

LEAD AGENCY FINDINGS STATEMENT
State Environmental Quality Review Act

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

Lead Agency: Town Board of the Town of Tuxedo (Town Board)
Address: Town Hall
One Temple Drive
Tuxedo, New York 10987

Name of Proposed Action: Tuxedo Reserve Planned Integrated Development

SEQRA Classification: Type 1 Action

Description of Proposed Action:

R.H. Tuxedo Development, L.P., the applicant and project sponsor, proposes to construct 1,195 housing units and approximately 266,000 square feet of associated nonresidential uses as part of a Planned Integrated Development known as "Tuxedo Reserve." Approximately 1,722 acres of the 2,376 acre project site would remain undeveloped open space. A detailed description of the proposed action is provided below.

Location:


The proposed action will be located on 2,376 acres of land 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.

I. INTRODUCTION

This Findings Statement for the Tuxedo Reserve Planned Integrated Development (Project) provides the Town Board's rationale for its decision on the Project, drawing upon information in the Final Environmental Impact Statement (FEIS) prepared at the direction of the Town Board as SEQRA lead agency, as well as related documents and public comments received on the Project, including the Draft Supplemental Environmental Impact Statement dated October, 1999 (DSEIS) and the Draft Generic Environmental Impact Statement dated September, 1996 (DGEIS):

This Findings Statement also certifies that the Town Board, as lead agency, has met the applicable requirements of Part 617 in reviewing the Project, including but not limited to:


- Establishing the Town Board as the lead agency;

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- Causing the preparation of the DSEIS and DGEIS by the project sponsor;
 - Accepting both the DSEIS and DGEIS for public review and comment;
 - Holding public hearings on the DSEIS and DGEIS;
 - Receiving public comments on the DSEIS and DGEIS within the prescribed period after the close of the public hearings;
 - Causing the preparation of the FEIS by the Town's consultants; and
 - Accepting the FEIS and filing a Notice of Completion.

II. PROJECT HISTORY

In 1989, R.H. Tuxedo Development, L.P. submitted an application to the Town of Tuxedo (Town) requesting approval of a Planned Integrated Development (PID). The application process was initiated by submission of a concept plan proposing development of 2,856 dwelling units and 1.1 million square feet of light industrial/office space.


In 1991, the Town granted concept approval for a PID consisting of: (a) a maximum 2,450 residential units; (b) a minimum 1.1 million square feet for non-residential use; and (c) retention of a minimum 202 acres of research/office (RO) zoning. This non-binding concept approval was contingent on a comprehensive assessment of the environmental impacts associated with the density of development pursuant to SEQRA.



In 1992, the applicant submitted a preliminary development plan to the Town that proposed 2,450 dwelling units, but reduced the non-residential component to 555,000 square feet. Subsequent to this submission, the Town Board issued a determination of significance (i.e. a positive declaration) under SEQRA and required preparation of a draft environmental impact statement (DEIS). On or about December, 1992, the Town Board adopted a scoping document setting forth the areas of environmental concern to be addressed in the DEIS.

Approximately four years later, the applicant submitted a Draft Generic Environmental Impact Statement (DGEIS) for the Project. The DGEIS was accepted as adequate for public review and a public hearing on the DGEIS was conducted on December 2, 1996. Based on comments received at that public hearing and during the statutory public comment period, the applicant decided to modify the proposed Project.

In 1998, the applicant submitted a modified Project which reduced the number of dwelling units to 1,747 and further reduced non-residential development to 521,250 square feet. Also in 1998, the Town amended its PID zoning regulations. The Project was "grandfathered" from many of these PID amendments and the legislation expressly permitted the Project to proceed with a maximum 1,375 residential units.



In 1999, the applicant submitted a modified Project conforming to the 1998 PID amendments. That Project proposed 1,375 residential units and 268,600 square feet of non-residential use. Thereafter, the applicant prepared a Draft Supplemental Environmental Impact Statement (DSEIS) on this latest modified proposal. The DSEIS was accepted as adequate for public review on October 18, 1999. Public hearings were conducted on the DSEIS on January 12, 2000 and March 22, 2000.

In August 2000, the applicant submitted a preliminary Final Environmental Impact Statement (FEIS) for the Project. Upon review, the Town Board determined that the applicant's preliminary FEIS did not adequately respond to comments received on the DSEIS and did not adequately address certain potential adverse environmental impacts. In an effort to address these issues, numerous meetings were conducted between the applicant and Town representatives, and additional study and analysis of impacts was undertaken at the direction of the Town Board. The result of these meetings and analyses was a final modification to the Project which reduced the total number of residential units to 1,195 and incorporated recommendations for additional and accelerated mitigation to address certain identified impacts.

The FEIS was completed at the direction of the Town Board to reflect the latest Project modifications. The FEIS was resubmitted to the Town Board, and subsequently accepted by the Town Board on November 20, 2003. On December 15, 2003 the Town Board conducted a public hearing on the FEIS and obtained comments from the public and agencies for consideration during the deliberation/decision-making period. The Town Board considered these comments and conducted several public workshops to prepare this Findings Statement. The Findings Statement is the final step in the SEQRA process for the Project.

III. DETAILED DESCRIPTION OF PROJECT

The Project is a planned mixed-use residential and nonresidential development on 2,376 acres primarily located in the Town of Tuxedo, but with a small portion in the Village of Sloatsburg (Project Site). The Project will consist of 1,195 residential units (including 197 units of active adult housing) and 266,100 square feet of nonresidential space that will be constructed in three phases over a 12-year period. The Project plan is attached hereto as Appendix A.

The Project will be located in the southeastern corner of the Town of Tuxedo and Orange County, with approximately 40 acres in the northern corner of the Village of Sloatsburg and Rockland County. The Project's boundaries are Route 17 and the Orange/Rockland County border to the east and south, Warwick Brook Road (also known as Warwick Turnpike) to the north, and County Route 84 (also known as Long Meadow Road) and South Gate Road to the west. The portion of the Project Site in Sloatsburg fronts on Route 17, approximately 1,500 feet south from the County border. Approximately 1,722 acres (nearly 70 percent of the Project Site) will remain open space. The majority of this open space will be contiguous and undisturbed.

A. Development Tracts

The Project Site consists of three principal development tracts: the Southern Tract, the Northern Tract and the Fox Hill Tract. The applicant will cluster residential and nonresidential uses on approximately 417 acres of the Southern Tract. The Northern Tract will accommodate commercial uses consisting of office, light industrial, research and development and warehousing uses, which will be undertaken as market conditions dictate. A portion of the Northern Tract is proposed to be annexed to the Village of Tuxedo Park for potential future development of up to four homes (approximately 29 acres). The Fox Hill

Tract will remain undeveloped open space except for a portion proposed to be annexed to the Village of Tuxedo Park for potential future development of up to three homes (approximately 24 acres).

B. Development Program

1. Residential Uses

The Project is designed as a collection of small neighborhoods each connected by a system of roads and pedestrian trails to a central "Village Commons." A range of market-rate housing types will be provided, including single-family detached homes, semi-detached homes, townhouses, stacked flats and duplexes including housing for active adults. A total of 1,195 single- and multi-family, and active adult residential units will be sited in the Southern Tract.

Minimum lot sizes will vary according to housing type. Estate lots intended for four-bedroom homes will vary in size and shape, but will be a minimum of 125 feet wide and 135 feet deep. Manor lots intended for three- or four-bedroom homes will also vary in size and shape, but will be a minimum of 100 feet wide and 125 feet deep. Likewise, village lots for three- and four-bedroom homes will be a minimum of 80 feet wide and 100 feet deep. Cottage lots for two- or three-bedroom houses will be a minimum 65 feet wide by 100 feet deep. Semi-detached carriage houses will be constructed on lots that are a minimum of 40 feet wide and 100 feet deep. Multi-family housing, in either a townhome or stacked flat/duplex configuration, will be located in the higher-density Village Commons area.

The Long Ridge active adult neighborhood will consist of 197 detached and semi-detached units. Age restrictions on this active seniors neighborhood are regulated by HUD under the Fair Housing Act (42 U.S.C. § 3601 *et. seq.*) and require that a minimum of 80 percent of the units be occupied by at least one person who is 55 years of age and older.

2. Nonresidential Uses

The Southern Tract will include a total of 70,000 square feet of space to accommodate amenities for Tuxedo Reserve residents. These amenity uses will consist of 48,000 square feet for (1) a daycare center, (2) health facilities (e.g. tennis courts, swimming pool), (3) a business center for telecommuters and (4) meeting rooms, all of which will be located in the Village Commons, as well as swimming and canoe/kayak facilities. This space will also include a sales, marketing and administrative center (for Tuxedo Reserve only) and a gourmet delicatessen (approximately 3,000 square feet) in the Village Commons, as well as a separate greeting house to be located near the commons at the northern entrance to Tuxedo Reserve on Route 17 in the Town of Tuxedo. A site will be provided in the Village Commons for the location of a library facility. A separate pool and changing rooms will be provided to residents of the Augusta Ridge community and a health club and meeting facilities will be provided to residents of the Long Ridge active adult community (22,000 square feet). Other than the Tuxedo Reserve sales, marketing and administrative center and gourmet delicatessen, commercial uses will be strictly prohibited on the Southern Tract. Accordingly, the Special Permit will specify that should the restricted commercial uses be discontinued, this space will revert to one of the four amenity uses described above.

The Northern Tract will contain approximately 196,100 square feet of space for office, flex/light industrial, and/or warehousing uses, and will retain approximately 40 acres of RO zoned land with direct frontage on Warwick Brook Road for future nonresidential development. The Northern Tract will accommodate larger, more flexible spaces for service-oriented businesses, research and development, or firms that assemble finished products from manufactured pieces. The space will be located along County Route 84 and Warwick Brook Road, adjacent to International Paper, and will be configured to avoid a timber rattlesnake habitat located on the tract.

3. Open Space and Community Land

Open space and community land within Tuxedo Reserve will consist of shared and dedicated open spaces including an integrated trail system on the Southern Tract. The Special Permit will require adherence to the landscape design guidelines established for the Project to ensure a continuity of landscape elements throughout the development and to prevent non-native, invasive species from adversely affecting the existing vegetative communities and wildlife habitat.

Shared open spaces will include land surrounding developed areas but not contained within individual lots, including open spaces within the Village Commons. This property will be held in common by the Tuxedo Reserve Homeowners Association (TRHOA). Smaller neighborhood open spaces will also be provided and will serve as either focal points for residential development or as transition areas between the Village Commons and adjoining residential neighborhoods. These areas will be located adjacent to the development and linked through the Project's trail system. Facilities within the Village Commons, easements for stormwater drainage systems and open space surrounding the larger wetlands systems on the site will also be located on TRHOA land. As set forth in the Special Permit, these open spaces and facilities will be owned and maintained by the TRHOA.

On the Northern Tract, approximately 700 acres of land will be set aside for open space and gifted to the Palisades Interstate Parks Commission (PIPC) or other conservation organization satisfactory to the Town Board or otherwise restricted by conservation easement. As noted in the FEIS, approximately 40 acres of RO zoned land with direct frontage on Warwick Brook Road will be retained for future nonresidential development. This parcel was inadvertently depicted as open space in Figure 1-4 of the FEIS. Open space on the Fox Hill Tract will be gifted to the Village of Tuxedo Park and, with the exception of three residential housing lots, will be precluded from future development. The Special Permit will require conservation easements to be placed on these open space lands to protect them in perpetuity.

On the Southern Tract, open space will be retained in the ownership of the TRHOA and administered by the TRHOA. A small two-acre parcel will be gifted to the Tuxedo Club at the South Gate Road emergency access. Deed restrictions or other appropriate conditions will be imposed as part of the Special Permit to ensure that no further development will take place on Southern Tract open space. Similarly, wetlands and wetland buffer areas within Project Site will be protected from development, except for a 3.13-acre buffer disturbance associated with road design. Several of the larger, more scenic wetland areas will be enhanced by trails

to allow for access by Project residents. Finally, rights-of-ways for major collector roads will be offered for dedication to the Town of Tuxedo and will be developed with landscaping and amenities consistent with the Town's street specifications.

C. Community Resources and Infrastructure

1. Educational Facilities

The applicant will dedicate a 40-acre parcel on the Southern Tract to the Tuxedo Union Free School District (TUFSD) for the construction of a public school. As detailed in the Special Permit, the applicant will rough grade the property, complete any necessary environmental remediation and construct needed utility connections up to the school site.

The parcel is located to the southwest of the existing Euvrard ballfields that are at the end of Mountain Road and north of the new South Village Road. A conceptual site plan anticipates that portions of the school building will be 2 stories and that several new playing fields will be provided. In recognition of the topographic conditions on the site, the applicant will pay for the costs associated with handling rock outcroppings on the parcel to provide level, tiered building areas. The applicant will deliver the site to the TUFSD with all utility connections including water, sewer, electric, gas and cable. The applicant will pay the cost to extend these utilities into to the school site to the edge of the school building.

2. Recreation

The integrated trail system planned for the Southern Tract will allow walking, but not use of all-terrain-vehicles. As set forth in the Special Permit, the TRHOA will be responsible for trail maintenance and security, and Town residents will be able to use the trail system free of charge. Trails within this system will be established with defined purposes (e.g. a nature walk, a walk to Mountain Lake, aerobic walks with exercise stations and jogging trails) and will lead to scenic viewpoints, allowing for both passive and active trail use and encouraging pedestrian circulation within the Southern Tract.

A recreation complex or "sports lodge" will be constructed in the Village Commons which will include aerobic exercise rooms, weight rooms, lockers, a pool, tennis courts, paddle tennis and possibly spa facilities. Adjoining the sports lodge will be a child day care center with play areas. A separate pool and changing rooms will be provided to residents of the Augusta Ridge community and a health club will be provided to residents of the Long Ridge active adult community. These facilities will be private Project amenities for Tuxedo Reserve residents that will not be open to the public. The trail system will be accessible to Town residents through an annual permit, but will not be open to residents outside the Town.

3. Water Supply

For the Southern Tract, water will be supplied from on-site wells to be constructed by the applicant. A water transportation corporation will be formed to manage the water system, with a back-up municipal water district established. Creation of this water transportation corporation requires consent of the Town and will be subject to conditions intended to protect

Town residents against abuse of the water resource. These conditions will include (but are not limited to): limiting the corporation's service area to the Town of Tuxedo; prohibiting water sales to locations outside of the Town without the approval of the Town Board; prohibiting the sale or transfer of the corporation without Board approval; and requiring any transferee to take subject to all conditions of the original consent to form the transportation corporation. The Town will also be granted a right of first refusal giving it the ability to acquire the corporation's assets in the event it is proposed for transfer. In any event, the Town will retain the right to take title to the assets and operate the system at any time if the system is not operated to standard.

For the Northern Tract, water service will be derived from onsite resources. Water resources could not be transported off-site without the Town's consent in the formation of a municipal water district or water transportation corporation.

As a condition of the Special Permit, the Town will require that any required water supply test protocol be coordinated with the Town and reviewed by the Town Engineer, and, upon completion of testing, an engineers report be furnished to the Town Planning Board as part of the first site plan/subdivision plan application for the Project. The Special Permit will also require monitoring of the water table and will restrict drawdown limits to ensure existing wells in the area are not impacted.

4. Sanitary Wastewater

To meet the sanitary wastewater needs of the Southern Tract, the Special Permit will require the applicant to construct a new sewage treatment plant in the Tuxedo hamlet to replace and expand on the same site the capacity of the existing sewage treatment plant at the end of Contractor's Road. As an alternative, the Special Permit will require the applicant to construct a connection from the Southern Tract and the hamlet to the regional wastewater treatment plant to be constructed by Rockland County Sewer District No. 1 in the Village of Hillburn. Under either alternative, the Special Permit will require that sewage treatment of Southern Tract effluent receive tertiary treatment. On the Northern Tract, the applicant will install a community septic system capable of treating effluent generated by the applicant's proposed commercial development.

5. Hamlet Revitalization

As part of the Project, the applicant will provide \$6 million in funding to assist in the Town Board's continuing efforts to revitalize the Tuxedo hamlet. This funding will be provided in accordance with the terms of the Hamlet Revitalization Funding Program, attached hereto as Appendix B. The obligation to fund this program will be guaranteed by the Related Companies L.P. Of the \$6 million, the applicant will provide \$2 million to the Town for direct assistance of activities that benefit the Town hamlet. The remaining \$4 million will be made available to provide low-cost revolving loans to carry out commercially viable residential and nonresidential development projects within the hamlet.

6. Payments-In-Lieu-Of-Taxes (PILOT)

The Project also includes a PILOT program to the Town for delayed construction of nonresidential ratables in the Northern Tract. Annual PILOT payments of \$150,000 will be made for 14 years and will be offset by any real property taxes generated in the Northern Tract once nonresidential development occurs (as market conditions dictate). The first payment will be made simultaneously with the issuance of the first building permit for the Project. At the conclusion of 14 years in the event that build out of the Northern Tract has not been accomplished, the PILOT payments would continue at the applicant's election based on a then current appraisal of the Northern Tract parcels the applicant proposes for development, with the Town retaining the option to purchase the property for a nominal price (\$1) if the applicant declines to continue the PILOT payment.

D. Development Controls

The Special Permit will be conditioned upon the applicant's adherence to architectural design guidelines, landscape guidelines, performance standards and bulk standards. The architectural design guidelines and bulk standards applicable to the Project are attached hereto as Appendices C and D, respectively. Consistent with the Town's code, these guidelines and standards will be enforced at the site planning stage by the Planning Board, with the Town's Architectural Review Board (ARB) responsible for assuring that building plans comply with the Project's design and landscape guidelines. Lot and bulk standards specifying setbacks, building heights, fences, driveways and accessory structures adequately address the Town's concern with the placement of large homes on relatively small lots. In addition, the applicant will reimburse the Town for the services of a professional architect, dedicated to the review of architectural plans for Tuxedo Reserve, to assist the ARB and the Town's Building Department.

The TRHOA will administer the following performance standards, with Town oversight and enforcement, to assure the continued protection of environmentally sensitive areas, the preservation of open space and the compatibility of development with the site's natural features:

1. Stormwater and Erosion Control

The applicant has prepared a comprehensive stormwater management plan to address runoff and water quality issue. The applicant will be required to adhere to NYSDEC Best Management Practices (BMPs) for stormwater management and erosion control, subject to any additional conditions imposed by NYSDEC as part of a SPDES general permit. The applicant will also monitor and maintain stormwater management and erosion control measures during post-construction occupancy. BMPs will ensure that surface and groundwater resources are protected from excessive sedimentation and that soils are not transported offsite as a result of construction activities or over the course of normal occupancy of the land.

The only encroachments to non-DEC wetland areas will be due to placement of the Project's roads. To minimize impacts to wetlands, road placement will be adjusted to avoid wetlands

wherever possible after the completion of site-specific wetland delineations for each development area. Disturbance to NYSDEC-regulated wetland buffers will also be minimized to the greatest extent possible. However, certain site limitations may make disturbance to buffer areas unavoidable. In these areas, standard wetland protection measures will be followed including the identification of wetland boundaries and the implementation of stormwater management practices to protect wetlands from excessive sedimentation.

2. Trees and Vegetation

The protection of trees will be accomplished during all stages of the Project's development. A complete landscaping plan will be submitted during site plan review of each development area. The tree protection measures set forth in the landscape guidelines will be adhered to and a process for removing specimen trees will be established during site plan review for each phase. In addition, the Special Permit will require adherence to the measures identified in Chapter 9 of the DSEIS for the protection of existing trees, vegetation and soils. Maintenance of a diverse forest structure, including species diversity and age diversity, provide suitable habitat for wildlife. Site plans will be required to include variable width open space corridors, minimization of fragmentation of forest interiors (and minimization of new edge conditions), and protection of critical wildlife habitat such as standing-dead trees, logs, and rock outcrops. These measures will provide protection for many different species of wildlife.

E. Street Patterns

Street patterns would be configured to reflect the small-town vision for the development and to respect the environment and topography of the site. Street design would make use of traditional practices such as fewer curbs, a variety of paving materials and architecturally distinctive site lighting. While Project streets would adhere to Town code specifications, the Special Permit would waive some of these specifications (e.g., shorter radii, elimination of street curbing, narrowing of streets), subject to the review and approval by the Planning Board as part of site plan review.

F. Tuxedo Reserve Homeowners Association

The Special Permit will require the establishment of the TRHOA (as well as any needed sub-homeowner associations, if necessary) for the purposes of (1) owning and managing lands and facilities owned in common by Tuxedo Reserve residents (including operation of a jitney service) and (2) ensuring continued compliance with the Project's guidelines and performance standards. All property owners in Tuxedo Reserve (except for owners of commercial facilities in the Northern Tract) will automatically become members by reason of their ownership of property in the development. Individually owned home lots, the commercial facilities in the Northern Tract, the access roads and major collector roads depicted in FEIS Appendix I will not be included in the TRHOA property.

G. Access

Access to and within the Project Site will be provided via private vehicles, jitneys and walking/biking trails. Vehicle access to the Southern Tract will be provided from two new roads intersecting Route 17. The principal access will be within the Town of Tuxedo just north of the Orange County/Rockland County border consisting of a landscaped boulevard entrance with a greeting house at the entrance to Tuxedo Reserve. A second access point will be within the Village of Sloatsburg just south of Park Avenue. A third road will connect the Southern Tract with County Road 72 via Eagle Valley Road during Phase 1. The Special Permit will provide that two additional access points to the Southern Tract via South Gate Road and Mountain Avenue will be for emergency use only. Vehicle access to commercial development in the Northern Tract will be provided by a new road near the intersection of County Route 84 and Warwick Brook Road. The major collector roads within the development will be dedicated to the Town of Tuxedo. Minor roads and cul-de-sacs will be owned and maintained by the TRHOA but will be fully integrated into the Town road network without barriers or access checkpoints.

A jitney service will be available to Tuxedo Reserve residents. This jitney service will provide transportation to commuter and senior residents in and around Tuxedo Reserve, reduce commuter vehicle trips within the Southern Tract, and reduce the number of vehicle trips to the train stations. The Special Permit will require that the jitney service be funded and operated by the TRHOA. The service will link the development with selected destinations within the Town of Tuxedo and the Village of Sloatsburg, including the Metro-North train stations, the Town hamlet and express bus stops.

Pedestrian access will be provided by the trail system in the Southern Tract which will link together the various Tuxedo Reserve neighborhoods, the Village Commons, the Town hamlet and the Southern Tract's open space, and will interconnect to existing trails within the Town and PIPC's park system. The precise configuration of the trail system will be subject to site plan review and approval by the Planning Board. Lighted walkways along South Village Road to the Village Commons will connect residents with the new public school, the existing school campus and the Tuxedo hamlet. The trail system will primarily utilize existing woods roads, with existing bridle trails and paths found throughout the Project Site to be used to the greatest extent possible. Trails will be located on land owned, maintained, and regulated by the TRHOA but will be available for use at no charge to Tuxedo town residents on an annual permit basis.

Bike trails will be incorporated into the Project's primary roads, to the extent that topographic conditions permit, to encourage bike use and other recreational activities such as rollerblading. These bike trails will directly connect to the school site and link to the paths proposed along Euvrard Field.

H. Development Phasing

The Special Permit will require that development of the Project be phased to ensure a rational progression of construction in three phases over the proposed 12-year build-out. Phase 1 will begin with the development of the areas closest to the existing infrastructure, such as roads

and utilities, and then progress to the development of areas farther into the site. The applicant will construct approximately 890 single family detached and semi-detached homes, approximately half of which will be constructed during Phase 1 (409 units) along with the Project's approximately 305 multi-family units (townhouses, stacked flats and duplexes). All active adult housing will be constructed in Phase 2 (197 units), with the remaining 284 single family detached dwellings to be constructed in Phase 3.

1. Phase 1

Phase 1 will occur entirely within the Southern Tract, which encompasses about 33 percent of the Project Site's land area, including the area closest to Route 17 in both the Village of Sloatsburg and the Town of Tuxedo. The southern extent of this phase of the Project is just north of the Orange and Rockland utility easement except for the Eagle Valley Road connection, which will be completed during Phase 1. The northern extent is adjacent to existing development in the Tuxedo hamlet. Two large NYSDEC wetland areas (SL-2 and SL-24) define the western boundary of Phase 1 development. Approximately 714 dwellings will be constructed as part of Phase 1, as well as 48,000 square feet of neighborhood nonresidential space in the Village Commons consisting of a daycare facility, a fitness health lodge, a telecommuter business center, a small gourmet delicatessen and the Tuxedo Reserve sales office. The Village Commons will be located along South Village Road fronting on two sides of a tear-drop shaped village green with a band stand. Each of the buildings will be a maximum of 4 stories or 52 feet in height.

Non-residential development will front on the western end of the village green, while a large wetland/open space area will be located on the eastern side of the green. The village green will be landscaped with ornamental plantings, walkways, benches and a band stand. Parking will be centrally located in the middle of the Village Commons and surrounded by the mixed use buildings to enhance the visual continuity of residential and nonresidential uses.

The neighborhood of manor and estate homes to the west will be set on a hillside overlooking the Village Commons. A trail system leading to Mountain Lake will originate near the end of the western-most cul-de-sac in this neighborhood.

The northern end of Phase 1 will consist of several areas of cottage, village, manor, and estate lots located on a loop road. The new public school will also be located in this northern end adjacent to the existing Euvrard ballfields. As depicted in Appendix A, access to Route 17 will be provided to the main road in this area. A greeting house with approximately 3,500 square feet of space and designed to convey a traditional Hudson Valley village feeling in its materials and massing, will welcome visitors to Tuxedo Reserve.

2. Phases 2 and 3

Phase 2 will be comprised of 197 units of active adult senior dwellings which will occupy approximately 156 acres and will be located south of both the Phase 1 development and the existing Orange and Rockland utility easement running through the Southern Tract. The active senior community will have its own private amenities including a clubhouse, meetings

rooms, a swimming pool, a fitness center and ancillary facilities directly related to these uses.

Phase 3 will be comprised of approximately 284 single family detached dwellings and is projected for completion in the year 2015. Phase 3 will be located west of Phase 1 and will occupy about 242 acres. Access to Phase 3 will be via the two entrances off of Route 17 and the southerly Eagle Valley entrance.

Nonresidential development is proposed on the Northern Tract during Phase 3 and includes 196,100 square feet of office/light industrial/flex space. The applicant does not propose a development timetable for the Northern Tract as part of the three Project phases. Rather, nonresidential development will occur on the Northern Tract as market conditions dictate.

IV. PROBABLE IMPACTS OF THE PROJECT

The Town Board has considered potential environmental impacts resulting from the Project, including modifications and relevant new information received by the Town since publication of the DSEIS. As discussed below, the Project, as modified and set forth in the FEIS, will not result in significant adverse environmental impacts beyond those previously identified and analyzed in the DSEIS and discussed in the FEIS; for many areas of environmental concern, the Project's impacts will be either substantially the same or less than those presented in the DSEIS.

A. Land Use, Comprehensive Planning and Zoning

The Project will not have a significant adverse impact on land use, comprehensive planning and zoning. The uses proposed for the Project Site will be compatible with nearby land uses, consistent with state and regional plans that focus on open space preservation, and in conformity with all the objectives and requirements of the PID in a manner that will not differ from the objectives of the Town's zoning.

1. Land Use and Comprehensive Planning

The Project will (1) retain land on the Northern Tract for future nonresidential development; (2) concentrate residential land uses exclusively on the Southern Tract; (3) prohibit retail uses in the Village Commons except for a gourmet delicatessen; and (4) support Town's efforts to revitalize the Tuxedo Hamlet. The Project is consistent with the purposes of the Town's zoning code, master plan and subdivision regulations. Light industrial, warehouse and office space will be located on the Northern Tract. The total area proposed to be dedicated for open space will be approximately 1,722 acres.

The amount of land dedicated to nonresidential uses on the Southern Tract will be 70,000 square feet to accommodate Project amenities servicing Tuxedo Reserve residents. The concept of the Village Commons as the center of Tuxedo Reserve will be retained with the presence of these amenities and a community green. The Town Board finds that commercial uses will negatively impact existing commercial uses within the Tuxedo hamlet and

accordingly commercial uses will be prohibited in the Village Commons except for a gourmet delicatessen and a Tuxedo Reserve sales, marketing and administrative office.

The road connection proposed from the Southern Tract to Eagle Valley Road across PIPC land or within an existing Con Ed utility easement will not have a significant impact on land use in and around the Project Site. The proposed road (Long Ridge Road) will connect to Eagle Valley Road in an area that is currently vacant. The road will be aligned and signed to allow only right turns out of the Southern Tract to eliminate vehicles that might travel along Eagle Valley Road in an easterly direction into the Village of Sloatsburg. Traffic will be directed to County Road 72 (Sterling Mine Road), a county-maintained highway in both Orange and Rockland counties. This alignment will reduce impacts to residences along the Sloatsburg segment of Eagle Valley Road.

On the Northern Tract, commercial land uses will be concentrated along County Route 84 and Warwick Brook Road to avoid recently discovered timber rattlesnake habitat. The applicant has proposed annexation of approximately 53 acres on the Northern and Fox Hill Tracts to the Village of Tuxedo Park. The applicant has indicated that the annexation will allow for potential future development of the property for the construction of up to seven single-family dwellings. Access to these lots will be provided directly from existing roads in the Village of Tuxedo Park, and proposed residences will be required to conform to the Village's zoning law. The proposed residential density will be comparable to residential densities in the Village. The annexation will be consistent with adjoining residential uses in the Village and will not result in a significant adverse impact.

2. Zoning

All residential areas in the Southern Tract will be zoned R-2. Southern Tract open space will be zoned R-1, with additional smaller open spaces intertwined within R-2 zoned residential areas. On the Northern Tract, the areas proposed to be developed for nonresidential uses will be zoned LIO and RO. Portions of the RO and LIO districts will also contain some of the Project's open space. The Fox Hill Tract and areas of the Northern and Southern Tracts reserved for open space will be zoned R-1, except that the 53 acres proposed for annexation in the Northern and Fox Hill Tracts will be zoned R-2.

The amount of RO zoned land along Warwick Brook Road will be 108 acres (5 percent of the site). RO districts in the Southern Tract will be eliminated. Zoning for the parcels north of Warwick Brook Road will be entirely R-1, further decreasing the amount of land zoned RO. The applicant will retain approximately 40 acres of RO-zoned land on the Northern Tract for possible future nonresidential development to provide future employment opportunities and enhance the Town's ratable base, consistent with the objectives of the Town's master plan.

B. Population and Housing Characteristics

1. Population and Schoolage Children

Based on population estimates prepared by the Town's planning consultant, the Project is estimated to add 3,210 new residents to the Town of Tuxedo. At Project buildout the Town population is expected to be 6,544 persons based on the Town's 2000 census population. The Town's average household population is approximately 2.5 persons/occupied housing unit. The Project will result in an average household size of 2.6 persons/occupied housing unit, slightly higher than the Town average, but insignificant.

The Town Board has considered six different student generation estimates based on different assumptions regarding the geographic scope of the study area, the age of dwelling structures, home values and bedroom counts derived from U.S. Census Public Use Microdata Samples (PUMS). The Town Board finds that the estimate of 427 public school students is the most reasonable overall estimate of potential schoolage children that will be generated by the Project due to its relatively large sample size and the higher student generation rate observed for units built within 10 years of the PUMS data set compared with older units. The Town Board further finds that there will be sufficient time to plan for and construct the infrastructure and community services necessary to accommodate Project residents because construction will be gradually phased over a 12-year period.

2. Housing Characteristics

The Town Board finds the Project's housing mix will be consistent with the existing residential character of the Town in terms of: (1) the mix of single-family detached, single-family attached and multifamily units (2) the proportion of owner-occupied to renter-occupied dwellings and (3) the overall mix of housing unit bedroom count.

The Project consists of 1,195 housing units. The development program will introduce 197 active adult dwellings into the Town that will be inhabited by adults ages 55 and over. These housing units will provide the Town with a broader spectrum of senior living facilities, along with the independent and assisted multifamily dwellings that have been constructed elsewhere in the Town.

The elimination of rental units originally proposed on the Project Site is consistent with the Town's housing plans and policies to concentrate higher density housing, including rental opportunities, within the Tuxedo hamlet. Moreover, the development program reflects a reduction in the number of market rate cottage and carriage 2-bedroom and 3-bedroom dwellings to address the Town's concern that these units would have ultimately been converted into dwellings with more bedrooms, thereby inducing a long-term change in the household size and mix.

The mix of single-family detached, semi-detached and attached housing and the number of multifamily dwellings will result in a Project that is compatible with the Town's existing housing stock. Overall, the applicant proposes to construct 822 single-family detached dwellings that will comprise 64 percent of the Project's residential program. Single-family

semi-detached dwellings (in the form of active senior carriage homes) total 68 units (6 percent). Multifamily dwellings will total 305 units, or 25.5 percent of the development program.

The Special Permit will require that Project development phases be constructed to ensure a compatible housing mix throughout the 12-year buildout period. Of the approximately 714 units to be constructed during the first phase of the Project, 57 percent will be single-family detached units, consistent with the Town's recommendation that a minimum of 50 percent of all dwellings be single-family detached dwellings during all phases of the development. As all multifamily housing units are proposed for Phase 1, the percentage of single-family detached and attached dwellings during Phases 2 and 3 will be higher than 50 percent, meeting the Town Board's objective that the present residential character of the Town be maintained at all phases of Project development.

C. Community Facilities and Services

The Town Board has examined the demand for community services that will result from the Project and has considered the revised assessment of community resource and service needs prepared by the Town's planning consultant. The Town Board finds that, while the Project will generate additional service demands resulting in a need for increased personnel, equipment, and capital improvements, it will also generate sufficient revenues to offset any costs associated with these increased demands.

This finding is based on the Town Board's consideration of the incremental demands on municipal services that will result from the Project including the additional personnel and equipment needs associated with the Town's police, fire, ambulance and highway services. Additionally, based on information from the Mayor of the Village of Sloatsburg, the Town Board has determined that potential community resources impacts to the Village of Sloatsburg will be addressed by the applicant's providing municipal improvements, including a new library roof, construction of a commuter parking lot in the Village and an annual payment of \$60,000 for ten years.

1. Library

With the Project nearly doubling the Town's existing population, annual circulation of the Tuxedo Park Library is also expected to double. The Town Board has determined that the existing library facility will be inadequate to accommodate this increased circulation and that approximately 18,000 square feet will be required to adequately serve a Town population that includes Tuxedo Reserve. The existing facility can be expanded to meet this demand with the purchase of adjoining land to accommodate an expansion. The Town Board also finds that the location of library space within the Village Commons to meet this increased demand will have no significant adverse environmental impact, but will instead mitigate any impact the Project will have on library circulation.

2. Educational Facilities

Based on the revised student population estimate, a new public school will be required to service additional schoolchildren generated from development of the Project Site whether it is developed as proposed (1,195 residential units) or as-of-right (700 to 800 single-family, detached residential units). TUFSD representatives have indicated that a new school will be required three years after the Project commences to service additional schoolchildren. Without the Project, the TUFSD anticipates that it would need to renovate existing facilities, add ballfields, add a transportation facility and construct a new gymnasium.

As part of its Project, the applicant will gift a 40-acre site on the Southern Tract to the TUFSD for the construction of a new public school in close proximity to the existing Euvrard ballfields. In order to defray some of the school district's capital costs associated with the new school, the applicant will also rough grade the site, carry out any needed environmental remediation and bring utilities to the perimeter of the school building. The Town Board finds that, with the applicant's dedication of this school site and its carrying out needed site improvements, the Project will accommodate the additional capacity needs of TUFSD.

3. Recreation and Open Space

Nearly 70 percent of the Project Site will remain undeveloped open space with the possibility of future use for passive recreation. On the Northern Tract, land designated for open space will be gifted to the PIPC or other conservation organization satisfactory to the Town, or otherwise restricted by conservation easements. Open space on the Fox Hill Tract will be gifted to the Village of Tuxedo Park and, with the exception of three residential housing lots, will be precluded from future development. On the Southern Tract, remaining open space will be retained in the ownership of the TRHOA, and will include a trail system linked to the Tuxedo hamlet. Although it will not be open to the public, all Town residents will be able to use the trail system at no charge with an annual permit. The applicant has not proposed any specific public recreational amenities. Accordingly, the Town Board preliminarily finds, subject to the determination of the Planning Board pursuant Town Code § 85-25, that the development program does not include adequate public park and recreational amenities and that, in lieu thereof, the applicant's payment of a recreation fee for each unit of residential development is required.

D. Economic and Fiscal Analysis

The Town Board has considered the revised fiscal analyses presented in the FEIS and provided by the Town's planning consultant which reflect changed budget and revenue conditions in the Town. The Town Board has also considered the fiscal effect of the Project on the TUFSD in light of: (1) the revised assessment of the number of school children that will be generated by the Project; (2) increased costs to the school district to serve special needs children since publication of the DSEIS; and (3) amortized capital costs associated with the construction of a new school.

The Project will result in a net fiscal surplus during all three of its development phases. Although particular fund categories (the TUFSD, Tuxedo Joint Fire District and Tuxedo

General Fund Townwide) are projected to experience deficits during some phases of the development, other fund categories (General Fund Outside Village, Highway Townwide, Highway Outside Village) are projected to experience surpluses that will more than offset any deficits in the other funds. Like many municipalities in New York State, the Town of Tuxedo will experience additional expenses in coming fiscal years due to greater funding demands associated with municipal pensions. Although these increased expenses will affect property tax rates in the Town, the net fiscal surplus expected from development of the Project would help mitigate any additional tax burden borne by Town residents.

E. Cultural Resources

The area to be developed during Phase 1 has been the subject of both a phase I archeological investigation report and a phase IB archeological survey that included the proposed school site. The phase IB report indicated that Phase 1 development will not interfere with any areas of potential cultural sensitivity and that no modifications to the development plan will be necessary. Development will no longer be located near the McCrea cemetery in the Northern Tract, although a field verification study was conducted on the site which included archival research, interviews, photography, and field measurements. Instead, this area will be preserved as permanent and undisturbed open space.

The applicant and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) have entered into a Memorandum of Understanding (MOU) on a process for ensuring that potential future impacts to cultural resources on the Project Site will be adequately identified, evaluated and mitigated in Phases 2 and 3. The MOU will require a phase IB archeological survey of these development areas during the site plan review process. Within those areas, the applicant will submit the results of the phase IB survey to OPRHP for its review and comment prior to the grant of site and/or subdivision plan approval in Phases 2 and 3. A phase II archeological investigation will be required where survey results indicate that an archaeological site cannot be avoided. Disturbance activities will then be reviewed by OPRHP, and if necessary, mitigations, including project changes, will be reviewed at the time phase-specific site plans are advanced. The MOU is attached hereto as Appendix E.

In view of the archeological investigations already completed and the process that is now in place for addressing any resources that remain undiscovered, the Town Board has determined that the Project will not have a significant adverse environmental impact on cultural resources.

F. Visual Quality and Community Character

The Town Board has determined that the Project will not have a significant adverse impact in terms of visual quality and community character. The Project's visual impact will be limited by the substantial distance between existing residences and Project structures, the Project's extensive open space system and the visual buffer provided by the site's topography. The Town Board's concern with an undesirable "canyon effect" has been addressed by residential bulk standards that increase minimum lot sizes for smaller dwellings; including dwellings in

the Village Commons. The Town Board finds that these bulk standards will ensure that there is a proper relationship between building mass to lot size.

The Project will include a \$6 million hamlet revitalization program to beautify the Tuxedo hamlet streetscape and introduce new commercial or residential uses within the hamlet. Of the \$6 million, the applicant will provide the Town with \$2 million in direct grants for hamlet revitalization activities coupled with an additional \$4 million in low cost revolving loans for commercially viable residential and nonresidential projects within the hamlet. The Town Board finds that these Project elements will complement the Town's ongoing hamlet revitalization efforts, enhance the community's character and provide commercial services needed by Project residents.

With the exception of a gourmet delicatessen and a Tuxedo Reserve sales, marketing and administrative office, commercial uses on the Southern Tract will be strictly prohibited because they would compete directly with, and potentially drain market demand from, the existing Town hamlet. The prohibition on retail uses in the Southern Tract is expected to channel commercial demand to both the Tuxedo hamlet and the Village of Sloatsburg, reaffirming the status of both locations as centers of their communities.

G. Geology, Soils and Topography

The Project Site consists of a complex of rock outcrop and shallow soils. Development is proposed in areas with rock outcrop that may require blasting. The applicant will adhere to the requirements of the Town's blasting code and the performance standards set forth in the DSEIS so that no significant impacts from blasting will occur. Should the blasting code conflict with the performance standards, the applicant shall adhere to the stricter of the two requirements. Town's blasting regulations require that properties within 600 feet be identified and notified of the potential impact that a blasting activity may have on a property within that distance. Performance standards require that property owners within 150 feet of the Project's entrances be given the option of having a pre-condition survey conducted to monitor blasting impacts. Blasting will not be permitted within the Con Ed right-of-way. The Planning Board may impose additional conditions as authorized by law to further minimize adverse environmental impacts from blasting.

Steep slopes (25% or greater) will be avoided where practicable in the siting of Project structures. Project roads will also be configured to reduce impacts to steep slopes. An area of steep slopes will be impacted by proposed development of commercial space on the Northern Tract, however the Town has determined that the impacts will not be significant. Minimal rock excavation is anticipated for the construction of commercial buildings on the Northern Tract and the depth of rock excavation will likely be less than 10 feet where required.

Construction will adhere to the *New York State Standards and Specifications for Erosion and Sediment Control* and the best management practices developed by the NYSDEC as described in the *New York State Stormwater Design Manual, 2001*. Construction drawings prepared during the site plan and/or subdivision review process will contain detailed erosion control plans and procedures showing locations of all erosion control features. The applicant

will also adhere to performance standards for grading and earthwork, set forth in Appendix F to the FEIS, that have been revised to further minimize impacts to the Project Site's topography.

The Town Board finds that, with the applicant's adherence to blasting procedures and performance standards relating to erosion control, the Project will have no significant adverse environmental impacts in relation to the Project Site's geology, soils and topography.

H. Natural Resources

The Town Board finds that the Project will not have a significant impact on the natural resource environment. Protected open space remains an important component of the Project's natural resource protection measures. The total land disturbance (vegetation removal and grading) from the Project's development will total approximately 337 acres, or approximately 14 percent of the site. Of this total, the acres of disturbance that will result in an impervious surface from the proposed collector roads, buildings, driveways, and other infrastructure will be approximately 158 acres.

1. Wetlands

The applicant will substantially avoid wetlands and wetland buffer areas, and will use existing woods roads wherever possible to minimize land disturbance. Wetland and wetland buffer area impacts will be limited to the Project's Southern Tract. Overall, the disturbance of wetlands on the Project Site will be limited to 1.75 acres. While the location of any mitigation will be determined by the U.S. Army Corps of Engineers, it is the Town Board's preference that any wetland mitigation occur on the Project Site. In addition, approximately 3.13 acres of wetland buffer area in the Southern Tract will be affected and addressed through on-site mitigation. Wetland and stream crossings will be kept to a minimum, with only 4-5 crossings occurring within each phase, and most of these consisting of arched bridges designed to preserve the existing streams and wetlands.

NYSDEC has approved wetland delineation maps for Phase 1, and subsequent Phases 2 and 3 will require the same approval. As the freshwater wetland locations for Phases 2 and 3 have not been finally confirmed by the U.S. Army Corps of Engineers or NYSDEC, the layout of development in these areas will be reconfigured to avoid significant impacts to wetland and buffer areas if necessary. Development lots will be located outside wetlands and the 100-foot buffer areas. Except in the areas where the on-site streams will be crossed by internal road system, a minimum 50 feet setback from the stream corridor to the development areas will be provided.

One of the Project's detention basins will be located to avoid the 100-foot buffer area of NYSDEC wetlands, however the locations of the other four detention basins within the buffer area are justified (subject to NYSDEC concurrence) based on steep slope conditions, the need for a level terrain and the need to avoid large berms around the basins. To better utilize existing woods roads and their associated culverted stream crossings, the applicant will be required to examine the alignment of Valley Road in the vicinity of Hickory Place (in

Phase 3) and to replace old culverts and pipes which may carry streams under existing woods roads with new culverts approved by NYSDEC.

2. Wildlife

The applicant will minimize any potential significant negative impacts to the timber rattlesnake den and the snake population located on the Northern Tract. Development of the Northern Tract will be limited to a small area located at the intersection of County Road 84 and Warwick Brook Road to accommodate 196,100 square feet of flex/light industrial development. This area consists of 40-acres of moderately sloping wooded hillside situated immediately across Warwick Brook Road from the existing International Paper industrial facility. Vehicular access will be provided via County Road 84. Development on the Southern Tract and Fox Hill Tract will have no impact on the timber rattlesnake habitat. As stated on page 2-20 of the FEIS, the Northern Tract development area would occur more than one mile from the rattlesnake den and no dens or basking areas are located in this area.

Development of the Project Site will result in some wildlife species being concentrated in greenway and open space areas. To facilitate the safe movement of species between these areas, the Project will include wildlife underpasses along roadways, along all on-site stream channels and where open space parcels abut both sides of the road. Wildlife underpasses and culverts under roadways will be designed to direct smaller species across roads by traversing under the roadway rather than across the pavement. Open-bottom culverts and arched bridges will be provided at all larger crossings and will be designed to preserve the natural stream bottom and corridor. The use of curbing on Project roads will also be designed and configured to facilitate the mobility of small species. Design specifications for each of these features will be provided to NYSDEC for its approval.

The Town Board has also determined that timber harvesting on the Project Site's open space is inconsistent with the Project's open space objectives. Accordingly, timber harvesting in open space areas shall be prohibited unless it will be performed on a selective basis for the express purpose of improving ecological habitat. Selective harvesting will require approval of the Town Board.

I. Hydrology and Stormwater Management

The Town Board finds that the Project will not have a significant adverse impact on hydrology or stormwater management. The Town Engineer has confirmed that the conceptual drainage system presented in the DSEIS will be more than adequate to minimize potential adverse effects associated with stormwater runoff. A detailed stormwater management plan will be provided during site and subdivision plan reviews consistent with the overall drainage system identified in the preliminary plan.

The proposed Eagle Valley Road connection and the configuration of the commercial development on the Northern Tract will be subject to the same comprehensive stormwater management plan that will be designed for the overall Project. This plan is required to conform with NYSDEC's best management practices so that no significant adverse impacts on stormwater drainage or hydrology will result.

J. Water Supply and Energy

The Project will not have a significant adverse impact on water supply or energy. Adequate water resources exist to service the development, with the residential component of the Project expected to result in water consumption of approximately 351,420 gallons per day and consumption from nonresidential uses to be approximately 21,999 gallons per day. The location of water distribution lines will not result in any significant impact.

To utilize the groundwater aquifers, the drilling and establishment of a separate, independent well and distribution system would need to be constructed both for the proposed Northern and Southern Tracts. Both onsite pump testing and published sources indicate that adequate groundwater resources are available on the Project Site to accommodate the entire water demand of the Project. Pump tests undertaken for the Southern Tract, described in the DSEIS, indicate that the projected water demand for the proposed development within this tract would be met by the existing groundwater supply. No adverse effects to adjacent water bodies or depletion of the bedrock aquifer were shown during the 72 hour pump test. In addition, published information indicates that groundwater recharge for the entire 2,376 acre Project Site would amount to 1,155,000 to 1,260,000 gallons per day. This is well in excess of the increase in water demands expected to result from the Project. Thus, both pump testing and published sources indicate that adequate groundwater supply is available to service the Project's projected water demand.

Given the similarity in geology, the Northern Tract is anticipated to exhibit fracture-trace patterns similar to those observed on the Southern Tract. With the similarities in hydrogeologic conditions, the same groundwater recharge rates are applicable to the Northern Tract. As such, one or more properly located wells in the Northern Tract will be capable of accumulating yield in excess of 100 gallons per minute, without causing an adverse impact on the local ground-water resource. The actual location and number of such wells will be contingent upon the results of an exploration and testing program similar to that completed for the Southern Tract. As specified in the Special Permit, well testing on the Northern Tract will be conducted at the time the first site plan/subdivision plan is submitted for the tract.

Although the use of wells could slightly affect the recharge rate of the aquifers, and the development of the Project will increase the amount of impervious areas, the Project will utilize best management practices to offset the impacts of construction and aid in the recharging of the groundwater aquifers. These best management practices include the construction of stormwater detention/water quality basins adjacent to existing wetlands and streams. Water quality basins will treat the stormwater runoff prior to its entering the wetland areas. Through the use of stormwater detention, groundwater percolation and aquifer recharge will occur. In addition, the majority of the Project Site will remain as open space, roughly 72 percent, with only 158 acres of impervious surfaces. This would preserve the groundwater recharge function of the site and no significant adverse impact on the groundwater recharge capacity of the underlying bedrock aquifer is anticipated.

K. Sanitary Sewer Services

Wastewater generated from the Project is not expected to have a significant adverse environmental impact. The applicant will, at its own expense, replace and expand the existing sewage treatment plant in the Tuxedo hamlet to provide for the sanitary sewer needs of both the Southern Tract and the hamlet. Alternatively, the applicant will provide for the connection of the Southern Tract and the hamlet to a new regional wastewater treatment plant to be constructed by Rockland County Sewer District No. 1, provided the plant has sufficient excess capacity to accommodate the Project. Under either alternative, Southern Tract effluent will be required to receive tertiary treatment. The applicant will be required to pay for all sewer extension costs to bring the sewer lines to the Southern Tract and its structures.

On the Northern Tract, the applicant will be required to construct a community septic system capable of treating effluent generated by the proposed commercial areas. However, the Town Board has determined that a subsurface sewage disposal system is not appropriate in this area at higher levels of wastewater demand. Accordingly, the applicant will install a package plant should wastewater demands exceed those presented in the DSEIS (13,629 gallons per day).

L. Solid Waste

The Project will not result in a significant impact on the Town's ability to manage solid waste. The amount of solid waste generated from the Project at build-out is expected to constitute less than one percent of the total residential and non-residential solid waste generated in Orange County. It is also expected that residential solid wastes generated by the Project will be collected by a hauler contracted either through the municipality or privately. Residential recyclables will be source-separated and collected curbside by either the municipal or private hauler, as required by both the Town and Orange County. Residents will be expected to deliver their hazardous household waste to the Orange County designated collection facility. Nonresidential solid wastes and source-separated recyclables will be collected by a private hauler.

M. Hazardous Materials

The applicant has evaluated the type and extent of contaminants in the Project Site's soil and groundwater and analyzed the potential for significant adverse impacts from development activities. The applicant has also agreed to gift a 40-acre site in the Southern Tract to the TUFSD for the location of a new public school. Prior to delivering the school site to the TUFSD for construction, the applicant will be responsible for any additional site assessments and remediation of any solid or other waste material that may have been deposited on the site. As stated in the DSEIS, no hazardous waste or chemical disposal, storage or oil spill sites were found on the Project Site.

N. Traffic

The DSEIS examined potential traffic impacts associated with the Project, and identified significant impacts whether or not a new New York State Thruway Interchange 15B is

constructed to connect to Route 17A, north of the Project Site. The DSEIS also identified measures to mitigate the Project's potential traffic impacts below defined levels of significance. The FEIS indicated that impacts associated with Project traffic will be significantly reduced from those presented in the DSEIS. As stated on page 2-26 of the FEIS, 211 fewer trips are expected during the AM peak hour and 274 fewer trips are expected during the PM peak hour compared with the analysis presented in the DSEIS.

Future conditions without the Project (i.e., No Build conditions) would be substantially the same as those presented in the DSEIS for the scenario without the Sterling Forest development and without Interchange 15B. The one percent per year general growth factor assumed for determining future No Build traffic would account for the number of trips generated by the current Sterling Forest development through the studied intersections.

1. Access and Circulation

The access and circulation plan for the Project includes the construction of a new access connection from the Southern Tract to Eagle Valley Road. This new access point will be installed prior to the completion of Phase 1 of the development, with a traffic signal to be installed at the intersection of Eagle Valley Road and County Route 72 if so required by Rockland County or New York State. This connection will improve access to the Southern Tract and will result in a reduction in traffic through the Sloatsburg hamlet. In addition, the Special Permit will require that access roads to South Gate Road and Mountain Road be designated for emergency use only.

2. Traffic Generation and Adjustments

The FEIS updated the traffic analysis and examined the Project's traffic impacts as a result of the reduction in the number of residential units proposed in the DSEIS. Two adjustments were made to the traffic generation expected from the Project. First, an adjustment to the estimate of traffic from the Project was made to account for the likelihood of a substantial number of second home buyers at Tuxedo Reserve. The Project's market analysis indicated that as many as 15 to 25 percent of the single-family home buyers are likely to be purchasing for use as a second home (primarily for recreational and weekend use) and will not be contributing to Project traffic volumes during peak periods.

A second adjustment was made to the residential trip rates to reflect the use of public transportation. As a condition of the Special Permit, the applicant will provide on-site jitney service connecting to nearby commuter service at the Tuxedo and Sloatsburg rail stations and express bus stops. The jitney will provide regularly scheduled drop-off and pick-up service at these locations, scheduled to coincide with bus and train schedules. The provision of a jitney service will have the two-fold benefit of reducing the number of persons using private autos to travel to mass transit, as well as inducing increased usage of public transportation by persons who might otherwise choose to drive.

Both adjustments have been determined to be appropriate by the Town's traffic consultant and will be verified through the monitoring program described below.

3. Significant Impacts

The Project will result in seven locations where significant impacts will occur by Phase 1. These locations are (1) Route 17A and Route 17 Ramps (unsignalized intersection), (2) Route 17 and Route 17A South Ramp (signalized intersection), (3) Route 17 and Washington Avenue (unsignalized intersection), (4) Route 17 and Warwick Brook Road (unsignalized intersection), (5) Route 17 and Seven Lakes Drive (signalized intersection), (6) Route 17 and Eagle Valley Road (signalized intersection) and (7) the Thruway North off-ramp to Route 17. At full development in 2015, the Project will result in significant impacts at an eighth location, the unsignalized intersection at Route 17A and Route 84. All significant Project impacts at these locations will be mitigated subject to verification based on the results of the traffic monitoring program.

4. Specialized Traffic Analyses

a) Ramp Analysis

The Route 72 eastbound ramp to Route 17 southbound and the Route 17 northbound ramp at its intersection with Route 72 westbound will have minor decreases in operational Level of Service by Phase 3 with both a small speed reduction and a slight increase in density of traffic. The anticipated maximum queue on the I-87 northbound off-ramp at Interchange 15A in the year 2015 will be approximately 30 vehicles per lane. At approximately 25 feet per vehicle, these vehicles can be stored on the existing ramp without impacting the Thruway mainline.

b) Arterial Analysis

In order to assess traffic conditions along the Route 17 corridor in Sloatsburg, an arterial analysis was performed for the section of roadway between the signalized intersections at Eagle Valley Road and Seven Lakes Drive. Arterials are divided into segments that typically begin and end at signalized intersections that serve as "nodes." The arterial analysis directly utilizes the capacity/delay results from these signalized intersections to generate levels of service for the individual segments of the arterial. The arterial analysis performed for Route 17 resulted in Level of Service (LOS) "C" or better.

c) Multilane Highway Analysis

The Multi-lane Highway Analysis looked at the divided section of NYS Route 17 between the County Route 72 Interchange and the Interchange 15A of the NY Thruway. The analysis differs from that of the arterial analysis noted above in that the level of service descriptions cover only the mainline link and do not cover intersections. In this section of NYS Route 17, there are no intersections and the roadway is divided. The results of this analysis indicated that with the Project, as modified, a worst case of LOS "C" will be expected at the completion of Phase 3 in the year 2015.

d) Route 17 Gap Study

A gap analysis was conducted to examine the impact of Project traffic on unsignalized intersections. A gap is generally defined as the headway between two successive vehicles in which a turning, crossing or merging maneuver can be safely executed. Project traffic will merge with the existing traffic volumes along the New York State Route 17 corridor and reduce some of the available gaps for side street turning movements. The gaps created by the signal changes at the adjacent signalized intersections in Sloatsburg will insure that a certain number of gaps will always be available to accommodate turning vehicles at driveways or unsignalized locations. Traffic signals upstream and downstream will provide gaps to allow Park Avenue residents sufficient space for ingress and egress to their homes. In addition, the widening of Route 17 at the southerly access will result in additional pavement width for vehicles turning at Park Avenue, which will provide a safer and more efficient traffic flow.

5. Single Tuxedo Access to Route 17

An alternate traffic analysis was performed in the event that there is only a single access point along Route 17 in the Town of Tuxedo. With the addition of a second exclusive right turn lane exiting the site, the entrance intersection will continue to operate at an overall acceptable LOS "C" during the AM peak hour and LOS "B" during the PM peak hour for all scenarios studied. In addition, internal circulation through the site will be designed to provide an ease of flow through the development in conjunction with the Eagle Valley Road connection. Jitney services will be expanded to include additional vehicles and more routes to accommodate the longer travel path within the Tuxedo Reserve community under this scenario. Because of the advancement of mitigation measures and other improvements, the Project can be accommodated on the existing roadway network with a single access point so as to maintain or improve current conditions on the Route 17 corridor.

O. Air Quality

The Project's potential air quality impacts were analyzed in the DSEIS based on projections of the pollutants that would have been generated by 1,375 dwelling units and 521,560 square feet of nonresidential space. Impacts associated with increased mobile and stationary source emissions from the Project were evaluated. For mobile sources, the worst case future year results indicated that the Project would not result in any exceedances of National and New York State Ambient Air Quality Standards for carbon monoxide. Moreover, with the Eagle Valley Road connection, Project traffic will be distributed over a larger area and be less concentrated at the key intersections analyzed in the DSEIS. This will result in slightly lower mobile source carbon monoxide concentrations compared to the analysis in the DSEIS.

Stationary source emissions are associated with the Project's individual fossil fuel-fired heating and hot water systems. The primary pollutants of concern when burning oil are sulfur dioxide and particulates; whole nitrogen oxide (NO₂) is of concern when natural gas is used. Since background concentrations of these pollutants indicated that levels are well below the standards in the Project's study area, no significant air quality impacts are expected from the Project.

P. Noise

The Town Board has considered potential noise impacts associated with the Project, including traffic-related and construction-related noise, and finds them to be insignificant. Although the Project is expected to increase ambient noise levels during construction, outdoor construction would generally be limited to weekday, daytime hours. Major construction noise sources are expected to be blasting and possible pile-driving activities which would be of short duration. Modern blasting techniques, such as timed multiple charges, blastmats, etc., will be utilized during pre-defined time periods and frequency. A specification will be inserted into construction contracts requiring the contractor to implement a vibration protection program in coordination with responsible government entities. Compliance with noise control measures will be ensured by the applicant's including them in contract documents as material specifications and by directives to the construction contractor. The contractor will be required to abide by all applicable federal, state and Town laws and regulations governing noise.

Q. Construction Impacts

The DSEIS presented a discussion of the Project's potential construction impacts. The Project has subsequently been modified to alter the sequencing of construction activities however, associated construction impacts will remain insignificant. The applicant now proposes to construct the Long Ridge neighborhood as Phase 2 of the development; previously, this was proposed to be constructed as Phase 3. The effect of the revised construction sequencing will be to accelerate construction of the Eagle Valley Road connection, improving access from the Eagle Valley neighborhood to the development and the future public school to be located on the Southern Tract. This will eliminate traffic that would have traveled along Sterling Mine Road and Route 17 during the construction period. The concentration of commercial development on the Northern Tract into a tighter building footprint is also likely to reduce potential construction-related impacts. Layout changes will provide additional buffering between the commercial development and on site freshwater wetlands that will further reduce impacts.

There will not be a significant adverse environmental impact due to construction traffic because construction activities will be dispersed over the course of the Project's 12-year build-out; construction staging will occur on-site; and the arrival/departure times of construction employees will not typically coincide with the AM and PM peak hours. To further reduce traffic impacts during the construction period, delivery of materials by trailer truck and access by heavy construction vehicles will be restricted during the AM and PM peak hours. The Planning Board may require additional measures regarding the impact of construction traffic as part of its site plan review responsibilities.

R. Growth Inducing Aspects

Development of the Project is intended to result in the orderly development of the 2,376-acre Project Site. It is estimated that the Tuxedo Reserve development will have a population of approximately 3,210 persons if developed as proposed. In addition, the 1,195 housing units that will be added to the Town will have a moderate amount of growth-inducing impacts,

since the basic public circulation system and capital infrastructure systems already exist to serve the site. The growth to the Town that will result from Tuxedo Reserve is consistent with the growth projections developed by the Town Board. These projections were factored into the adoption of the Town's PID law.

S. Unavoidable Impacts

The Town Board finds after considering the Project and all practicable mitigation measures, that no unavoidable significant adverse environmental impacts will result. Although development of the site would result in relatively permanent changes in land use, views, increased local traffic, and related factors, the Town Board finds that these changes are not significant, since the Town's Master Plan, zoning, and regional land use plans have historically provided for similar uses to occupy the Project Site.

T. Irreversible Commitment of Resources

The conversion of the Tuxedo Reserve property would involve the consumption of raw materials, such as lumber, sand and gravel, oil and iron ore, and other minerals. Resources-such as water, electricity, petroleum products, and a variety of other natural and distilled resources-would be required for operation of the street system and other land uses. All of these actions involve an irreversible and irretrievable commitment of resources.

Ultimately, no development is an irreversible commitment of resources, since it is possible to remove the development at any time. To reverse such a commitment, however, would require the expenditure of future natural and financial resources, which is not expected to have a high degree of probability. In concert with the assumption, it must be recognized that the natural environment cannot ever be fully reconstructed and replenished to its original state.

V. MITIGATION

The Town Board has considered measures to minimize or avoid, to the maximum extent practicable, potentially significant adverse impacts that were identified in the DSEIS, including its discussion of the applicant's proposals to avoid and mitigate impacts to traffic conditions, cultural resources and wetlands. The Town Board finds that these measures will mitigate significant adverse environment impacts of the Project to the maximum extent practicable.

A. Cultural Resources

As stated in the DSEIS, the Barnes House and adjacent structure situated along Route 17 within the Village of Sloatsburg will be demolished as part of the Project and replaced with the Tuxedo Reserve greeting house. Both structures will be evaluated in a full stage II investigation prior to demolition. In addition to more intensive field investigation designed to establish site boundaries, integrity and age, this study will include architectural assessment, background research including property deeds and a structure evaluation by a

qualified architectural historian. Potential impacts to cultural resources will be mitigated to the maximum extent practicable.

B. Natural Resources

Wetland mitigation will be provided for the 1.75 acres of disturbance to wetlands on the Project Site. This acreage is the total impact acreage of small wetland fills associated with steam/wetland road crossings that would be incurred over the 12 year buildout of the Project and represents about one percent of the approximately 250 acres of wetlands on the Project Site. These wetland disturbances would range in size from 0.004 to 0.43 acres.

The Project will provide wetland mitigation as directed by the Army Corps of Engineers through its permit approval process. Whenever possible, mitigation will be carried out on-site. If suitable land for wetland creation is not identified within the Project Site, wetlands will be created within the same watershed as the wetlands to be disturbed, and will be designed to provide similar functions and values to the wetlands lost. Created wetlands will be designed to replace the community disturbed, i.e., forested wetland disturbance will be replaced by the creation of forested wetlands. Wetland creation areas will use native wetland species, nursery grown to thrive within wetland conditions. Wherever possible, native topsoil from wetlands to be disturbed will be preserved for use in the wetland creation areas. Wetland topsoil often contains natural seed and root stocks from the disturbed wetland area that can then become established in the created wetland. If alternative wetland mitigation measures become necessary during the application for a permit, the applicant would also discuss with the Corps the potential for other creative mitigation options, including off-site land or monetary donations.

C. Traffic

The Project will result in significant traffic impacts at, depending upon the phase of development, eight analysis locations. At each of these locations, Project impacts will be mitigated through conventional traffic management and engineering measures. These measures will consist primarily of traffic control signage, installation of traffic signals, retiming of traffic signals, provisions for new turning lanes, and increases in the number of traffic lanes. The traffic mitigations are set forth in the FEIS and annexed hereto in Appendix F. Since publication of the DSEIS, the applicant has proposed changes to the Project that include accelerating the implementation of measures designed to mitigate Project traffic to below significant impact thresholds.

1. Accelerated Mitigations/Improvements

The applicant will undertake the following measures along Route 17 and at Eagle Valley Road to further reduce the Project's traffic impacts.

- Route 17. At Route 17 and Seven Lakes Drive, the applicant will create a southbound left-turn lane and wider through lanes at the completion of 525 residential units where there was no proposal previously. At Route 17 and Washington Avenue, the applicant will construct a southbound left-turn lane at the end of Phase 1 where

there was no proposal previously. At Route 17 and Route 17A, the applicant will provide an eastbound right-turn lane with channelized island for free-flow operation by the end of Phase 1, as well as potential signalization and construction of a northbound left-turn lane on the Route 17 connector ramp by the end of Phase 2.

- Eagle Valley Connector Road. The main artery connecting the Phase 1 development area to Eagle Valley Road, to be known as Long Ridge Road, will be advanced from Phase 3, and will be installed prior to the completion of Phase 1. If only one access to Route 17 from the Southern Tract can be secured, the Eagle Valley connection will be required to be installed earlier in Phase 1, prior to the completion of 525 units, or earlier if required by the Town's subdivision regulations.

Along with the elimination of 180 units from the DSEIS development program, the advancement of these mitigations and improvements will mitigate all significant adverse traffic impacts such that the Project will maintain or improve current conditions along the Route 17 corridor.

2. Monitoring Program

As detailed below, the Town retains the authority to require additional mitigation if Project-generated traffic exceeds pre-defined thresholds and results in deteriorated levels of service. This is a critical check on the pacing of Project construction that will be made a condition of the Special Permit.

Traffic will be monitored to verify that estimates of Project-generated traffic are accurate. Traffic monitoring will be carried out at the applicant's expense by a reputable traffic consultant selected by the Town. The traffic consultant will provide traffic counts of Project-generated traffic at each of the Project's driveway access points. These will include both machine counts for one typical week, and manual turning movement observations for one typical weekday, to identify the traffic flows on Route 17 and directional distribution entering and leaving the development. Should Project traffic counts exceed the applicant's traffic projections by the thresholds below, the applicant has agreed that the Town will be required to withhold any further Project building permits until adequate traffic mitigation measures are identified and in place.

The traffic monitoring intervals will be as follows: (1) at the completion of 300 units; (2) at the completion of 525 units; (3) at the end of Phase 1; (4) at the end of Phase 2; and (5) at the end of Phase 3. In addition to the vehicle counts, ridership data will also be collected for the jitney service at each traffic monitoring interval. Should the ridership of the jitney service fall below estimates in the FEIS, modifications to the service will be made with the goal to increase ridership to projected levels. A unit will be determined to be complete when a certificate of occupancy is issued.

The driveway traffic counts and jitney ridership data will be compared to the projections of Project-generated traffic at each phase of the development, as stated in the traffic assessment sections of the FEIS. The data will then be submitted to the Town of Tuxedo, the Village of Sloatsburg, the Rockland County Department of Highways and the NYSDOT.

During the 300 and 525 unit monitoring interval, if the actual trip generation exceeds the Project traffic projections as stated in the FEIS by 20 percent, acceleration of the proposed mitigation or additional mitigation measures will be required. The applicant, in conjunction with the entities listed in the previous paragraph, will carry out such mitigation measures to achieve the Levels of Service projected for each phase of the development in the FEIS before the Town could approve additional building permits for the Project. One of the potential mitigations remains the construction of Interchange 15B.

The same requirements will apply during the monitoring intervals at the end of each development phase, however the threshold deviation from FEIS traffic projections will be reduced to 10 percent. Should deviation from the projected volumes exceed 10 percent, traffic volumes will also be counted at all of the locations analyzed in the FEIS. A report providing this updated traffic assessment, and any recommended additions or modifications to the proposed mitigation, will be submitted to the above noted agencies for their review.

The monitoring program will also evaluate traffic circulation of all internal intersections within Tuxedo Reserve in the event a second access to Route 17 is not secured. In this case, construction of the Eagle Valley Road access will be required to be installed earlier in Phase I (i.e. before the completion of 525 units) and the applicant will be required to monitor traffic circulation within the Tuxedo Reserve development. If monitoring results indicate that traffic circulation within Tuxedo Reserve is at a LOS "D" or worse, the Town will be required to withhold building permits until mitigation measures are installed which improve internal traffic flow to LOS "C".

To assist the Town in administering the traffic monitoring program, the applicant shall provide a cover sheet for each application for site plan approval stating prominently: (1) the number of residential units that are the subject of the site plan application, (2) the total number of residential units that have received site plan approval as of the date of the application, (3) the total number of residential units that have received ARB approval as of the date of the application, (4) the total number of residential units that have been completed and received a certificate of occupancy and (5) a reproduction of the following table:

**Traffic Monitoring Program
Tuxedo Reserve
Monitoring Points**

Monitoring Point (Units)	Permitted Deviation
300	20%
525	20%
714	10%
911	10%
1195	10%

3. Jitney Service

A jitney service will be operated during the weekday AM and PM peak hours to serve residents destined to and from the Tuxedo and Sloatsburg train stations and nearby express bus stops. The service will be initiated at the beginning of Phase 1, i.e., within the first 50 units of development, through a contractual "taxi-type" car service that will be available to residents during morning and afternoon peak hours, and funded by the applicant and/or the TRHOA. The service will be overseen by the on-site Project management team.

As the density of the development increases, the ridership will increase to a level where a van or an airport-type bus will be utilized to transport residents to the Tuxedo and Sloatsburg train stations and express bus stops. Based on previous experience, this level of ridership occurs with developments of approximately 200 to 250 units. This service will be operated during the commuter hours, in the morning and evening peak periods. During Phase 1, it should include approximately five to six pickup points, including one near the Village Commons and one near the major subdivisions. In addition, a bus stop should be provided in close proximity to Route 17 for residents who would utilize bus transit for commuting. Bus shelters will be provided at selected locations. As the development proceeds in both the number and location of units, the operation will be extended to provide adequate service.

At the completion of Phase 1, an off-peak hour service will also be operated in connection with the commuter jitney service. This off-peak operation will be used to transport residents to and from the proposed Village Commons and the Tuxedo hamlet. This will also be funded and administered by the TRHOA.

D. Noise

The two potential sources of noise — traffic and blasting during construction — would not result in any significant adverse impacts. However, to minimize the potential for noise disturbance during blasting, the Project has been designed with significant buffer distances

separating most blasting locations from existing housing. The blasting plan described in the DSEIS will provide the sequence of blasting operations and establish design and monitoring standards, in addition to those required by the Town's code, to ensure that no significant adverse noise impacts occur. The applicant will also encourage construction contractors to use quiet construction equipment.

VI. ALTERNATIVES

The Town Board has considered the following five alternatives to the Project:

A. No Build Alternative

The no build alternative represents the future conditions if the Project Site is not developed. This is the condition described throughout the DSEIS as "The Future Without the Project". Under this alternative, no significant new development would be expected at the Tuxedo Reserve site by the Project full build year. Similarly, the substantial investment in infrastructure improvements to roads, sewers and schools would not take place. Instead, the Tuxedo Reserve site would be expected to remain in its current condition. The no build alternative would avoid those adverse impacts identified for the proposed Project, but it would also forgo the substantial benefits of the Project.

B. As-of-Right Development Alternative

For this alternative 700 to 800 single-family, detached residential units and up to 3.6 million square feet of light industrial office space is considered as-of-right on the Project Site. However, because of steep slopes and wetlands, it is estimated that no more than 1.74 million square feet of light industrial/office space could be developed. This scenario would use all available upland on the Project Site with 640 single-family homes and 1.2 million square feet of non-residential development in the Southern Tract, 100 single-family homes and 540,000 square feet of non-residential development in the Northern Tract, and approximately 60 single-family homes in the Fox Hill Tract. The light industrial/office development would be contained in 40 buildings on the Southern Tract and 23 buildings on the Northern Tract. Construction of the residential units would not be linked to implementation of the light industrial/office development under the as-of-right alternative. Although the amount of residential use would be reduced under this alternative compared to the Project, impacts on schools would be similar, the increased commercial component would create substantially more traffic, and the lack of a master plan and single developer would likely eliminate the opportunity to create large areas of cohesive, dedicated open space on the Project Site. In addition, the measures that have been incorporated into the Project to protect wetlands, flora and fauna would not necessarily be incorporated into an as-of-right development.

C. Development According to Concept Plan Alternative

Development according to the 1991 concept plan would result in 2,450 residential units and 1.1 million square feet of light industrial/office space. All of the non-residential space would be located in the Northern Tract. No development would be anticipated in the Fox Hill Tract. There would be a linkage of residential and commercial development, as required by the PID.

This alternative is similar to the proposal considered in the DGEIS, which examined impacts of 2,450 residential units and 550,000 square feet of light industrial/office space. It would not be possible to fit 1.1 million square feet of light industrial/office development in the Northern Tract, due to environmental constraints (i.e., wetlands, steep slopes and a timber rattlesnake den), or the Southern Tract, which was entirely occupied by residential and accessory uses. Overall, the impacts of this alternative would be greater than those of the Project. In particular, this alternative would generate more traffic and would not be able to preserve the same quality and size of contiguous open space on the site, compared to the Project.

D. All Residential Development Alternative

The all residential alternative would include 700 to 800 dwelling units and no light industrial or commercial development. There would be no linkage between residential and non-residential development, and no clustering or residential development. The pattern of development would take place mainly on the Southern Tract, with some units in the Northern and Fox Hill Tracts, as well. This alternative would reduce traffic and demand for infrastructure and municipal services compared to the Project; however, its fiscal effects on schools would be less beneficial than that of the project (even potentially adverse), and the benefits of the Project -- a planned community with design guidelines, performance standards and phasing to guide development, large areas of contiguous, dedicated open space, comprehensive storm water management on site -- would not be realized. The measures that have been incorporated into the design of Tuxedo Reserve to protect wetlands, flora and fauna would not necessarily be incorporated into an all residential development plan.

E. Single Access Alternative

As proposed, the Southern Tract would have two access points, one at the northern end of Route 17 in Tuxedo, and the other, to the South in Sloatsburg. An alternative was considered of providing only the northernmost access point along Route 17, thereby eliminating the entry in Sloatsburg. In most respects, this alternative would have impacts identical to those of the Project. The only substantive differences relate to traffic and air quality.

This alternative would alter the distribution of Project traffic so that all vehicles entering and exiting the Southern Tract would utilize the main access in the Town of Tuxedo, approximately 0.8 miles to the north. Since vehicles would continue to have direct access to Route 17, other than at the Project driveway, the incremental traffic at study area locations and the associated impacts would be the same as those with the Project.

The air quality analysis which was performed for the Project in the DSEIS included a receptor site at NYS Route 17 and South Tuxedo access (Site 2) and at other sites along Route 17. The air quality modeling results for the Project indicated that maximum predicted future CO levels near the South Tuxedo access for future build conditions would be well within the applicable standards. Under this alternative with only one site access, there would be additional traffic processed through the Route 17 access in Orange County. Based on the air quality findings for sites on Route 17 that were performed for the Project, carbon

monoxide levels near the one access point would be within air quality standards, and this alternative would not result in any significant adverse air quality impacts.

VII. CERTIFICATION OF FINDINGS TO APPROVE

The Town Board has considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS and has weighed and balanced relevant environmental impacts with social, economic and other considerations.

Based on the foregoing and on the appendices hereto, the Town Board certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Additional Information can be obtained from:

Contact Person: Honorable Kenneth R. Magar, Sr.
Telephone Number: (845) 351-2265

Appendices:

- A - Tuxedo Reserve Project Plan
- B - Hamlet Revitalization Funding Program
- C - Design Guidelines
- D - Bulk Standards
- E - Memorandum of Understanding
- F - Traffic Mitigation Measures