeting").

V. Required Permits & Approvals

TOWN OF TUXEDO TOWN BOARD

Amendment to Local Law 3 of 2011, "Amendment to Local Law No. 4A of 1998"

Amendment to the Special Permit and Preliminary Plan

TOWN OF TUXEDO PLANNING BOARD

Planned Integrated Development Local Law Referral

ORANGE COUNTY PLANNING DEPARTMENT

General Municipal Law (GML) Review

VI. Findings Related to Proposed Amendments:

SUMMARY OF IMPACTS, PROPOSED MITIGATION AND SPECIFIC FINDINGS

The following sections summarize (i) the Town Board's evaluation of the potential significant adverse environmental impacts, and benefits, of the Proposed Action, (ii) any mitigation measures that the Town Board has identified and will require to be incorporated into the Proposed Action, in addition to those set forth in the 2004, 2010 and 2015 findings, which are still in effect to the extent they are not superseded by anything contained in this Amended Findings Statement and are incorporated herein by reference, and (iii) the amended findings of the Tuxedo Town Board based on the Record before it, including, but not limited to, the 2022 Technical Memorandum and all public and other agency comments. In many instances, because

the area of disturbance has not increased, the Town Board's analysis of the potential impacts and necessary mitigation measures have not changed compared to prior approvals.

LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Action would not alter the basic conclusion of the prior approvals that the overall development would be compatible with nearby land uses, consistent with state and regional plans that focus on open space, consistent with the Town's Comprehensive Plan, and in conformity with all the objectives and requirements of the Town's Planned Integrated Development (PID) regulations in the Zoning Code.

In 2021, the Town of Tuxedo adopted a new zoning ordinance and zoning map. However, the Proposed Action is grandfathered into the PID regulations in existence at the time the Special Permit was first issued. The Proposed Action would require modifications to the Preliminary Plan (including the Regulating Plan) and Design Standards to accommodate the increase in the number of multi-family units and corresponding adjustments to the development layout. The proposed single-family, attached single-family, and townhome units would be on fee simple lots.

In addition, the Proposed Action requires an amendment to Local Law 3 of 2011, "Amendment to Local Law No. 4A of 1998." Local Law No. 4A of 1998, as last revised, reads:

1. No more than 1,195 residential dwelling units may be constructed on the Tuxedo Reserve planned integrated development of which no more than 180 units shall be rental and no less than 764 shall be single family detached and semidetached. An additional 180 dwelling units may be constructed provided those units are constructed for senior citizens and persons in need of congregate care or assisting living.

The Proposed Action would amend the local law to read as follows:

1. No more than 1,609 residential dwelling units may be constructed on the Tuxedo Farms Planned Integrated Development of which no more than 500 units shall be multi-family units and no less than 269 units shall be single family detached units and no less than 174 shall be duplex units.

Findings and Mitigation Measures

The Proposed Action would provide housing opportunities for a wider variety of income levels and a diversity of household sizes. The Proposed Action would meet an important housing need and would generate new school-age children whom are imperative for the long-term success of the TUFSD. The Proposed Action would continue to place a cap on development of multi-family units, require a certain minimum number of single-family detached units, and would implement Design Standards to ensure that the resulting development is consistent with community character. The proposed changes to the Design Standards, including updated definitions and the inclusion of new housing types, reflect the changes to the project, market and construction needs, and would maintain a consistent quality and character throughout the development. In addition, previously required mitigative measures, such as the hamlet revitalization fund, would be maintained. Thus, the Proposed Action would continue to advance the goal of hamlet and community character preservation.

The Town Board finds that the proposed changes to the Special Permit and associated Preliminary Plan and Design Standards would adjust the unit mix distribution to meet current market demand for "Missing Middle" housing. In addition, the changes to the Preliminary Plan and Design Standards would accommodate the new development program, allow new building types such as stacked townhomes, and permit additional building materials. The Town Board finds that these changes would not result in any new potential significant adverse environmental

impacts, but rather they would be consistent with surrounding land uses and help meet market demand for "Missing Middle" housing, all in conformance with the grandfathered PID regulations.

ECONOMIC AND FISCAL ANALYSIS

The Town Board required that the Proposed Action be analyzed for potential significant adverse fiscal impacts to the Town's community service providers and taxing jurisdictions. The Proposed Action's potential fiscal impact on the Town budget and Tuxedo Union Free School District (TUFSD) were analyzed using similar methodologies outlined in the 2010 FSEIS and the 2014 fiscal memorandum that was the basis of the 2015 Special Permit.

The analysis presented in the 2022 Technical Memorandum and summarized below concludes that the Proposed Action would be tax positive for both the Town and TUFSD, and would not result in significant adverse fiscal impacts. Both the Town and TUFSD would receive more tax revenues than contemplated under the 2015 approvals.

The Proposed Action responds to changed market conditions since 2015 by shifting the program away from single-family, non-age-restricted housing toward a greater number of townhome and multi-family units, including a greater number of age-restricted units. The Proposed Action would increase the residential population by approximately 19 percent. This increase is due to an increase in the overall unit count and the resulting increase in the overall number of bedrooms (approximately 7.5 percent). This population increase was used to proportionally grow the anticipated costs to community service providers.

The fiscal analysis was based on current market values, and accounts for fee-simple versus non-fee simple taxation and valuation. Property tax revenues for the Proposed Action were estimated based on: March 2022 market values provided by the Related Companies and Lennar and 2021 equalization and Town tax rates from the Town of Tuxedo 2021 Adopted Budget. Multifamily market values were estimated using an income-based approach to valuation, assuming an 8 percent capitalization rate. In addition, the rental unit valuation assumes a 3 percent vacancy rate, consistent with prior methodologies. All multifamily units and stacked townhomes were evaluated using an income-based approach, and all remaining townhomes and single-family units were evaluated as fee-simple ownership units as they will be located on individual lots. The Proposed Action would have a market value of approximately \$889.33 million and an assessed value of approximately \$145.04 million. The Town of Tuxedo Tax Assessor reviewed the market analysis and use of the 2021 equalization rate at the request of the Town Board and found the market values and 2021 equalization rate to be reasonable data points for the fiscal analyses in the Technical Memorandum. The Proposed Action would generate approximately \$6.76 million in Town (including special districts) property taxes.

In addition, the fiscal analysis considered the changes in school enrollment since the prior SEQRA analyses. As detailed in the 2022 Technical Memorandum, the 2015 project was expected to generate 468 school age children. In 2014-15, the TUFSD had a total enrollment of 474. At full-buildout, the 2015 development program was expected to bring total school enrollment to 942 students, and generate an annual net tax revenue of \$422,590 to the TUFSD (see 2022 Technical Memorandum Attachment C).

As described in the 2022 Technical Memorandum, TUFSD enrollment has steadily declined since 2006 and currently is at 241 students. This decline is from a combination of factors including a regional trend in declining birth rates and outmigration, and the loss of Greenwood Lake tuition students in 2015-16. In May 2013, Hudson Valley Pattern for Progress (HVPP) published *The Empty Classroom Syndrome*, which discussed declining enrollment projections in the Hudson Valley as a result of declining birth rates and a net out-migration. In particular, this report identified declining enrollment trends in suburban and rural parts of Orange County. By 2020, HVPP

projected the Tuxedo Union Free School District to have a 33 percent decline in student population from its peak of 655 students in 2006 to 440. However, this report was published before the Greenwood Lake students left the district. The current enrollment represents a 63 percent decline since 2006.

At full build-out, the Proposed Action is expected to generate 404 new school age children, of which 319 are expected to attend public school, and \$3.24 million in annual net tax revenue to the TUFSD. According to the Applicant, the projection of 319 public school children and the use of that figure in the Technical Memorandum was conservative because currently 59% of eligible school age children are enrolled in TUFSD; and applying 59% to 404 school age children results in an estimated enrollment of 238 new students. At full build-out, the total TUFSD enrollment would be 560 students, which is less than peak historic TUFSD enrollment of 655 students. Therefore, the Proposed Action would result in a school age population that has historically been accommodated by the TUFSD and would generate substantially more tax revenue than prior iterations of the Project, which would offset the costs to educate the new school age children. In addition, the Proposed Action would stabilize the declining school age population which the Town Board has identified as a community need.

Based on information provided by the Applicant allocating the estimated 319 public school children by grade, the Proposed Action results in a need for 8 additional elementary school classrooms. The TUFSD has verified that 8 new elementary school classrooms would be required. The Record reflects that there are various viable options to accommodate 8 additional elementary classrooms.

The Applicant retained MB&B, an architectural consultant having experience working with schools, to review the existing TUFSD facilities and the 40-acres to be gifted by the Applicant to the TUFSD as required by the 2015 Special Permit (and which would continue to be required under the Proposed Action). The MB&B Report, dated October 19, 2022, demonstrated that there is a range of potential feasible approaches for accommodating the projected growth in enrollment in TUFSD, including 8 new elementary school classrooms:

- (1) Use Existing Buildings (the High School is very under-utilized)
- (2) Addition to the existing Elementary School
- (3) Replace Elementary School and Gymnasium on site
- (4) Build new Elementary School offsite

The alternatives depicted in the MB&B Report utilize both undeveloped land and structures within TUFSD's existing campus and at least 7.2-acres of the 40-acre site to be gifted to the TUFSD. The MB&B Report opined that *"[b]ased on preliminary site and grading plans, approximately 10 acres of the 40 acres can be made usable without extraordinary site preparation costs to meet and exceed the needs and stated desires of the school."* (MB&B Report at 2). The alternatives also make reasonable accommodations for playfields and gymnasium space, which the record reflects are pre-existing needs that have been identified by the TUFSD since the inception of the Project and would exist without the Proposed Action.

The 2022 Technical Memorandum and its Supplemental Letter also evaluated the Applicant's proportional share of TUFSD's costs to construct additional facilities. As detailed in these documents, even when considering the proportional share of debt service associated with the construction of new facilities to further accommodate the 8 additional elementary school classrooms necessitated by Tuxedo Farms, the Proposed Action would generate more than \$3 million in net tax revenue to the TUFSD. The surplus tax revenue could be used to pay debt service on TUFSD construction projects. The 2022 Technical Memorandum and Supplemental Letter also address all the other TUFSD comments, including, without limitation, market value and equalization rate assumptions (which, again, the Town Assessor concluded were

reasonable), the projected number of additional students and the costs to educate them, and State aid.

The Supplemental Letter further evaluated the potential effects of the Proposed Action on the TUFSD using the TUFSD's own estimated operational and capital costs for constructing a new elementary school and fields on the 40-acre parcel. Even when using the TUFSD's capital costs—and allocating 100% of the costs to Tuxedo Farms—the Proposed Action would result in an annual net revenue of \$1,534,918. When considering the proportional share of the TUFSD's capital costs, the Proposed Action would result in an annual net revenue of \$3,796,343 (see Table 4). The Town Board notes that the Applicant provided construction cost estimates that disputed the TUFSD's capital cost estimates, and it is not proper methodology to allocate 100% of the costs to the Applicant but rather to apply the costs across the entire district and determine the Applicant's pro rata share.

In addition, the Town School Memorandum, prepared by the Town Board's consultant Nelson Pope Voorhis, independently reviewed the 2022 Technical Memorandum, Supplemental Letter, and TUFSD's documents. The Town School Memorandum presented a detailed background of the history of the project' approvals as they related to the TUFSD and determined that the agreement memorialized in the 2015 Special Use Permit and Preliminary Plan are what remains in effect to accommodate the 427 students anticipated to result from the project at that time. The 2015 agreement included a gift of approximately 40 unrestricted acres to the TUFSD and a cash contribution of \$2.5 million.

The Town School Memorandum reviewed the projected number of school age children that were historically predicted for the Tuxedo Farms project, the current projections for the project, and the TUFSD's enrollment history. The Town School Memorandum determined that the multipliers used by the Applicant in the Technical Memorandum *"provide a reasonable estimate of the number of students that would attend the TUFSD"* and concluded that the *"public schoolage children estimate provided in the AKRF Technical Memorandum appears to be reasonable."*

The Town School Memorandum reviewed the market values and equalization rates used in the Technical Memorandum. It noted that at the request of the Town, the Technical Memorandum included a sensitivity analysis which found that the market values of the Proposed Action could drop by 25% and the project would still be tax positive to the TUFSD. It further noted the conclusion of the Town Assessor that the *"Market Value is reasonable."* The Town School Memorandum explained the purpose of equalization rates and their relation to tax rates, and noted that the recent drop from 16.2 to 13.5 occurred after the Technical Memorandum was first prepared and submitted to the Town. It further noted the Town Assessor's determination that the use of 16.2 is reasonable, as it reflects the equalization rate trends going back to 2018, and not the inflated prices of the recent COVID 19 pandemic. The Town School Memorandum concludes that the use of 16.2 in the Technical Memorandum is reasonable and *"[t]hus, adjustments are not needed to the determination of assessed value."*

The Town School Memorandum verified that the Technical Memorandum did not include any state aid in the estimate of revenues to the school district resulting from the Proposed Action, and therefore *"represents a worst-case analysis and is reasonable."*

The Town School Memorandum provided a comparison of the methodologies used in the TUFSD letter and the Technical Memorandum to estimate the increase in TUFSD operational costs resulting from the Proposed Action. The Town School Memorandum noted that although there is an approximately \$469,000 annual difference between the two operational cost estimates, there is surplus property tax revenue to the TUFSD using both methodologies.

The Town School Memorandum evaluated the potential capital costs to the TUFSD for construction of a new elementary school based on the estimates provided by the TUFSD and supplemental cost information provided by the Applicant based on the site work that has already occurred on the site. The Town School Memorandum also determined the TUFSD estimates to be high when compared to past work on the site and the 2010 estimates for site work that were prepared by the Town's own special consultant for the 2010 FSEIS. It concluded that *"utilizing the TUFSD's estimates, and assigning the proportional cost (percent of Tuxedo Farms public students to the total school enrollment) of the capital improvements to the Tuxedo Farms project, the project would be tax positive."* The Town School Memorandum further concluded that *"using TUFSD data and consistent with the fiscal impact methodologies that have been employed during the SEQRA review since 1999, there is sufficient "buffer" between the project's revenues and costs to result in a net positive fiscal impact to the school district."*

Therefore, the Town Board finds that even with the TUFSD's conservative capital cost estimates and improper allocation of all its costs to the Applicant, the Proposed Project is fiscally positive. Therefore, the Proposed Action would not result in significant adverse fiscal impacts. Table 3 below presents a summary of the anticipated revenues and costs related to the Proposed Action, which were detailed in the 2022 Technical Memorandum. Overall, the projected revenues generated by the Proposed Action are expected to exceed costs, and the Proposed Action would remain tax positive for both the Town of Tuxedo and the TUFSD.

Furthermore, the analysis in the 2022 Technical Memorandum conservatively excluded the value of the mitigations and community benefits prescribed in the 2015 Special Permit, which will be carried forward to the 2022 Special Permit. These mitigations and community benefits, which have a monetary value, include:

1. Applicant shall construct, at its own cost, an Event Center building in the Commons to be shared with the Town (and Library);
2. Total payment of \$2.5 million and donation of approximately 40 acres of land to the Tuxedo Union Free School District (the land donation area is the same as approved in 2015, and it would be subdivided into its own lot as shown on the Preliminary Plan for transfer to the TUFSD during the Project's subdivision review process);
3. Donation of the remaining \$1,100,000 to the Hamlet Revitalization Fund (\$1,000,000 was already paid, and the outstanding balance of the Grant Fund has been increased to \$1,100,000);
4. Donation of +/- 702 acres of conservation land to the Town of Tuxedo;
5. Donation of +/- 82 acres of conservation land to the Village of Tuxedo Park;
6. Donation of 3,000 square feet of garage/storage space for the Highway Department for 30 years;
7. Free use of community trail system by residents of the Town (trail system to be maintained by the Applicant);
8. Recreation fees; and
9. PILOT agreement.

Table 3
Summary Comparison of Fiscal Impacts:
2022 Development Program and Conceptual Maximum Buildout

	2022 Proposed Development Program (in 2021 dollars) ⁴	2022 Conceptual Maximum Buildout (in 2021 dollars) ⁵
Town		
Revenues ¹	\$8,687,978	\$8,705,930
Costs	(\$6,627,885)	(\$6,727,885)
Net Revenue/(Cost)	\$1,960,093	\$1,978,044
TUFSD²		
Revenues ³	\$11,041,787	\$11,129,276
Costs	(\$7,779,197)	(\$8,074,714)
Net Revenue/(Cost)	\$3,262,591	\$3,054,561
Annual Debt Service for Elementary School Space	(\$22,833)	(\$22,833)
Net Revenue/Cost with Elementary School Space	\$3,239,758	\$3,031,728
<p>Notes: ¹ Town revenue estimates include property and non-property taxes projected to be generated by the project. Non-property tax revenues include sources such as licenses, permits, fines and forfeitures. ² TUFSD revenue and cost estimates are based on the 2018 student generation rates for PSAC. ³ TUFSD revenue estimates include only property taxes. ⁴ Analysis of the proposed 1,609 unit with 3,574 bedrooms development program. ⁵ Analysis of the maximum build-out scenario of 1,609 units with 3,620 bedrooms, inclusive of 3,070 unrestricted bedrooms.</p>		

Table 4
Summary of Annual Net Revenues/(Annual Costs) to TUFSD at Full Build-Out of 2022 Proposed Project (in 2021 Dollars)

	Annual Net Revenue/(Cost) of 2022 Development Program Using TUFSD Projected Costs in Full	Annual Net Revenue/(Cost) of 2022 Development Program Using Proportional Share of TUFSD Projected Costs
Projected Revenue ¹	\$11,041,787	\$11,041,787
Projected Costs ²	(\$3,708,344)	(\$3,708,344)
Net Revenue/(Annual Cost)	\$7,333,443	\$7,333,443
Annual Debt Service for Elementary School, Fields and Land ³	\$5,798,525	\$3,537,100
Net Revenue/(Annual Cost) with Debt Service on Proportional Share of Construction Costs	\$1,534,918	\$3,796,343

<p>Notes: ¹ TUFSD revenue estimates include property tax revenues; they do not include State Aid or Transportation Aid.</p> <p> ² See Table 6, letter from Ashley Ley, AICP, AKRF to Supervisor Ken English, dated October 11, 2022.</p> <p> ³ See Table 5, letter from Ashley Ley, AICP, AKRF to Supervisor Ken English, dated October 11, 2022.</p>

Findings and Mitigation Measures

The Town Board finds that the Proposed Action will be tax positive for both the Town and the TUFSD and will result in positive fiscal benefits to the Town and TUFSD. The Town Board finds that, except as modified herein, the community benefit measures prescribed in the 2015 Special Permit and summarized above shall carry forward to the 2022 Special Permit. The project is anticipated to result in \$1.96 million net annual revenue for the Town.

The Proposed Action would generate new school age children. The costs to educate the new students, including the construction of 8 additional elementary school classrooms, would be more than covered by the anticipated tax revenue from the project. As summarized in Table 3, the Proposed Action is anticipated to result in an annual net tax revenue of approximately \$3.24 million to the TUFSD at full build-out.

The Town Board finds based on the information in the record that there are reasonable options for the TUFSD to construct additional classrooms and athletic fields, including by utilizing a portion of the 40-acre site that the Applicant will gift to the TUFSD under the Proposed Action. Notwithstanding the conclusions in the Technical Memorandum and the Town Board's findings herein, the Town Board is aware and acknowledges that the TUFSD has identified other sites for potential use. The Town Board is willing to continue to engage in dialogue with the TUFSD (and Applicant) about other alternative sites identified by the TUFSD.

The Town Board further finds that the methodologies, data, and assumptions used for the fiscal analyses in the Technical Memorandum are reasonable based on the independent advice it received from its planning consultant and the Town Assessor, and the Town Board's own review and investigation. The Town Board has studied and considered all the information submitted by the Applicant and the TUFSD and their respective experts and consultants, and finds the evidence submitted by the Applicant to be reasonable, credible, and supported by objective facts and accepted methodologies. In making these findings, the Town Board also relies upon its planning consultant's Town School Memorandum, which provided an independent review and analysis of the issues raised by the TUFSD and the Applicant's responses.

Overall, the Proposed Action would establish an attractive community that would address current housing needs, generate students that can be accommodated within the Tuxedo Union Free School District, and generate positive tax revenue for the Town and TUFSD.

CULTURAL RESOURCES

The Proposed Action would not expand the limits of disturbance beyond those previously approved or add new development to areas not previously analyzed. As part of the previous SEQRA reviews of the project, several archaeological sites were identified as a result of Phase 1B Archaeological Investigations. Construction of the Proposed Action would occur in accordance with the Memorandum of Understanding (MOU) Between the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and The Related Companies, L.P. Regarding the Tuxedo Reserve Planned Integrated Development Project (Phases 1, 2 & 3) dated March 19, 2001, and which will remain in place.

In accordance with the MOU, the Applicant previously completed a Phase 3 Archaeological Data Recovery and mitigation of the on-site quartz quarry (OPRHP Archaeological Site A07116.000435). In a letter dated February 26, 2007, OPRHP indicated that the report fulfills the conditions of the Data Recovery Plan for the Project. A 2008 Phase IB Archaeological Investigation identified limited portions of three other areas that may require further investigation depending on the definitive delineation of the area of potential effect (APE). The current layout would avoid these areas and the avoidance measures identified in the Phase IB would be implemented during construction. During site plan and subdivision review, the Applicant will review the limits of disturbance and will either ensure the development remains within the original Area of Potential Effect (APE), or will consult with SHPO, consistent with the MOU.

Findings and Mitigation Measures

In view of the archaeological investigations and mitigation already completed, and the process that was established by the 2003 FEIS and 2004 Statement of Environmental Findings and the MOU for addressing any resources that remain on the project site, the Town Board finds that the Proposed Action would not have a new significant adverse environmental impact on cultural resources that was not already studied and mitigated.

VISUAL QUALITY AND COMMUNITY CHARACTER

The Proposed Action would not add new development areas, and instead would concentrate development nearer to the center of the Project Site and farther away from existing residences within Tuxedo Park. The potential impacts to Tuxedo Park, Harriman State Park, and other sensitive receptors were thoroughly evaluated during the previous SEQRA environmental reviews. As the Proposed Action would not introduce new development areas, no new impact to these receptors would result. In addition, the Proposed Action would maintain the development's extensive open space system, trails, sidewalks, and the visual buffer provided by the site's topography.

The Proposed Action would cluster development and would integrate community amenity spaces such as community parks, trails, and neighborhood retail. The Proposed Action is designed to foster a sense of place and established community. The maximum height would be 63 feet for the buildings in the Common area, which is a slight increase from the previous approvals. The height increase is proposed to allow 20-foot ceilings for the first-floor commercial spaces and a pitched roof. The only planned 4-story buildings would be located in the Commons area, along Quail Road. This minimal increase in height – which would be limited to the buildings in the Commons in a central portion of the Project Site – is not anticipated to increase the visibility of the project from offsite locations. In addition, the Applicant has confirmed with the Tuxedo Fire Department that it is equipped to respond to an incident involving a 63-foot-tall building and the project as a whole.

In addition, the Proposed Action would update and replace the Design Standards (collectively the Smart Code, Performance Standards, and Architectural and Landscape Design Guidelines) to reflect the new development program and updated building materials. The new Design Guidelines would regulate the form and size of development (such as height, setback, etc.), and establish the minimum requirements for building and landscape design and aesthetics of the private development areas reflecting the anticipated range of housing types, commercial, and amenity buildings to be offered, modern construction practices, and quality building materials.

Findings and Mitigation Measures

The Town Board finds that the Proposed Action would not result in any new significant adverse visual quality or community character impacts. The Proposed Action would not increase the visibility of the development from what was previously analyzed. Potential views of the Proposed

Action would be comparable to what was previously studied and documented in the prior SEQRA reviews. As such, the Proposed Action is not anticipated to substantially change views of the Project Site from offsite locations.

Some of the visual impact mitigative measures have already been implemented. For example, there is an existing conservation buffer between the Southern Tract and Tuxedo Park that was transferred by the Applicant to Tuxedo Park in 2016.

The new Design Standards will establish a cohesive character and visual quality for the new Tuxedo Farms development. The new Design Standards will maintain design integrity throughout the Project Site such that the cumulative effects of the design changes would be a walkable community with sidewalks, attractive landscaping, trails, public spaces, and thoughtful design. Although the new Design Standards would introduce new housing typologies and architectural styles to reflect market demand, the proposed changes would continue to employ architectural features and site design characteristics that are visually consistent with other buildings and structures in the area. The Proposed Action would not impair the character or quality of important historic, archeological, architectural, or aesthetic resources. The new Design Standards would create a thoughtful and well-designed community with traditional architectural influences.

The Commons Area would have a clear architectural style that would set the tone for the community and distinguish the neighborhood as the community's mixed-use center. Moving away from the Commons Area, additional architectural criteria would be established in a cohesive manner to maintain the design integrity and quality of the development and respond to the scale and residential nature of the building types outside of the Commons. Provisions within the Design Guidelines address transitions from the Commons to adjacent development to ensure a "feathering" of the mixed-use center to the residential neighborhoods.

GEOLOGY, SOILS, AND TOPOGRAPHY

The 2003 FEIS and 2010 FSEIS concluded that potentially significant adverse impacts to geography, soils, and topography would be avoided through adherence to the Performance Standards prepared for the Project. The Proposed Action includes both changes to the Preliminary Plan and Performance Standards to address the shift and relocation of unit types. However, the proposed changes are limited to permitting more multi-family units within the previously analyzed limits of the proposed development. Because the Proposed Action involves more townhome and multi-family units, the overall limits of disturbance on the Southern Tract would be reduced from approximately 443 acres to approximately 380 acres. All development would be within the previously analyzed limits of disturbance. The precise development footprint, impervious surface area, and grading limits for each area of the development will be determined during the site plan approvals process. The site plan will be designed to minimize grading, to balance the site, and to avoid new areas of disturbance.

The Applicant does propose a minor modification to the Performance Standards to permit the Town Engineer to administratively approve reasonable deviations to slope and cut/fill requirements based on field conditions and a detailed grading plan. The current standards limit development to areas where surface slope does not exceed 33% (3:1) and requires that roads and buildings be located in areas where cuts/fills do not exceed 20 feet where feasible. There may be areas within the Project Site with existing topographic conditions that would require cuts/fills to be greater than 20 feet. Balanced earthwork onsite is a goal for both the Applicant and the Town. The restrictions placed on 33% existing slope areas may limit areas of development in conjunction with cuts and fills onsite and could affect the ability to balance the site. The inclusion of an administrative waiver would ensure that the Project Site is developed in a way that addresses both the steep slopes and grading concerns, as well as the desire to balance cut and fills.

Findings and Mitigation Measures

The Town Board finds that potentially significant adverse impacts to geography, soils, and topography would continue to be avoided through adherence to the Performance Standards, as amended, for the Proposed Action.

NATURAL RESOURCES

The Proposed Action would not substantially change the limits of the development from what was previously analyzed. The Proposed Action would remain within the approved development footprint and would not cause new disturbance to natural areas. The limits of disturbance for each area of the development will be determined during the site plan approvals process and will be designed to avoid new wetland or wetland buffer impacts and new areas of disturbance.

West Ridge Lane and the water tank site are near a known copperhead den. As previously documented, the presence of the copperhead den requires certain measures to protect the den and the species. The den is located within a portion of the Southern Tract designated as permanently protected open space. The Proposed Action would maintain a distance of 500 feet from the nearest residence to the den, which is consistent with the 2015 Preliminary Plan. The residences in closest proximity to this den are sited generally to the south of its location. The water tower, which is already installed, is roughly 567 feet from the den. The lots proposed along the road leading to the water tower would be no closer than approximately 510 feet to the copperhead den. The closest point of disturbance (a point along Upper Mountain Lake Road) would be approximately 392 feet away from the den; equivalent to the distance under the 2015 Preliminary Plan. Therefore, the Proposed Action would not result in any encroachments closer to the copperhead den than previously approved. As required under previous approvals, the following steps would be undertaken to avoid all disturbances to the den and nearby potential copperhead basking areas: (1) fencing and barriers shall be erected in a manner to direct snakes away from the water tower site and from residential development; and (2) additional wildlife tunnels shall be evaluated and installed under proposed roadways to assure that sufficient migration pathways are maintained between the den and nearby wetlands. This evaluation will be conducted by the Planning Board during site/subdivision review, for projects involving wetlands.

The Project Site is located in an area that has the potential to support the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened northern Long-eared Bat (*Myotis septentrionalis*). Potential impacts to threatened or endangered bat species were assessed as part of previous SEQRA reviews of the Project Site. Consistent with NYSDEC requirements under existing permits for the Project Site, tree clearing would occur during the northern long-eared bat hibernation period of November 1 through March 31.

Findings and Mitigation Measures

The Town Board finds that adherence to the previously required mitigation measures for the protection of threatened and endangered species would avoid significant adverse natural resources impacts. No new mitigation is required due to the Proposed Action.

HYDROLOGY AND STORMWATER MANAGEMENT

The Proposed Action is not anticipated to result in a new significant adverse drainage impact. The Proposed Action would not substantially change the impervious surfaces (and hence, nor the Project's hydrology) associated with the overall development. Because the Proposed Action involves more townhome and multi-family units, the overall limits of disturbance on the Southern Tract would be reduced from approximately 443 acres to approximately 380 acres.

The proposed stormwater management practices for the development will be finalized during the site plan approvals process to comply with the latest New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual (SDM), latest revision of January, 2015. Portions of the project were constructed from 2015 to 2017 and were designed to meet the latest NYSDEC SDM criteria for water quality treatment and quantity control while at the same time meeting the objectives of the project criteria reviewed under SEQRA. The practices included bioretention basins for water quality and dry/extended detention basins for stormwater quantity control, where needed.

The Proposed Action may increase the impervious surfaces in the higher density areas, such as the Commons, where larger footprint buildings would be located. However, while the impervious surface areas in the Commons would increase, impervious surfaces elsewhere on the Project Site would be reduced. New impervious surface areas will be treated in accordance with the latest NYSDEC SDM criteria for water quality treatment and quantity control. As noted above, Tuxedo Farms has already installed some of the stormwater management infrastructure. A stormwater analysis of the previously installed drainage systems will be performed as part of the site plan approval process and reviewed by the Town Engineer. The installed stormwater management systems are bioretention basins, which provide runoff reduction. The installed basins will be analyzed during the site plan approval process to evaluate if they can accommodate the increase in impervious area or if additional stormwater management measures will be required. Should additional stormwater management measures be required, stormwater management practices with runoff reduction volume or runoff reduction techniques, where feasible, will be incorporated into the stormwater management design for the Commons. The Preliminary Plan has been designed with adequate space to accommodate increased impervious surfaces with NYSDEC SDM compliant stormwater management systems. The plan will incorporate bio-swales, rain gardens, bioretention, and potentially other approved stormwater management practices noted within the NYSDEC SDM. The Proposed Action would integrate the stormwater management system with the landscape plan submitted with each site plan approval document set for each neighborhood. In addition, the proposed vegetation would primarily consist of native plantings to be consistent with the overall character of the Project.

Findings and Mitigation Measures

The Town Board finds that the Proposed Action would avoid, minimize, or mitigate stormwater impacts through the implementation of the Stormwater Pollution Prevention Plan (SWPPP) in conformance with NYSDEC's requirements. The SWPPP includes an Erosion and Sediment Control Plan that would be subject to review and approval by the Town Engineer and NYSDEC. All erosion and sediment control measures would also be developed in accordance with the NYSDEC SDM.

WATER SUPPLY

The Proposed Action is not anticipated to generate a new significant adverse impact on water supply. The proposed water supply is sufficient to meet the demand for the proposed 3,574 bedrooms and associated commercial and amenity spaces.

The water facilities are being constructed in phases. The first phase, which is partially constructed, would accommodate 204,550 gallons per day (gpd). As detailed below, 204,550 gpd can accommodate 1,860 bedrooms. At full buildout, the water supply system will have a total capacity of 474,550 gpd, which can accommodate 4,314 bedrooms. The water system and construction were and continue to be subject to Town, NYSDEC and NYSDOH review for compliance with all health and regulatory standards.

Flow monitoring will be utilized to verify actual water consumption and well capacity limits. Once capacity is reached, no further connections will be permitted until the additional capacity is in place and able to operate. Water availability for the project will be further addressed during individual site plan/subdivision reviews.

Findings and Mitigation Measures

The Town Board finds that the Proposed Action would not generate significant adverse impacts on water supply. The potable water system is designed to accommodate flows in phases. Flow monitoring shall be used to verify actual water consumption and well capacity limits. Once capacity is reached, no further connections will be permitted until the additional capacity is in place and able to operate.

SANITARY SEWER SERVICES

The Proposed Action is not anticipated to generate a new significant adverse impact on sanitary sewer services. The proposed development program includes 3,574 bedrooms, but the Special Permit would allow a maximum potential bedroom count of 3,620. As further described below, at full build-out, the proposed sanitary sewer system is sufficient to meet the demand for the proposed 3,574 bedrooms, and maximum potential buildout of 3,620 bedrooms inclusive of the associated commercial and amenity spaces. Therefore, the Proposed Action is not anticipated to result in any new significant adverse impacts to sanitary sewer services.

Tuxedo Farms has constructed a new wastewater treatment plant (WWTP) that will serve both residents of the project and the Town hamlet. The WWTP is being constructed in phases, and the first phase (Phase #1) is constructed to accommodate 311,000 gpd (this number includes the 100,000 gpd allocated to the Hamlet District). WWTP Phase #1 can accommodate 1,918 equivalent bedrooms. Construction of WWTP Phase #1 is complete and can be placed into operation Fall 2022. However, the WWTP is master planned for a capacity expansion in excess of 500,000 gpd as a second construction phase (Phase #2). WWTP Phase #2 will be designed to accommodate the full-build out of Tuxedo Farms. The WWTP Phase #2 expansion would be accommodated by adding additional flow equalization capacity along with additional aeration and membrane bioreactor (MBR) system capacity. The WWTP design and construction was subject to Town and NYSDEC review for compliance with treatment procedures and effluent standards and is documented in the 2015 Special Permit and incorporated herein by reference.

A significant portion of the collection system is constructed and ready for operation. The design was reviewed and approved by both the Town and NYSDEC. The capacity of the collection system is limited upstream of Pump Station 1C (PS 1C) by the capacity of the pump station. The capacity of the collection system downstream of PS 1C exceeds the capacity of the WWTP at full buildout and the limiting factor for the service area between the PS 1C and the WWTP is the capacity of the WWTP.

Findings and Mitigation Measures

The Town Board finds that the Proposed Action would not generate significant adverse impacts on the provision of sanitary sewer services. Flow monitoring shall be utilized to verify actual wastewater generation and capacity limits. Once capacity is reached, no further connections will be permitted until the additional capacity is in place and able to operate.

SOLID WASTE

The 2003 FEIS concluded that the Project would not result in a significant impact on the Town's ability to manage solid waste. The Proposed Action is not anticipated to substantially change the conclusions presented in the FEIS.

Findings and Mitigation Measures

The Town Board finds that although the Proposed Action would increase the number of units overall, the proposed increase would not substantially increase anticipated population of the development. It is anticipated that the increased costs associated with waste removal would be accommodated by the tax revenues associated with the Proposed Action (which are greater than those expected based on the 2015 approvals).

HAZARDOUS MATERIALS

A Phase 1 Environmental Site Assessment was conducted as part of the 2003 FEIS. The assessment did not reveal any hazardous conditions on the site. However, two historic dumping sites have since been identified on the Southern and Northern Tracts. The fill deposited in these areas are not classified as “hazardous materials” and are not considered to pose a hazardous condition to the surrounding area, surface or ground water quality.

The “Eastern Historic Fill Area” has been closed per the approved closure plan developed by Lagan Engineering. The closure documents and subsequent NYSDEC approval have been provided to the Town and Town engineer.

The second dumping site, located in the former Phase 3 area and referred to as the “Western Historic Fill Area” has not been disturbed. It was identified in a 2015 Phase I Environmental Site Assessment prepared by EcolSciences. This document, which includes the closure documents, has been provided to the Town. The Western Historic Fill Area comprises a smaller footprint than the Eastern Historic Fill Area and contains similar materials. Although there is no known requirement for any remediation unless the area is developed, the Applicant has indicated their intent to remediate this area.

Findings and Mitigation Measures

The Town Board finds that the Proposed Action would not generate significant adverse impacts related to hazardous materials. The Proposed Action is not anticipated to uncover any hazardous conditions not previously discovered. However, as per the prior approvals, the Applicant is responsible for delivering a site remediated in accordance with NYSDEC standards should such conditions be discovered during construction.

TRAFFIC

The Proposed Action is not anticipated to generate any new significant adverse impact on traffic. No changes are proposed to site access.

A traffic impact study (TIS) was prepared by Philip Habib & Associates, last revised May 5, 2022, to analyze the potential impacts of the Proposed Action. As detailed in the TIS, based on an updated travel demand forecast it is estimated that there would be a relatively small (4 percent to 5 percent) increase in the numbers of vehicle trips generated during the weekday AM and PM peak hours under the Proposed Action compared to the numbers of vehicle trips generated by the program assessed in the 2003 FEIS. The traffic analysis in the 2003 FEIS took a conservative approach with respect to forecasting background conditions (e.g., by assuming a one percent/year background growth rate). Recent traffic count data collected both prior and subsequent to the onset of the Covid-19 pandemic indicate that volumes at analyzed intersections are below levels forecasted for the 2015 No Build condition in the 2003 FEIS. In addition, one long-term effect of the pandemic has been a shift from daily commuting to work-from-home by a portion of the workforce, a condition that is not reflected in the factors used for the residential travel demand forecasts for both the 2003 FEIS and the Proposed Action (which are based on pre-pandemic data). The forecasts therefore likely overestimate the levels of peak hour commuter travel demand that will be generated in the future by the Project’s residential component. Consequently, it is unlikely that future traffic volumes with the Proposed Action would

exceed those forecast in the 2003 FEIS, or would result in new or substantially different significant adverse traffic impacts in the AM and PM peak hours compared to those disclosed in the 2003 FEIS and subsequent analyses.

Therefore, at most locations, the traffic mitigation measures outlined in the 2003 FEIS and subsequent approvals are anticipated to remain effective at mitigating any significant adverse impacts under the Proposed Action. The traffic mitigation measures established by the past approvals include monitoring traffic volumes at each of the Project's driveway access points and along Route 17 (see Attachment J to the 2015 Special Permit) to ensure that the proposed mitigation measures adequately address the project's traffic volumes. The Proposed Action would not change these previously approved monitoring requirements or subsequent mitigative measures.

In addition to the traffic mitigation previously identified and approved, additional mitigation measures are required for the Proposed Action. As discussed in the TIS, monitoring traffic volumes and conditions at the unsignalized intersection of SR 17 and Washington Avenue as part of the Project's traffic monitoring program is now recommended given the recent reduction in travel lanes along this segment of SR 17 by NYSDOT.

In addition, to further mitigate potential traffic impacts to SR 17 and to maintain a reasonable flow of traffic within this corridor, the Applicant has agreed, as result of discussions by and among the Town, DOT and OCPD, to upgrade three (3) traffic signals to operate Adaptive Signal Control Technology (ASCT) anticipated at the following intersections:

- SR 17 and Seven Lakes Drive
- SR 17 and Municipal Plaza
- SR 17 and Eagle Valley Road

The ASCT will address the previously required signal timing modifications, and further enhance traffic flow through this critical segment of SR 17. The signals would be upgraded to ASCT prior to the completion of 525 residential units, which was the former threshold for the signal timing modifications along this corridor.

Lastly, based on the updated travel demand forecast and the likely continued shift from daily commuting to work-from-home by some workers, it is anticipated that there will be less demand for the planned jitney service to nearby commuter rail stations and bus stops than previously estimated. Therefore, under the Proposed Action the jitney service would be initiated at the issuance of the 100th certificate of occupancy for the Project rather than the 50th certificate of occupancy as previously assumed.

Findings and Mitigation Measures

The Town Board finds that with the mitigation measures summarized in Tables 4 and 5 below, potential traffic impacts would be mitigated to the maximum extent practicable.

Table 4
Summary of Previously Proposed Intersection Specific Mitigation

Location	Traffic Control	Proposed Mitigation	Current Status	Current Implementation Schedule
(1) SR 17A and SR 17 Ramps	Unsignalized	Construct EB right-turn lane; Install traffic signal and NB left-turn lane		EB right-turn lane by completion of 525 residential units; potential signalization and new NB left-turn lane on SR 17 by completion of 1,195 residential units

(2) SR 17 and SR 17A South Ramp	Signalized	Modify traffic signal timing		Implement prior to completion of 525 residential units
(3) SR 17 and Washington Ave	Unsignalized	Construct SB left-turn lane; Alternate access available via Seven Lakes Drive	SB left-turn lane already installed by NYSDOT; intersection included in traffic monitoring program	(See Monitoring Program below)
(4) SR 17 and Eagle Valley Road	Signalized	Modify traffic signal timing		Upgrade traffic signal for ASCT prior to completion of 525 residential units
(5) SR 17 and Seven Lakes Drive	Signalized	Construct SB left-turn lane, widen through lanes, and modify signal timing and phasing	This segment of SR 17 recently reconfigured by NYSDOT; SB left-turn lane and lane widening no longer required ¹	Upgrade traffic signal for ASCT prior to completion of 525 residential units
(6) SR 72 and Eagle Valley Road	Unsignalized	Install traffic signal		Implement if required by Rockland County or NY State
(7) SR 17A and CR 84	Unsignalized	Install traffic signal		Analysis of signalization shall be required during the site plan review of the Northern Tract.
(8) NYS Thruway NB Off-Ramp to SR 17	Signalized	Modify traffic signal timing		Implement prior to completion of 525 residential units

Notes:
EB - East Bound
WB - West Bound
SB - South Bound
NB - North Bound

¹ This mitigation was required to accommodate traffic anticipated from another development that was included as part of the No Build scenario analyzed in the 2003 FEIS. This development was subsequently cancelled.

Table 5
Summary of Previously Proposed Other Mitigation Measures/Improvements

Proposed Mitigation/Improvement	Description	Current Status	Current Implementation Schedule
North & South Site Access Points on SR 17	Install traffic signal and SB left-turn lane at each site access location on SR 17		Install north site access prior to completion of first residential unit
Eagle Valley Road Connector	Site access to Eagle Valley Road to be implemented prior to completion of 525 residential units if approval of southerly access to SR 17 not forthcoming from Village of Sloatsburg	Site approval for southerly access to SR 17 secured from Village of Sloatsburg	Unless the Town Board determines otherwise, the Eagle Valley Rd entrance connecting to Bridle Trail Rd shall be constructed and completed prior to the issuance of the 50th certificate of occupancy for any active adult dwelling.
Jitney Service	Implement on-site jitney service to nearby train stations and express bus stops		<ul style="list-style-type: none"> • Initiate "taxi-type" car service during AM/PM peak periods by completion of 100 residential units • Introduce van/bus service when demand warrants (estimated to be completion of 200-250 residential units) • Introduce off-peak service between proposed Commons and Tuxedo hamlet upon completion of 525 residential units

Monitoring Program	<ul style="list-style-type: none"> • Project traffic entrances will be monitored at intervals to verify forecasts and identify any need for accelerated or additional mitigation measures • Jitney ridership will be monitored at intervals to verify forecasts and identify any need for service modifications to increase ridership to projected levels • Traffic volumes and conditions will be monitored at SR 17/Washington Ave intersection to identify any need for additional mitigation measures • Evaluate traffic circulation at all internal intersections within Tuxedo Farms in the event southerly access to Route 17 is not installed 		Monitoring to be conducted upon completion of: <ul style="list-style-type: none"> • 300 residential units • 525 residential units • 911 residential units • 1,195 residential units • 1,609 residential units
Limits on Construction Vehicle Access	<ul style="list-style-type: none"> • Construction vehicles to avoid entering/exiting project site during the weekday 7:30-8:30 AM and 5:00-6:00 PM peak hours 		Implement during construction

AIR QUALITY

Air quality levels were assessed in the 2003 FEIS and it was determined that the Project would not result in any significant adverse air quality impacts.

Findings and Mitigation Measures

Since the Proposed Action is not anticipated to result in any significant change in traffic volumes, potential changes to air quality from the levels previously analyzed would be insignificant. Therefore, the Town Board finds that Proposed Action would not result in any new significant adverse air quality impacts. No further mitigation is required.

NOISE

Operational noise levels were assessed in the 2003 FEIS and it was determined that the Project would not result in any significant adverse noise impacts.

Findings and Mitigation Measures

Since the Proposed Action is not anticipated to result in any significant change in traffic volumes, potential noise increases would be insignificant. Therefore, the Town Board finds that the Proposed Action would not result in any new significant adverse noise impacts. Potential impacts from construction noise, such as blasting, are discussed under Construction Impacts below. No further mitigation is required.

CONSTRUCTION IMPACTS

The Proposed Action would alter the sequencing of construction activities and would allow for overlapping of construction sequencing as necessary to accommodate changes in market demand. Previous iterations of the project contemplated three distinct phases. The Proposed Action moves away from this strict sequencing of the development. This would enable the development of the Active Adult community sooner since that community was planned for the area formerly designated as Phase 2. The construction sequencing will be developed rationally to allow efficient cutting and filling, thoughtful completion of amenities, commercial areas, and neighborhoods to deliver the quantity and diversity of home types to meet the market as it may evolve and minimize construction disturbance to residents. It is anticipated that initial construction will involve the completion of Quail Road (with connection to Route 17 in Sloatsburg); the amenities, commercial and multifamily buildings in the Commons; and the townhomes and single-family homes in West Terrace.

To prepare for the construction of the Active Adult community, construction would then commence on Bridle Trail Road (in the area formally known as Phase 2). Site fill work would continue in East Terrace throughout as appropriate material is available (from internal or external sources) and is anticipated to commence full development following completion of grading. Upland Park, Winding Hill, The Bluffs, Mountain Lake, and North Ridge neighborhoods are anticipated to follow. All construction phasing and sequencing is subject to change and will evolve as the project develops.

The amount of construction activity on the Project Site would not materially change from previous approvals. However, the Proposed Action would alter the timing of construction vehicle access to the Project Site. Previously, construction vehicles were to avoid, to the extent practical, entering and exiting the site between 7:15 a.m. and 8:15 a.m. and between 5 p.m. and 6 p.m. on weekdays. Under the Proposed Action, construction trucks will be limited to five entering and five exiting the site from 7:30 a.m. to 8:30 a.m. and from 5 p.m. to 6 p.m. This limitation would not apply to two-axle vehicles; however, construction would typically start at 7 a.m. on weekdays to facilitate the arrival of worker autos and deliveries by truck prior to 7:30 a.m. In addition, as construction work typically ends at 4 p.m., relatively little construction-related traffic is expected to enter/exit the site during the 5 p.m. to 6 p.m. period. Given the small number of construction vehicle trips expected to use the local roadway system during the 7:30 a.m. to 8:30 a.m. and 5 p.m. to 6 p.m. periods with this change in the timing of vehicle access to the site, the Proposed Action is not anticipated to result in any new potentially significant adverse traffic impacts.

The current approvals limit rock blasting to between the hours of 9 am and 5 pm, Monday through Friday, and no blasting permitted on Saturdays, Sundays, or holidays. The Applicant proposes to allow blasting on Saturdays with 24-hour prior notice to the Town Engineer. Under this proposal, Saturday blasting hours would be restricted to 10 am to 3 pm. Noise associated with blasting during the construction period would be temporary in nature and would occur during the hours permitted by the Town's noise ordinance. As such, no long term noise impacts are anticipated. The blasting protocols that are set forth in the Performance Standards will continue to be used.

In addition, the Proposed Action would concentrate development nearer to the center of the Project Site and decrease the overall development footprint.

Findings and Mitigation Measures

The Proposed Action shall be required to adhere to all construction mitigation measures specified in the prior approvals. The Town Board finds that with these mitigation measures in place, the Proposed Action would not result in any new potentially significant adverse construction impacts.

The Town Board further finds that, on balance, the substantial benefits of the Project outweighs any short-term construction impacts, especially when factoring the mitigation measures required.

CONCLUSION

The Town Board finds based on all the technical information in its administrative record that the Proposed Action's increase in the number of units and bedrooms, as well as other changes to the 2015 Special Permit, would not result in any new potential significant adverse environmental impacts. The Proposed Action would decrease site disturbance. All previously identified mitigation measures will be implemented, whether such measure is related to natural environmental resources or socio-economic conditions. The Proposed Action would help meet market demand for "Missing Middle" housing, and result in other benefits to the Town as described in these Findings.

The Town Board further finds that the Proposed Action would be tax positive for both the Town and TUFSD, and would not result in significant adverse fiscal impacts. The Proposed Action is anticipated to result in \$1.96 million net annual revenue for the Town, and \$3.24 million in net annual revenue for the TUFSD. Even using the TUFSD's own construction costs for additional facilities and allocating 100% of those costs to the Applicant (which is not proper methodology), the Proposed Action would be fiscal positive for the TUFSD.

The Town Board has considered all the comments by the public, Planning Board, TUFSD, OCPD, DOT, and others when making these Findings.

V. Findings Related to Proposed Amendments:

The Town Board hereby finds, based on the record before it, that none of the proposed amendments will result in significant adverse impacts, or require additional mitigation beyond what was previously required in the 2004, 2010, and 2015 Findings Statements.

Although the Project would increase the number of units and bedrooms, the proposed increase would not result in increased traffic impacts; would decrease site disturbance; and would not retract any previously identified mitigation measure whether such measure is related to natural environmental resources or socio-economic commitments.

The Town Board hereby finds with respect to the specifically identified amendments as follows:

A. Special Permit:

- a. Remove the requirement to build 764 single family homes and replace it with a requirement to build 269 single family detached units;
- b. Increase the maximum unit count from 1,375 to 1,609;
- c. Increase the non-age restricted maximum bedroom cap from 2,860 to 3,070;

The Town Board Finds that the proposed changes to the number of units, unit mix, and unit distribution are necessary to meet the current market for "Missing Middle" housing, and would address current housing needs within the community consistent with the PID regulations and the Town's planning objectives.

- d. Remove references to the Palisades Interstate Parks Commission (PIPC) swap alternative as it is no longer contemplated;

The Town Board finds that the previous contemplated alternative is no longer desirable.

- e. Update the definition of multi-family to exclude attached home concepts such as townhomes and stacked townhomes;

The Town Board finds that the proposed definition reflects the design intent and housing types proposed as part of the Project.

- f. Revise the timing and amount of the Hamlet Revitalization Funding Program payments (the amount of the Grant Fund would increase from \$1,000,000.00 to \$1,100,000.00, and the Loan Fund would be eliminated);

The Town Board finds that the proposed changes do not materially detract from addressing and mitigating the potential impact to commercial uses in the Hamlet.

- g. Modify the library agreement to permit shared use between the Applicant and Town (and Library) of a new, approximately 4,000 sf community event building in the Commons to be constructed by the Applicant, with an option for the Town to acquire the building

The Town Board finds that the proposed framework would continue to meet the mitigation intent of the original project and provide a community benefit for the Library.

- h. Modify the PILOT payment schedule regarding the 88.78 acres of LIO zoned land depicted on the 2022 Preliminary Plan;

The Town Board finds that the proposed change to the PILOT schedule would still meet the underlying intent of the PILOT set forth in the 2015 Special Permit.

- i. Remove the requirement to build the project in three phases in strict sequence to allow a more thoughtful and flexible development phasing to meet the market demands and allow construction of the Active Adult community sooner;

The Town Board finds that the proposed change to the phasing of the Project is necessary to meet the current market. Overall, the Project would remain fiscally positive.

- j. Update the Preliminary Plan and Regulating Plan to:
 - i. Show new master plan with planned unit types;
 - ii. Adjust certain Transect Zone designations to allow smaller homes/lots and allow concentrated development around the Commons; and

The Town Board finds that the proposed changes to the Special Permit and associated plans and Design Standards would adjust the unit mix distribution to meet current market demand for “Missing Middle” housing. In addition, the changes to the Preliminary Plan and Design Standards would accommodate the new development program, allow new building types such as stacked townhomes, and permit additional building materials.

The Town Board finds that these changes would not result in any new environmental impacts.

- k. Update and replace the Design Standards to allow proposed home types to reflect market demand and the latest trends in building materials while maintaining the high quality and desired aesthetic character of the Development.

The Town Board finds that the proposed Design Standards would maintain a high-quality development, would be consistent with current market needs and building specifications, and not result in any significant adverse impacts to community character or aesthetics.

B. Preliminary Plan:

- a. Amend the Regulating Plan to be consistent with the 2022 Special Permit flexibility provisions.

The Town Board finds that the proposed revisions to the Regulating Plan are necessary to meet the above objectives, and would not result in any new potential significant adverse impacts.

C. Amendment to Local Law 3 of 2011, "Amendment to Local Law No. 4A of 1998"

- a. Amend the text to read, "No more than 1,609 residential dwelling units may be constructed on the Tuxedo Farms Planned Integrated Development of which no more than 500 units shall be multi-family units and no less than 269 units shall be single family detached units and no less than 174 shall be duplex units."

The Town Board finds that the proposed unit mix and adjusted caps would create housing types that would meet the current needs of the community and market demand.

VI. Effect on Previous Findings:

The Findings Statements issued by the Planning Board on November 15, 2004, November 22, 2010, and April 20, 2015, including all of their applicable findings, mitigation measures and conditions, remain in full force and effect except as may be modified in this Amended Findings Statement.

VII. Certification of Amended Findings

Having considered the Draft and Final EIS, the Draft and Final SEIS, the 2022 Technical Memorandum and all other documentation cited herein, and having considered the written facts and conclusions and specific findings contained herein as well as the prior findings incorporated by reference herein, all relied upon to meet the requirements in the of 6 N.Y.C.R.R. Part 617, this Amended Statement of Findings certifies that:

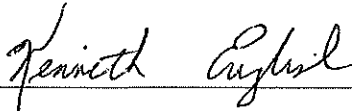
1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids

adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement and 2022 Technical Memorandum; and

3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement and 2022 Technical Memorandum processes will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Dated: October 24, 2022

Town of Tuxedo Town Board Tuxedo Town Hall
One Temple Drive Tuxedo, NY 10987



By: Ken English, Town Supervisor

