

**LEAD AGENCY FINDINGS STATEMENT**  
State Environmental Quality Review Act

This Lead Agency Findings Statement (the “2010 Findings Statement” or “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 (“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:

Tuxedo Reserve Owner LLC (“Applicant” or “Project Sponsor”), the successor to R.H. Tuxedo Development, L.P., the original applicant and project sponsor, proposes to: (1) amend the Special Permit and Preliminary Plan for the Tuxedo Reserve Planned Integrated Development (“Tuxedo Reserve” or the “Project”) to revise the design standards applicable to the Project, increase in the amount of the Project’s permitted non-residential development, alter the residential unit and lot mix for the Project, integrate the active adult housing component of the Project into the Commons and other neighborhoods, eliminate development in certain areas proximate to certain vernal pools, and authorize development in certain areas south of Mountain Lake; (2) amend Local Law No. 4A of 1999 to authorize a different mix of single family and multi-family units for the Project; and (3) amend the Town Zoning Map to correspond to the proposed amendments to the Preliminary Plan. The foregoing, along with conditions on approval to be imposed by the Town Board are referred to collectively below as the “Proposed Action.” A detailed description of the Proposed Action is provided below.

Location: The Project is to 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 provides the Town Board’s rationale for its decision on the Proposed Action, drawing upon information in the Final Supplemental Environmental Impact Statement (“FSEIS”) 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 September 2009 (“DSEIS”), all as more specifically described below.

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

- Causing the preparation of the DSEIS by the Project Sponsor;
- Accepting the DSEIS for public review and comment;
- Holding public hearings on the DSEIS;
- Receiving public comments on the DSEIS within the prescribed period after the close of the public hearings;
- Causing the preparation of the FSEIS by the Town’s consultants; and
- Accepting the FSEIS and filing a Notice of Completion.

## **II. PROJECT HISTORY**

In 2004, the Town Board granted a special permit for the Project (the “2004 Special Permit”) and approved a preliminary plan for the Project (the “2004 Preliminary Plan”).

The Town Board approved two amendments to the 2004 Special Permit and 2004 Preliminary Plan. The first amendment, which was approved by a Town Board resolution dated August 13, 2007, added certain additional lands to Tuxedo Reserve. The second amendment, which was approved by a Town Board resolution dated February 25, 2008, approved certain elements of the layout and design of a sub-phase of Phase 1 of the Project known as North Ridge and approved certain elements of the North Ridge preliminary subdivision plat approved by the Planning Board. Neither of these amendments had the potential to generate any significant adverse environmental impacts and in both resolutions the Town Board determined that preparation of a supplemental environmental impact statement was not required by SEQRA.

As part of the detailed review of the North Ridge subdivision application and to facilitate the Planning Board’s review of certain refinements to the 2004 Preliminary Plan proposed in the North Ridge subdivision application, the Planning Board requested that the Applicant prepare additional natural resource studies within the area of the Project encompassed by the then proposed North Ridge subdivision to further document its

vegetative and wetland communities. Thereafter, and proceeding through the summer of 2008, the Applicant undertook additional similar studies with respect to the remainder of the Project based on the expectation that the Planning Board would request the same information as part of its review of future sub-phases of the Project. These detailed studies, as well as updated market studies, were used by the Applicant to develop proposed amendments to the 2004 Special Permit and 2004 Preliminary Plan, both to facilitate future subdivision and site plan review by the Planning Board and to further improve the Project. The Proposed Modifications would enhance the Project's protection of environmentally sensitive lands and vernal pools used for breeding by amphibious species of special concern by relocating certain development to less-sensitive areas. In addition, the market studies conducted by the Applicant show that the target market for the Active Adult component of the Project prefers to be located close to existing or planned community centers rather than isolated at the far reaches of a development. Therefore, as part of the Proposed Modifications, the Active Adult units would be located in closer proximity to the Commons and the range of active adult unit types would be expanded to include multi-family units, townhomes, and carriage, cottage, and village units. In addition, based on the review of the North Ridge subdivision application by the Planning Board and the Town's consultants, the Applicant proposed to clarify and modify various planning, design, and technical guidelines and standards that were incorporated in the Project Approvals.

In 2008, the Applicant filed applications with the Town (collectively, the "Project Amendment Applications") to:

1. amend the 2004 Special Permit and 2004 Preliminary Plan (referred to generally as the "Proposed Modifications" and described in greater detail below), as follows:
  - a. establish revised design standards applicable to the Project, including a Smart Code, its associated Regulating Plan, revised Architectural and Landscape Design Guidelines and revised Performance Standards (collectively, the "Design Standards");
  - b. increase the amount of the Project's permitted non-residential development;
  - c. alter the residential unit and lot mix for the Project;
  - d. integrate the active adult housing component of the Project into the Commons and other neighborhoods;
  - e. eliminate development in certain areas proximate to certain vernal pools; and
  - f. authorize development in certain areas south of Mountain Lake;

2. amend Local Law #4A of 1999 (the “PID Law”) which, subject to certain conditions, grandfathered the Project under the version of Section 98-23 of the Town Code in effect prior to adoption of the PID Law, to authorize a different mix of single family and multi-family units for the Project<sup>1</sup>; and

3. amend the Town Zoning Map to correspond to the proposed amendments to the 2004 Preliminary Plan.

The initial version of the Project Amendment Applications and a Technical Memorandum analyzing their potential environmental impacts were first formally submitted to the Town Board on August 27, 2008 and were referred by the Town Board to the Town Planning Board for its review on September 8, 2008.

The Planning Board held a series of six workshops (10/28/08, 10/29/08, 10/30/08, 11/5/08, 11/13/08, and 11/25/08) at which it and the Town’s consultants reviewed and evaluated the initial version of the Project Amendment Applications, including the Proposed Modifications and the Technical Memorandum.

In response to comments and input from the Planning Board and the Town’s consultants, the initial version of the Proposed Modifications and the Technical Memorandum were revised and resubmitted to the Town on December 9, 2008.

The Planning Board held another series of seven workshops and meetings (1/8/09, 1/20/09, 2/3/09, 2/10/09, 2/17/09, 2/24/09, and 3/10/09) to review the revised Proposed Modifications and revised Technical Memorandum.

In response to comments and input from the Planning Board and the Town’s consultants, the revised Proposed Modifications and the Technical Memorandum were again revised and were resubmitted to the Town on March 13, 2009 and these versions of the documents are referred to herein as the 2009 Proposed Modifications and the 2009 Technical Memorandum.

The Planning Board held a third series of five workshops (3/18/09, 3/24/09, 3/31/09, 4/7/09, and 4/14/09) on the 2009 Proposed Modifications and the 2009 Technical Memorandum. Following this third series of workshops the Planning Board issued a report to the Town Board, dated April 14, 2009, evaluating the 2009 Proposed Modifications and the 2009 Technical Memorandum (the “Planning Board Report”).

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<sup>1</sup>The PID Law authorized an additional 180 units of housing for senior citizens and persons in need of congregate care or assisted living beyond the 1195 residential unit cap set forth in the PID Law. The Applicant did not propose such housing to be included in its 2004 Project and it is not incorporated into the 2004 Preliminary Plan or Special Permit. Nor does the Project Amendment Applications contain any such proposal. If the Applicant proposes to develop such a use in the future within the Project, the Applicant would be required to apply for an amendment to the 2010 Preliminary Plan. Consideration of such an amendment would have to be undertaken in conjunction with such environmental review as is required by SEQRA.

The Planning Board Report included positive recommendations concerning certain elements of the 2009 Proposed Modifications. However, the Planning Board Report issued no recommendation concerning certain elements of the 2009 Proposed Modifications because the Planning Board determined that it could not issue recommendations as to those matters without preparation of a supplemental environmental impact statement (“SEIS”). Accordingly, the Planning Board recommended that certain elements of the 2009 Proposed Modifications be analyzed in a SEIS. In particular, the Planning Board recommended that the SEIS analyze the potential adverse environmental impacts from development in areas where development would be introduced for the first time, i.e., on lands in the vicinity of Mountain Lake and a parcel of land that could potentially be acquired from the Palisades Interstate Park Commission (“PIPC”). In addition, the Planning Board recommended that the SEIS analyze potential impacts from additional retail development proposed in the Project’s Commons.

Following receipt of the Planning Board Report, the Town Board held a special meeting on May 18, 2009, and workshops on May 26, June 1, and June 8, 2009 in which the Town Board reviewed the 2009 Proposed Modifications and the 2009 Technical Memorandum.

The Town Board, on June 22, 2009, in its capacity as lead agency under SEQRA, adopted a resolution in which the Town Board determined that certain elements of the 2009 Proposed Modifications were to be analyzed in a DSEIS. The Town Board determined that the DSEIS would generally include (1) an analysis of the potential for new significant adverse environmental impacts from the proposed new developments in the vicinity of Mountain Lake and within the Tuxedo Lake watershed; (2) an analysis of potential new significant adverse fiscal impacts of the Proposed Modifications; and (3) an analysis of a PIPC Land Exchange design alternative, in which parcels of land owned by the Applicant, such as the 88.78-acre Light Industrial Office (LIO) parcel in the Northern Tract and/or other parcels, would be exchanged for 21.116 acres of land owned by PIPC.

Concurrently, the Town Board determined that the other elements of the 2009 Proposed Modifications, as analyzed in the 2009 Technical Memorandum, did not have the potential to generate any new significant adverse environmental impacts not previously identified and analyzed in the Project’s 2003 Final Environmental Impact Statement (“2003 FEIS”) and, accordingly, no additional environmental review of those elements of the 2009 Proposed Modifications was required. The 2009 Technical Memorandum sets forth the analyses to support the conclusion that those Proposed Modifications do not have the potential to generate any new significant adverse environmental impacts not previously identified and analyzed in the 2003 FEIS.

The 2009 Technical Memorandum and the Town Board’s June 22, 2009 Resolution are appended to the DSEIS as Appendix A.

The Applicant submitted a preliminary DSEIS on July 29, 2009. The preliminary DSEIS was found to be incomplete by the Town Board. The DSEIS was revised and resubmitted by the Applicant on September 2, 2009. On September 14, 2009, the Town Board

determined that the DSEIS was complete for the purpose of commencing public review.

On October 26, 2009 and November 23, 2009, public hearings were held on the Project Amendment Applications, including the 2009 Proposed Modifications, and the DSEIS. The public hearings were held open for submission of written comments until January 4, 2010. Members of the public submitted both oral comments and written comments at the public hearings and submitted additional written comments during the public comment period.

On January 6, 2010, the New York State Department of Environmental Conservation issued a letter to the Town stating that no additional hookups would be allowed to the Town's sewage treatment plant unless improvements are made to the plant.

The Town Board, on January 11, 2010, held a workshop open to the public at which the Applicant and its consultants gave a detailed presentation on the Smart Code and its associated Regulating Plan and responded to multiple questions from the members of the public in attendance.

The Applicant submitted a preliminary FSEIS to the Town Board on June 21, 2010, including draft proposed responses to public comments.

The Town Board conducted public workshops on the preliminary FSEIS on July 1, July 8, August 5, August 9, September 2, September 9, September 13, and September 27, 2010.

During the period when the Town Board was reviewing the preliminary FSEIS, the Town Board requested that the Applicant address multiple concerns of the Town Board, including but not limited to certain changes to the 2009 Proposed Modifications to: reconfigure the development within the Mountain Lake neighborhood; revise the Project layout to avoid habitat corridors; minimize land disturbance within the Mountain Lake watershed; eliminate all flag lots; designate the proposed detention/recharge basin along Quail Road in the Village of Sloatsburg as the preferred alternative for stormwater management; require that no building permit would be issued until either a plan for the construction of a replacement sewage treatment plant is approved by DEC or approval to hook up to the new Western Ramapo Wastewater Treatment Plant has been issued; and require that no certificate of occupancy be issued until either the replacement sewage treatment plant is constructed or the Project is connected to the new Western Ramapo Wastewater Treatment Plant.

All of the revisions to the 2009 Proposed Modifications Project Amendment Applications that were made during the Town's review process (the "Final Proposed Modifications") were in response to comments from the Planning Board, the public, the Town Board, the Town's consultants, and other agencies involved in the review of the Project Amendment Applications. The 2009 Proposed Modifications plus all supplements and revisions thereto are referred to herein as the "Final Proposed Modifications."

The Town Board received letters and other submissions from members of the public and involved agencies following the close of the public hearings and public comment period. The Town Board considered letters and other submissions in the course of its public workshops enumerated above.

In addition and partially in response to public comments, the Town Board retained consultants to assist the Town in evaluating the potential economic and fiscal impacts of the Proposed Modifications and the Final Proposed Modifications. In response to input from the Town's fiscal consultants, the fiscal analysis in the DSEIS was updated and revised in the FSEIS, including an updated market analysis of the present housing market.

Supplemental information about certain land in Sloatsburg, the status of the wastewater treatment plant for the Project, and onsite potential archaeological and historical resources were also included in the FSEIS.

On November 8, 2010, the Town Board accepted the FSEIS and caused the FSEIS to be filed and distributed as required by SEQRA.

The issuance of this Findings Statement is the final step in the SEQRA process for the Project Amendment Applications, including the Final Proposed Modifications.

### **III.DETAILED DESCRIPTION OF THE PROPOSED ACTION**

A description of the Project as it was approved in 2004 is set forth in the Lead Agency Findings Statement adopted by the Town Board prior to the grant of the 2004 Special Permit and the approval of the 2004 Preliminary Plan (the "2004 Findings Statement"). A copy of the 2004 Findings Statement (without exhibits) is appended hereto as Appendix A. Those elements of the Project that remain unchanged from the 2004 Special Permit, 2004 Preliminary Plan, and 2004 Findings Statement are not described in detail in this Findings Statement, but are described in detail in the 2004 Findings Statement.

#### **A. AMENDMENTS TO THE SPECIAL PERMIT AND PRELIMINARY PLAN**

The Final Proposed Modifications, enumerated more specifically below, include increasing the amount of non-residential development in the Commons; refining the phasing of the Project; modifying the proposed mix of senior housing, single family, and multi-family homes; moving the active adult housing into the first phase of development; and relocating some of the single family lots to protect vernal pool habitat used by amphibious species of special concern. The Final Proposed Modifications also include a design alternative whereby additional land would be acquired from the Palisades Interstate Park Commission ("PIPC") and added to the Project in exchange for the conveyance of a site in the Northern Tract that was designated for potential future commercial development and/or other parcels owned by the Applicant (the "PIPC Land Exchange"). The PIPC Land Exchange would enable the substitution of single-family

estate, manor, and village homes for cottages and would foreclose the potential future commercial development of the site within the Northern Tract. The Final Proposed Modifications, with or without the PIPC Land Exchange design alternative, would not alter the total number of single-family homes, which would remain at 764. None of the Final Proposed Modifications increases the total number of dwelling units, which remains at 1,195 units, or the number of bedrooms in dwelling units that are not age restricted, which remains capped at 2,860.

Since the grant of the 2004 Special Permit and the 2004 Preliminary Plan, approximately 4.8 acres of land have been acquired in the Town of Tuxedo and added to the Southern Tract. In addition, the 40.3-acre RO Non Gift parcel has been excluded from the Northern Tract. Therefore, the total acreage of the three tracts of the Tuxedo Reserve Project has changed from  $\pm 2,336$  to  $\pm 2,301$  acres. These changes are detailed in Table 1-1 in the DSEIS.

Under the 2004 Special Permit and 2004 Preliminary Plan, approximately 1,722 acres (nearly 70 percent of the Project Site) would have remained remain open space. The 2004 Special Permit and 2004 Preliminary Plan were previously amended to increase the amount of land included in the Project. The Proposed Amendment Applications do not change the overall amount of land included in the Project, but the Final Proposed Modifications would increase the overall amount of open space in the Project to 1,744 acres (approximately 75.8 of the Project Site). The majority of this open space will be contiguous and undisturbed.

The Project would be built in three phases over a 12-year period commencing in 2011 and ending in 2023 and, at full build-out, would add approximately 3,223 residents to the Town of Tuxedo's population. Development in the Village of Sloatsburg would be limited to a 3,000-square-foot market stand (described in greater detail below). None of the approved 1195 housing units would be developed in Sloatsburg as part of Tuxedo Reserve.

The Project remains a collection of small neighborhoods each connected by a system of roads and pedestrian trails to a central "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.

The amount of dedicated open space in the Southern Tract would increase to 782 acres from the 773 acres that were analyzed in the 2003 FEIS.

The Project would be undertaken in three phases over a 12-year period beginning in 2011 and ending in 2023. Phase 1 entails construction of 731 dwellings consisting of 341 single family detached and semi-detached homes, 78 townhomes, approximately 312 multi-family units and 98,500 square feet of neighborhood non-residential uses. 197 of the Phase 1 residential homes and units will be for active adults. Phase 2 entails

construction of 200 single family detached and semi-detached homes, 27 townhomes, and 3,000 square feet of neighborhood non-residential uses. Phase 3 entails construction of 223 single family detached dwelling units, 14 townhomes, and 1,500 square feet of neighborhood non-residential uses. The 2010 Preliminary Plan, the Smart Code, and its associated regulating plan establish the permitted locations of multi-family and townhouse units.

The Commons would also be developed in Phase 1. Because of the critical place-making function of the Commons, advancement of its construction including multi-family and townhome dwellings and non-residential uses may create an initial imbalanced mix of single family homes, townhomes, and multi-family dwelling units. Phase 2 construction will not begin until Phase 1 is substantially complete as determined by the Planning Board..

Single-family residential units would be relocated from more environmentally sensitive areas to areas with less sensitive habitat. The locations for all residential development are shown on the 2010 Preliminary Plan. Initially, the Applicant had proposed that a significant number of those relocated residential units be located in a new neighborhood in the general vicinity of Mountain Lake. However, in response to recommendations from the Town Board, and public comments on the DSEIS, the Final Proposed Modifications reduce the development footprint in the vicinity of Mountain Lake. Figure 1-1 of the FSEIS depicts the lot layout of the Final Proposed Modifications. The total number and distribution of unit types would remain the same as those presented in the DSEIS. Although some units would be relocated from the Mountain Lake neighborhood to the Winding Hill neighborhood, the overall phasing of the project would remain the same. The relocated units would remain in Phase 1 of the development.

The Final Proposed Modifications would increase the amount of neighborhood retail and commercial, recreational, and community amenity uses to 103,000 square feet (larger retail, larger private community club, larger welcome center, new neighborhood amenity buildings, and library) from 70,000 square feet (private community club, day care, business center, Active Adult recreation, pool club, and welcome center). Included within the foregoing is an increase in the amount of neighborhood commercial within the Commons to 30,000 square feet (deli, bank, café, restaurant, pick-up/drop-off dry cleaner, boutique shop, and professional offices) from 3,000 square feet (gourmet deli). The increase in neighborhood commercial would further the Project goal of creating a walkable neighborhood center. In addition, it would benefit the Town of Tuxedo through the provision of viable retail tax ratables.

The Final Proposed Modifications would move the location of the Active Adult units closer to the Commons, and expand the range of Active Adult unit types that include multi-family units, townhomes, and carriage, cottage, and village units. The Active Adult units would be constructed in Phase 1. Market studies conducted by the Applicant have shown that the target market for the Active Adult component of the Project prefers to be located close to neighborhood centers rather than isolated at the far reaches of a development.

The Final Proposed Modifications would incorporate 75 additional townhomes into specifically defined areas at certain intersections of collector roads, as well as around greens and small parks in certain areas outside the Commons. Townhomes utilized in this manner establish smaller neighborhood centers and fulfill a unique place-making function. (The townhomes are distinguished from the multi-family buildings exclusive to the Commons).

The Final Proposed Modifications include revised Design Standards which include the Smart Code, its associated Regulating Plan, Performance Standards, and Architecture and Landscape Design Guidelines. The Architecture and Landscape Design guidelines include two new architectural styles (English Arts & Crafts and Greek Revival) and refine and clarify the suitable architectural elements allowed for each permitted architectural style. The Smart Code creates a transect system in which each type of neighborhood (from undeveloped open space through the densely developed Commons) is designated as a particular transect. The Smart Code integrates the various relevant subdivision planning standards (including those regulating lot area, yard requirements, height limitations, streets, access, and building area), in order to assure that what has been represented by the Applicant and what is approved by the Town Board is actually constructed. The regulating plan delineates the physical location(s) on the Southern Tract of each transect. The Performance Standards include standards for the engineering of roads, stormwater management, and utilities.

In response to comments from the Town of Tuxedo Planning Board, the Town Board concurred that the 2010 Preliminary Plan cannot contain flag lots and all flag lots have been eliminated from the Project. In addition to flag lots that had been included in the Mountain Lake neighborhood, flag lots were removed from the Whittredge, Kensett, and Longridge neighborhoods. As such, the Final Proposed Modifications do not include any flag lots. The elimination of these flag lots did not substantially change the development area of the Project. Where necessary, cul-de-sacs or hammerheads were extended to provide the necessary lot frontage while largely maintaining the location of the lots. In addition, the elimination of the flag lots did not affect the total number of units, distribution of unit types, or the phasing of the development.

As authorized in the 2004 Special Permit, Tuxedo Reserve has the option to either build a new 500,000-gallon-per-day sewage treatment plant to replace the existing Tuxedo hamlet wastewater treatment plant (“Hamlet Plant”), or connect to the new Western Ramapo Wastewater Treatment Plant, subject to the approval by Rockland County Sewer District Number One. The 2010 Special Permit maintains both options.

Under the 2004 Special Permit, Tuxedo Reserve was allowed to connect eighty (80) homes to the existing Hamlet Plant before either having to construct the replacement for the Hamlet Plant or connecting to the Western Ramapo Wastewater Treatment Plant. However, in a letter from the New York State Department of Environmental Conservation (NYSDEC) dated January 6, 2010, and included in Appendix G of the FSEIS, NYSDEC informed the Town that no additional hookups would be allowed to the Hamlet Plant unless improvements are made to the plant. Accordingly, the Final

Proposed Modifications include a requirement that the Town will not issue a building permit until either a plan for the construction of a replacement sewage treatment plant for the Hamlet Plant has been approved by the DEC or approval to hook up to the new Western Ramapo Wastewater Treatment Plant has been issued. The Final Proposed Modifications also include a requirement the Town will not issue a certificate of occupancy until either the replacement sewage treatment plant is constructed or the Project is connected to the new Western Ramapo Wastewater Treatment Plant. The Final Proposed Modifications do not alter the requirement that all construction and connection improvements required are the sole responsibility of the Applicant.

The Final Proposed Modifications do not include any changes to the Fox Hill Tract.

The Final Proposed Modifications include project changes to the Sloatsburg parcel, including a 3,000-square-foot market stand. The proposed market stand would be subject to approval by the Village of Sloatsburg.

The Proposed Modifications as described and analyzed in the 2009 Technical Memorandum and the DSEIS originally included a proposal to allow the direct discharge of clean stormwater into the Ramapo River, a fourth order stream. The DSEIS stated that in the event that the waiver to allow direct discharge is not approved by the Village of Sloatsburg and the Rockland County Drainage Agency, the Applicant had developed an alternative design which included the installation of a detention/recharge basin along Quail Road in the Village of Sloatsburg, which would be designed to meet all state and local requirements for stormwater detention. The detention/recharge alternative was also described in the 2009 Technical Memorandum. See Figures 1-4 and 1-5 of the FSEIS which are reproductions of figures included in the 2009 Technical Memorandum.

Since the publication of the 2009 Technical Memorandum and DSEIS, NYSDEC has issued a new SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). This permit was issued in January 2010, and became effective on January 29, 2010. It is noted that a new NYSDEC Stormwater Design Manual is expected to be approved in the next few months, and it is expected that direct discharge will no longer be permitted once the new manual is adopted. In anticipation of this policy change, the detention/recharge basin in Sloatsburg is now the preferred alternative. The detention/recharge basin would require Village of Sloatsburg and Rockland County Drainage Agency approval. Both the direct discharge and the stormwater basin alternatives were evaluated in the 2009 Technical Memorandum and found by the Town Board not to have the potential to generate a new significant adverse environmental impact. That conclusion has not changed. In either instance, all of the stormwater requirements set forth by NYSDEC will be met or exceeded.

The Applicant has proposed the possibility of the PIPC Land Exchange, which would involve the exchange of 21.1 acres of land owned by PIPC for 88.7 acres of land in the Northern Tract zoned LIO (the "LIO Parcel"). The PIPC Land Exchange is included as a design alternative for the Project, the details of which are set forth and analyzed in

Chapter 8, “Alternatives of this DSEIS.” The PIPC Land Exchange is predicated upon the acquisition of a parcel of land owned by PIPC adjacent to Phase 3 of the Southern Tract (the “PIPC Parcel”) and a conveyance to PIPC of one or more parcels owned by the Applicant.

**B. ZONING MAP CHANGE**

The relocation of development within the Southern Tract will cause some lands to be developed that were previously open space and will cause other lands to become open space that were previously to be developed. Open space in the Project is zoned R-1 and lands to be developed for single family residential use are zoned R-2. The Final Proposed Modifications would result in minor adjustments to the R-1 and R-2 Zoning District boundaries. The proposed Zoning District boundaries and acreages are indicated in Figure 2-1 and Table 2-1 below of the FSEIS. The Final Proposed Modifications would increase the total acreage of the R-1 Zoning District on the Project Site from 1264.36 acres in the Project Approvals to 1277 acres. This is also a 9.39-acre increase from what was evaluated in the DSEIS.

**C. AMENDMENT TO LOCAL LAW #4A OF 1999**

The PID Law (Local Law #4A of 1999) imposed certain conditions pursuant to which the Project was grandfathered under the version of Section 98-23 of the Town Code in effect prior to adoption of the PID Law. One of those conditions was that the Project contain a minimum of 866 single family detached and semi-attached residential units. The amendment to the PID Law would reduce that to 764 single family detached and semi-attached residential units.

**IV. SUPPLEMENTS TO THE DSEIS**

Parts of the DSEIS have been supplemented in response to public and agency comment received during and after the DSEIS public comment period. These supplements are described in detail below.

**A. ECONOMIC AND FISCAL ANALYSIS**

The Town of Tuxedo retained two outside consultants to review the economic and fiscal analysis in the DSEIS. The Town retained Bay Area Economics (“BAE”) to review the methodology utilized to estimate the number of school children anticipated to be generated by the Project with the Final Proposed Modifications. The Town also retained Real Estate Solutions Group, LLC, (“RESGroup”) to review the market assumptions and fiscal impact analysis presented in Chapters 3 and 8 of the DSEIS.

Based upon public comment and the input from RESGroup, the Applicant supplemented the economic and fiscal analysis in the DSEIS. Appendix D of the FSEIS contains DSEIS Chapter 3, “Economic and Fiscal Analysis,” as supplemented. Appendix E of the FSEIS contains the Residential Market Update and Strategic Development

Recommendations for Tuxedo Reserve, Tuxedo, New York, prepared by Robert Charles Lesser & Co. (“RCLC”) (December 2009), as supplemented. Appendix F of the FSEIS contains the Town consultants’ correspondence, review, and recommendations regarding the fiscal analysis methodologies utilized in the preparation of the FSEIS. As presented in the supplemented studies and analyses, the Final Proposed Modifications would generate a net positive fiscal benefit to the Town in all phases of the development.<sup>2</sup>

## B. ARCHAEOLOGICAL AND HISTORICAL RESOURCES

A number of commenters raised questions regarding potential historical and archaeological resources on the property, specifically, the alleged presence of Native American remains and an alleged alternative location of the Continental Road. In response to these comments, the Project Site was re-evaluated for impacts to these potential resources. The analyses undertaken, letters from members of the public in respect of those analyses, and the responding letter of Douglas P. Mackey, dated July 26, 2010, of the New York State Office of Parks Recreation and Historic Preservation are all set forth in Appendix H of the FSEIS. Based on Mr. Mackey’s letter, no additional impacts beyond those previously disclosed are anticipated.

## V. **CONDITIONS TO THE PROPOSED FINAL MODIFICATIONS**

The following conditions have been established with respect to the Final Proposed Modifications. These conditions are in addition to conditions that are set forth elsewhere in the 2010 Special Permit, the 2010 Preliminary Plan, the DSEIS and FSEIS.

In response to the Town Board informing the Applicant that the Town is in need of garage and storage space for equipment and materials to fulfill its maintenance responsibilities in Tuxedo Reserve, the Applicant has agreed to lease for one dollar per year to the Town for 30 years 3,000 square feet of garage/storage space with two dual bays (for a total of four) in the planned maintenance facility to be built by the Applicant in Phase 1.

In response to the Town Board informing the Applicant that the Town is in need of office space for administrative offices near to the population center of Tuxedo Reserve, the Applicant has agreed to donate to the Town the 3,500 square foot sales, marketing and

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<sup>2</sup> It is noted that after the FSEIS fiscal analyses were completed and after the Town’s independent fiscal review was completed, the Tuxedo Volunteer Ambulance Corps hand delivered a letter to the Town on November 4, 2010 that was dated October 28, 2010. Although comment had been solicited from the Corps by the Applicant and its consultants during preparation of the FSEIS, no response was received from the Ambulance Corps until the day when the FSEIS was before the Town Board for acceptance. Although the Town Board is not obligated to consider such a late submission and although the Town Board has concerns that the costs as stated in the Corps letter may not be accurate projected cost estimates based on the Town Board’s understanding of current costs and costs incurred by other ambulance Corps; nevertheless the Town Board considered the letter. Even accepting the costs projected by the Ambulance Corps, the ultimate conclusions of the fiscal analysis do not change and the Project would continue to be tax positive in all phases, although slightly less so than stated in the FSEIS if the Ambulance Corps projections are correct.

administration center to be built on Quail Road near Route 17 in the Town (the “Greeting Center”) for administrative office use twelve years after the first residential certificate of occupancy is issued or at an earlier time at the discretion of the Applicant, subject to the Applicant’s right at the time of donation to reserve a leasehold of up to 1,000 square feet of the 3,500 square foot Greeting Center for continued operations of the Project sales office up until final sellout of the Project at a market rent payable to the Town equal to the average yearly office rent in the Hamlet at that time.

In response to the Town Board informing the Applicant that the Town’s Draft Comprehensive Plan Update calls for the Town to acquire land along the Ramapo River in order to enhance the connectivity along the Ramapo River, the Applicant has agreed to donate to the Town prior to the issuance of the first certificate of occupancy two parcels of land which total approximately 44.9 acres and are located outside Tuxedo Reserve.

In response to the Town Board informing the Applicant that the Town lacks facilities to accommodate large public meetings, the Applicant has agreed that it will require that the Tuxedo Reserve Homeowners Association (“TRHOA”) allow the Town Board to conduct special public meetings in the community space to be built in the Commons which will be capable of seating 200 people.

The Applicant has also agreed to offer to donate a parcel of land of approximately one acre in size located in Phase 2 to the Town prior to the issuance of the first certificate of occupancy for a unit in Phase 2 of the Project. The parcel is open space and there is no plan for the parcel to be used for any other purpose.

In response to the Town Board’s concern about the ongoing burden on the Town of maintaining all of the roads in Tuxedo Reserve, the Applicant has agreed to offer for dedication only the Project’s three spine roads and their rights-of-way: Quail Road, Bridle Trail, and Two Hills Road. All other roads and rights-of-way will remain private and will be maintained by the TRHOA.

In response to comments from the Town Board that the Applicant should take reasonable measures to maintain or enhance the potential value of the Project’s homes and lots and thereby maximize the real estate tax revenues to be generated from the Project without generating any additional school children, the Applicant will be permitted to convert any cottage lot to a village lot, any manor lot to an estate lot, and any multi-family unit to a townhouse unit of the same bedroom count. In each instance, the number of allowed bedrooms would not change and the school children generation rates would remain the same for the single family homes. A three bedroom townhouse would generate 0.343 school children and a 3 bedroom condominium would generate 0.332 school children. A two bedroom townhouse would generate 0.074 school children and a 2 bedroom condominium would generate 0.064 school children. These differentials in school child generation are insignificant. However, because the village units can be larger than cottage, estate units can be larger than manors, and townhouse units larger than multi-family, the substitute units would typically be larger, have a higher assessed and fair

market value, and generate greater real property tax revenues. Nothing herein shall be construed to allow a larger (e.g., estate) home on a smaller (e.g., manor) lot.

In response to Town Board and public comment, the Applicant has agreed that: (1) the Library's 12 year window to obtain financing for construction of a new library facility on the half acre lot designated in the Commons shall commence on the date that a resolution is adopted approving an Amended and Restated Special Permit for the Project; and (2) if the Library is unsuccessful in obtaining such financing, then the Town shall be given three years commencing on the expiration date of the 12-year period to secure financing to construct a community space with a similar intensity of use on the half acre lot.

In response to public comments concerning the future of the Tuxedo hamlet and in light of changing conditions in the Town, especially the acquisition of the Sterling Forge site by PIPC, the Town Board has reassessed the appropriate role and function of the Tuxedo hamlet and the Hamlet Revitalization Loan Fund. As called for in the Town's 2008 Draft Comprehensive Plan Update ("Draft Plan Update"), the Town Board foresees enhancing the hamlet as the Town's cultural and civic center, as well as enhancing connectivity along the Ramapo River. Accordingly, the Town Board has determined that the Hamlet Revitalization Loan Fund should be targeted to multiple smaller projects that would principally enhance and strengthen the civic and cultural elements of the Tuxedo hamlet. Accordingly, the Town Board has chosen to leverage the Revitalization Loan Fund for multiple projects with loans not to exceed \$250,000. There is no change to the \$2,000,000.00 Grant Fund.

In response to comments from the Town Board about the importance of maintaining the visual appearance of Tuxedo Reserve in order to preserve and enhance the market value of its properties and the concomitant real property taxes to be generated, the Applicant has agreed to require that the covenants and restrictions for the Project will: (1) require each lot and unit owner to properly maintain the lawns and front yards, including fences, (2) require the TRHOA to undertake such maintenance if a lot or unit owner fails to do so; (3) require each lot and unit owner, at the time of purchase, to pay an appropriate sum into a reserve fund held by the TRHOA so that the TRHOA will have sufficient resources to undertake such maintenance, if necessary; and (4) authorize the TRHOA to bill a lot or unit owner for the costs incurred by the TRHOA to fulfill the owner's maintenance responsibilities and if that bill is not timely paid to place a lien on the property for the costs and expenses incurred by the TRHOA to perform such maintenance and impose the lien. The amount of the reserve fund shall be approved by the Town Engineer and the Town Attorney prior to the submission of documents establishing and governing the TRHOA to the Attorney General for approval.

## **VI. VILLAGE OF SLOATSBURG PARCEL**

A number of commenters questioned whether a new residential lot was being proposed in the Village of Sloatsburg, and, if so, why it was not disclosed in the DSEIS. In acquiring land within Sloatsburg, the Related Companies (the related affiliate of the Project

Sponsor) entered into a contract with one of the sellers such that her compensation is to be realized through the creation and transfer of a lot to her or, she is to be given a payment in lieu of the land. The land on which the lot would be located is outside and unrelated to the Final Proposed Modifications. That land is part of the overall Tuxedo Reserve Project only in the sense that the access road and certain drainage basins for the Project are located on that property. However, any future subdivision or other development of that parcel (including potential creation of the interested party's lot) would not be governed by the Town of Tuxedo or Tuxedo Reserve's special permit. There is the potential for the lot's creation whether or not the Final Proposed Modifications are approved.

The subdivision of the land for that lot would have to be approved by the Village of Sloatsburg entirely independent of the Tuxedo Reserve Project. The Village of Sloatsburg will be required to conduct an environmental review of that proposed subdivision per SEQRA. The Village of Sloatsburg will also be required to take into account the Project and the environmental impacts of Tuxedo Reserve when making its determination of significance regarding the subdivision. As the one lot in Sloatsburg is entirely independent from and unrelated to Tuxedo Reserve, there is no impermissible segmentation. Further, this lot will not require Tuxedo Reserve access, utilities, or infrastructure to comply with Sloatsburg Village zoning code. Therefore, this potential single-family lot was not included in the environmental analysis of the Final Proposed Modifications. Notwithstanding the above, impacts associated with the creation of this one lot to be used for a single family dwelling is deemed insignificant.

In the event the lot is created and transferred, the Applicant shall be required to pursue a minor amendment to the Special Permit to remove the lot from the Tuxedo Reserve project acreage. In the event the lot is not transferred, it shall remain within Tuxedo Reserve and used for open space only.

## **VII. PROBABLE IMPACTS OF THE PROJECT**

The Town Board has considered potential environmental impacts resulting from the Final Proposed Modifications. In doing so, the Town Board has taken into account the 2009 Technical Memorandum, the DSEIS, the public and agency comments on the DSEIS, the supplemental analyses included in the FSEIS and its appendices, the responses to comments contained in the FSEIS, and additional comments submitted to the Town after the public comment period on the DSEIS was closed. As discussed below, the Final Proposed Modifications to the 2004 Special Permit and the 2004 Preliminary Plan and the conditions to be imposed on the Final Proposed Modifications, the proposed amendment to Local Law #4A of 1999, and the proposed rezoning of lands from R-1 to R-2 and from R-2 to R-1, Project, will not result in any significant adverse environmental impacts beyond those previously identified and analyzed in the 2003 FEIS. In multiple areas of environmental concern, the impacts will be either substantially the same or less than those presented in the 2003 FEIS and in some instances also less than as set forth in the DSEIS. In no instance, will any of the elements of the Proposed Action generate any new significant adverse environmental impacts. The Town Board has also considered the additional conditions on the Final Proposed Modifications and has determined that none

of these additional conditions would result in any significant adverse environmental impacts.

#### A. LAND USE, ZONING AND PUBLIC POLICY

The Proposed Action will not have a significant adverse impact on land use, zoning and public policy. The Proposed Modifications do not change the proposed uses for the Project. Rather, the principal change is physical relocation of existing uses and an increase in the amount of permitted non-residential development. Overall, just as was concluded in the 2004 Findings Statement, the Project with the Proposed Action 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.

The 2009 Technical Memorandum analyzed whether the Proposed Modifications were consistent with the Town's Draft Plan Update and concluded that the Project was consistent with the Recommendations of the Draft Plan Update. Additional analyses confirm that the Final Proposed Modifications maintain that consistency and that all of the elements of the Proposed Action are consistent with the Town's Draft Plan Update and the Town's land use, zoning, and public policy

The Final Proposed Modifications would not substantially alter the residential land uses approved in the 2004 Preliminary Plan. The principal change is the proposed relocation of residential development within the Project, including removal of development proximate to certain vernal pools and environmentally sensitive land and relocation of such development to less environmentally sensitive areas. In addition, the active adult housing would be integrated into neighborhoods in and around the Commons and be built in Phase 1 of the Project. As discussed in detail in the DSEIS and the FSEIS, no new potential significant adverse environmental impacts, including natural resource impacts, would arise from these proposed changes. The Final Proposed Modifications would not create additional lots or bedrooms beyond those authorized in the 2004 Special Permit.

The Final Proposed Modifications differ from the Proposed Modifications analyzed in the DSEIS in that, in response to public comment and concerns articulated by Town Board members, significantly less development is now proposed in the vicinity of Mountain Lake. The DSEIS concluded that the larger development initially proposed in the vicinity of Mountain Lake would not have the potential to generate significant adverse land use, zoning, and public policy impacts. That conclusion is reaffirmed given the substantial reductions in the proposed development in that general area. For these reasons, relocation of a portion of the Project's residential development would not generate any new significant adverse land use, zoning or public policy impacts.

The Final Proposed Modifications would result in minor adjustments to the R-1 and R-2 Zoning District boundaries. The Final Proposed Modifications would increase the total acreage of the R-1 Zoning District on the Project Site from 1264.36 acres in the Project Approvals to 1277 acres, which is a 9.39-acre increase from what was evaluated in the 2009 DSEIS. Thus, with the Final Proposed Modifications the Project's open space

would increase in size by approximately 9.39 acres. The Final Proposed Modifications would preserve as open space some areas that would have been developed pursuant to the 2004 Preliminary Plan and would develop some areas that were designated as open space in the 2004 Preliminary Plan. Because the lands that would switch from developed area to open space are more environmentally sensitive than the lands that would switch from open space to developed area, the quality of the Project's open space would improve under Final Proposed Modifications. In addition, the Proposed Modifications would increase the amount and percentage of open space on the site from the Future without the Proposed Modifications.

Since the Final Proposed Modifications would not increase the residential density of the Project, and would result in both an increase in the quantity and quality of open space, the residential and open space modifications would not generate any new significant adverse land use, zoning or public policy impacts.

The Final Proposed Modifications would increase the amount of non-residential space from that which was authorized in the 2004 Special Permit. Specifically, the Proposed Modifications would increase the amount of neighborhood retail and commercial, recreational, and community amenity uses to 103,000 square feet (larger retail, larger private community club, larger welcome center, new neighborhood amenity buildings, and library) from 70,000 square feet (private community club, day care, business center, Active Adult recreation, pool club, and welcome center). Included within the foregoing is an increase in the amount of neighborhood commercial within the Commons to 30,000 square feet (deli, bank, café, restaurant, pick-up/drop-off dry cleaner, boutique shop, and professional offices) from 3,000 square feet (gourmet deli). Also included is the 3,000 square foot market stand that would be located in the Village of Sloatsburg.

The increase of neighborhood commercial would further the Project goal of creating a walkable neighborhood center. In addition, it would benefit the Town of Tuxedo through the provision of new and viable retail tax ratables.

The development program analyzed in the 2003 FEIS included 3,000 square feet of retail. The Proposed Modifications would introduce 30,000 square feet of retail in the Commons. This additional retail is not expected to adversely affect existing businesses in the Town of Tuxedo hamlet. A retail market analysis conducted for the Applicant by Gibbs Planning Group (October, 2007) finds that the retail trade areas for Tuxedo Reserve and the greater Tuxedo Park area are currently underserved by existing retail. According to that study, the Tuxedo Reserve trade area is capturing only 22 percent of the potential retail demand from households living in the trade area. The larger Tuxedo Park trade area is capturing only 24 percent of potential retail demand from trade area households. The study concludes that the primary trade area for Tuxedo Park could currently support an additional 86,300 square feet of retail, and that the Project could support up to 54,700 square feet of retail and restaurant development at 50 percent build out. Therefore, the 30,000 square feet of retail and restaurant space to be constructed during Phases 1 and 2 of the Project would not have the potential to generate any new significant adverse impact on existing retailers or non-residential land uses in Tuxedo.

Rather, the additional commercial development will enhance the Town's property tax base.

In addition, the increased retail and other non-residential uses will make the Commons a viable center for the Project which is important to the functioning and marketability of Tuxedo Reserve's active adult units. Active adults need and want to be in and around a community center that is both walkable and within walking distance. The additional retail and non-residential development in the Commons will further enhance the viability of the active adult component of the Project.

The increase in retail and non-residential development is not contrary to the public policy expressed in the Town's Draft Plan Update concerning the future of the Tuxedo hamlet. The Hamlet Revitalization Program will continue and be targeted toward enhancing the Hamlet's place as the Town's civic and cultural center. The scale and type of retail use in the Commons will be convenience retail for the residents of Tuxedo Reserve and businesses serving the Town as a whole will continue to be located in the Hamlet.

The proposed increase in non-residential development in the Commons will not generate any new significant adverse land use, zoning or public policy impacts.

The detention/recharge basin along Quail Road in the Village of Sloatsburg which had previously been analyzed as an alternative design in the 2009 Technical Memorandum is now the preferred design. The proposed detention/recharge basin would be located between Quail Road and federal wetlands, as shown in Figures 1-4 and 1-5 in Chapter 1, "Description of the FSEIS."

The detention/recharge basin would be located in a previously disturbed area, the majority of which is open meadow with some areas of second growth trees. As analyzed in the 2009 Technical Memorandum and in the DSEIS, the detention/recharge basin would comply with all applicable land use and zoning regulations, as such, no significant adverse land use or zoning impacts are anticipated.

The Town will not issue a building permit until either a plan for the construction of a replacement sewage treatment plant for the Hamlet Plant has been approved by the NYSDEC, or approval to hook up to the new Western Ramapo Wastewater Treatment Plant has been issued. The Town also will not issue a certificate of occupancy until either the replacement sewage treatment plan is constructed or the Project is connected to the new Western Ramapo Wastewater Treatment Plant. By imposing such conditions and because all improvements associated with construction or connection would be the sole responsibility of the Applicant, the wastewater treatment plant would not have the potential to generate any new significant adverse impacts to land use, zoning, or public policy.

The proposed donations of the 3,500 square foot Greeting Center and the 3,000 square foot portion of the maintenance facility, as well as the allowed use of the community space in the Commons for special public meetings, are consistent with the Town's Draft

Plan Update. At pages 57 - 59, the Draft Plan Update notes that the Town lacks sufficient space in Town Hall for offices and other Town activities, and lacks adequate Highway Department facilities. The proposed donations and use of the community space in the Commons would help alleviate these deficiencies, bring facilities close to a population center, and are consistent with the public policy of the Town.

The proposed donation of the land along the Ramapo River is consistent with the Draft Plan Update which calls for the acquisition by the Town of land along the Ramapo to enhance connectivity of lands along the river to facilitate passive recreational use and open space preservation. See pages 54 and 57 of the Draft Plan Update. Significant portions of the lands to be donated are within the Ramapo River floodplain and are suitable for passive recreational use and open space preservation consistent with the Draft Plan Update. The donation of the land will further the goal articulated in the Draft Plan Update of providing connectivity and continuity of open space along the Ramapo River.

The donation of the one acre of land within Phase 2 is consistent with the Town's Draft Plan Update which calls for land acquisition for open space.

No significant adverse impacts to land use, zoning, or public policy would result from any of the proposed donations of land or facilities.

The ability of the Applicant to convert cottage to village, manor to estate, and multi-family to townhouse would not increase the number of units or lots, nor would it increase the number of allowed bedrooms. This conversion flexibility would not generate any additional school children in the single family homes because the unit types that can be converted from one to another each have the same student generation rates. No significant additional student generation would result from potential conversion to townhouses from multi-family units because the student generation rate differential is very small. Because the bedroom counts would be unchanged, there would not be any increase in projected population for the Project. Rather, this conversion flexibility would enable the Applicant to construct homes that would be physically larger and therefore of greater fair market and assessed value. The principal benefit would be to enhance real property tax generation which is consistent with the Town's public policy. The limitations on bulk and mass imposed by the Smart Code, as well as the Design Standards, would assure that the bulk, mass and design of each unit and lot are appropriate for the Project. No significant adverse impacts to land use, zoning, or public policy would result from these proposed new flexibility provisions.

Since the Hamlet Revitalization Program was established certain changes have occurred in the Town, as noted in the Draft Plan Update. Notably, the Palisades Interstate Park Commission purchased Sterling Forge and thereby eliminated a significant number of people from the Town of Tuxedo who would have been essential to supporting expanded large, commercial development in the Hamlet (refer to pg 5 of the Draft Plan Update). The Town Board, in the Draft Plan Update calls for a reevaluation of the Hamlet's function in the overall Tuxedo community in light of the proposed inclusion in Tuxedo Reserve of additional nonresidential development. The Town Board has also undertaken

a reconsideration of the proper role of the Hamlet Revitalization Fund in light of comments received from the public about the future of the Hamlet. The Town Board notes that due to permanent preservation as open space of multiple properties in the Town that were previously anticipated to be developed, the Town will have a smaller population than previously projected and will not have the population to support significant additional or large commercial development in the Tuxedo hamlet. Rather, as anticipated in the Draft Plan Update, the function of the Hamlet in the future will be to knit together the Town culturally and civically. (Refer to Draft Plan Update page 5 and 10).

Due to the acquisition of lands within the Town for preservation and public use (e.g. Sterling Forge by PIPC) and the changed market conditions in the Tuxedo hamlet noted in the Draft Plan Update, there is a decreased need for revolving loan fund distributions in large, single loan amounts. The Town Board notes that no large loan requests for projects have been proposed since the Tuxedo Special Permit was first approved and the Hamlet Revitalization Fund created. The decrease in the projected population of the Town and the decrease in the amount of additional square footage of retail space that could be supported in the Town confirm that there is not the same need for large scale development projects in the hamlet as was anticipated when Tuxedo Reserve was first approved. (See page 5 of the Draft Plan Update). Rather, the public policy of the Town is to maintain the Hamlet's existing commercial uses and enhance their viability through multiple small scale projects.

No significant adverse impacts to land use, zoning, or public policy would result from these proposed Hamlet Revitalization Program.

The potential subdivision of land in the Village of Sloatsburg to create one new single-family building lot is not part of the Final Proposed Modifications. The lot potentially would be carved out of the parcel of land within the Village of Sloatsburg over which the private access road leading into Tuxedo Reserve is located. That land is part of the overall Tuxedo Reserve Project only in the sense that the access road and a proposed drainage basin for the Project are located on that property. However, any future subdivision or other development of that parcel is not governed by the Town of Tuxedo or the 2010 Special Permit or 2010 Preliminary Plan. Those matters, including any environmental review (which would have to take into account Tuxedo Reserve), would be undertaken by the Village of Sloatsburg.

The potential single-family home that could be constructed on the lot is an as-of-right use in the Village's R-40 zoning district. This lot would not require Tuxedo Reserve access, utilities, or infrastructure to comply with the Sloatsburg Village zoning code. The lot would be designed to comply with all applicable zoning and subdivision regulations of the Village of Sloatsburg, and as an as-of-right use, it would not result in any significant adverse impacts to land use, zoning, or public policy.

The Final Proposed Modifications would reduce the minimum number of required single family dwellings to 764 (including 59 age-restricted) units and increase the maximum

number of multi-family units to 431 (including 138 age-restricted) units. Since the PID Law expressly capped the number of permitted dwelling units in Tuxedo Reserve at no greater than 1,195 single family units (plus 180 senior housing units), with the proviso that a minimum of 866 units be single family detached or semi-detached, the Proposed Modifications require an amendment to Local Law 4A-1999. The proposed mix of units is not anticipated to generate any significant adverse impacts; therefore no significant adverse impacts are anticipated from the amendment of Local Law 4A-1999.

The Final Proposed Modifications would not substantially alter the land use pattern of the Project Site from the conditions that would be implemented as part of the Future without the Proposed Modifications, which were determined in the FEIS to not have a significant adverse impact. The Final Proposed Modifications would increase the quantity and quality of open space and would preserve more environmentally sensitive lands while developing other lands that are comparatively more appropriate for development. The 2003 FEIS determined that Tuxedo Reserve would not have a significant adverse impact on land use, comprehensive planning and zoning. Since the Final Proposed Modifications do not include any substantial changes to the overall land use of the Project Site, and the Proposed Modifications would be compatible with nearby land uses, consistent with state and regional plans that focus on open space, and in conformity with all the objectives and requirements of the PID Law applicable to the Project, the Final Proposed Modifications would not have the potential to generate any new significant adverse public policy impacts and would be consistent with objectives of the Town's zoning. For these and the other reasons stated above, the Final Proposed Modifications would not generate any new significant adverse impacts to land use, zoning, or public policy. Accordingly, no mitigation measures are necessary.

## B. ECONOMIC AND FISCAL ANALYSIS

The Final Proposed Modifications are not anticipated to substantively alter the conclusions of the economic and fiscal impact analysis presented in the 2003 FEIS. As summarized in Table D-1 of Appendix D to the FSEIS, the Project with the Final Proposed Modifications would be tax positive for all phases, both assuming that a new high school would be built and assuming that it would not be built. The Final Proposed Modifications themselves do not propose changes to the Project that would cause a substantial increase in the number of school children that would be generated by the Project. However, since the 2003 FEIS was prepared, there have been changes in external circumstances and market conditions (e.g., property assessment rates, project unit sale prices, Town budget line items, and the Town's future need for a new school) which do affect the project's potential fiscal impact on the Town budget and Tuxedo Union Free School District. These changes are analyzed in detail in Appendix D of the FSEIS using the same methodologies outlined in the 2003 FEIS. When taking into account these changed circumstances, the Final Proposed Modifications would not have the potential to generate any new significant adverse fiscal impact not already identified in the 2003 FEIS or the 2004 Findings Statement.

The Applicant initially analyzed the potential economic and fiscal impacts of the changes to the 2004 Special Permit and Preliminary Plan in Chapter 3 of the DSEIS. In response, to public comment about the need for the Town to obtain an independent analysis of these issues, the Town Board retained independent consultants to review and evaluate the Applicant's economic and fiscal analyses. Chapter 3, "Economic and Fiscal Analysis," of the DSEIS has been supplemented and is included in its entirety in Appendix D of this FSEIS.

The DSEIS economic and fiscal analyses were based on development assumptions and value estimates as established by the Applicant and as analyzed by a nationally recognized real estate valuation consulting firm, Robert Charles Lesser & Co. ("RCLC"). Given the economic changes experienced in the local and national real estate markets in 2008 and 2009 the Town Board determined that it was appropriate that the FSEIS include updated market analyses. Chapter 3 of the FSEIS provides the revised analyses, and Table 3-1 below shows the differences between the market values used in the DSEIS and the FSEIS. In addition, the Town Board retained Real Estate Solutions Group, LLC, ("RESGroup") to review the fair market value projections that the Applicant included in the FSEIS. RESGroup has determined the fair market value projections by the Applicant and its consultant to be reasonable.

Not only do the economic and fiscal analyses presented in the DSEIS and the FSEIS follow the methodologies for fiscal analyses approved by the Town Board in the 2003 FEIS, the fiscal analysis in the FSEIS has been reviewed and scrutinized by special consultants retained by the Town, the Town's consultant team, Town Board Members, and the public. In the preparation of the fiscal analyses, the Applicant's consultants discussed the overall approach and key variables (such as assessment data, tax rates, budget line items) with Town officials to obtain their input and guidance concerning the acceptable methods of updating the fiscal analysis.

The economic and fiscal analysis set forth in Appendix D of the FSEIS analyzes the potential fiscal impacts of the Final Proposed Modifications on the Town and the Tuxedo Union Free School District ("TUFSD"). The analysis projects future tax revenues and expected costs associated with the Project with the Final Proposed Modifications. Part of the analysis included a reanalysis of the student generation of the Project in order to accurately project costs on the TUFSD using the methodology applied by Bay Area Economics in the 2003 FEIS.

The updated economic and fiscal analysis in Appendix D in the FSEIS concludes that based on the analysis methodologies used in the 2003 FEIS, the Project with the Final Proposed Modifications would have a substantial positive fiscal impact on both the Tuxedo Union Free School District and the Town budget during all three development phases. As presented in Table D-25 of FSEIS Appendix D, the TUFSD is estimated to experience an estimated annual surplus of \$942,441 in Phase 1, \$873,510 in Phase 2, and \$784,852 in Phase 3. Including capital expenditures for a new track and field and a new high school, the estimated annual surplus would be approximately \$972,021 in Phase 1, \$903,090 in Phase 2 and \$814,432 in Phase 3. Unlike the future without the Final

Proposed Modifications, which shows a net fiscal deficit for the TUFSD during Phase 1, with the Final Proposed Modifications there is a projected fiscal surplus during all phases of development, albeit a smaller surplus in Phases 2 and 3.

Town fund categories and special districts that would be affected by the project with Final Proposed Modifications would experience an estimated net fiscal surplus including the PILOT of \$384,274 during Phase 1, \$675,365 during Phase 2, and approximately \$1.55 million during Phase 3.

There is potential for the Project to be even more tax positive. The Applicant would be permitted to convert any cottage lot to a village lot, any manor lot to an estate lot, and any multi-family unit to a townhouse unit of the same bedroom count. In each instance, the number of allowed bedrooms would not change and the school children generation rates would remain the same for the single family homes. A three bedroom townhouse would generate 0.343 school children and a 3 bedroom condominium would generate 0.332 school children. A two bedroom townhouse would generate 0.074 school children and a 2 bedroom condominium would generate 0.064 school children. These differentials in school child generation are insignificant. However, because the village units can be larger than cottage, estate units can be larger than manors, and townhouse units larger than multi-family, the substitute units would typically be larger, have a higher assessed and fair market value, and generate greater real property tax revenues. Nothing herein shall be construed to allow a larger (e.g., estate) home on a smaller (e.g., manor) lot.

The detention/recharge basin along Quail Road in the Village of Sloatsburg which had previously been analyzed as an alternative design in the 2009 Technical Memorandum is now the preferred design. Since the installation of all stormwater management facilities are the responsibility of the Applicant, this Project change would have no effect on the economic or fiscal impacts of the Project.

As previously discussed, the Town will not issue a building permit until either a plan for the construction of a replacement sewage treatment plant for the Hamlet Plant has been approved by the NYSDEC, or approval to hook up to the new Western Ramapo Wastewater Treatment Plant has been issued; and that the Town will not issue a certificate of occupancy until either the replacement sewage treatment plan is constructed or the Project is connected to the new Western Ramapo Wastewater Treatment Plant. All improvements associated with construction or connection would be the sole responsibility of the Applicant, and would not have the potential to generate any new significant adverse economic or fiscal impacts.

The donations of lands and facilities to the Town would decrease real property tax revenues by a very small amount. The lands in question are all unimproved and the amount of real property tax revenues generated is very small. The offsetting benefit to the Town not having to purchase these properties at fair market value far outweighs any loss in real property tax revenues. The value of the unimproved and unapproved lands, as per Town tax assessor data, to be donated to the Town is approximately \$10,000 per acre for a total value to the Town of approximately \$459,000 for the 44.9 acres of land along the Ramapo and the 1 acre of land in Phase 2.

The value to the Town of the proposed donation of the 3,500 square foot Greeting Center would be approximately 1.09 million dollars. The net present value to the Town from the Town's 30 year lease of the 3,000 square foot maintenance facility would be approximately \$450,000.

The reduction in the Town's street maintenance responsibilities would be a significant economic benefit to the Town. The net present value to the Town of the reduction in street maintenance responsibilities is approximately 1.82 million dollars considering only maintenance costs during the Project's build-out of 12 years. The actual savings would be larger as the savings are permanent.

The as-of-right building lot in the Village of Sloatsburg would be required to pay any applicable fees associated with the creation of that lot to the Village of Sloatsburg, and would undergo its own environmental review. As the building lot has the potential to introduce one new single-family dwelling only, no significant adverse economic or fiscal impacts are anticipated.

For the foregoing reasons, the Proposed Action would not have the potential to generate any new significant adverse fiscal impacts. Therefore, no mitigation measures are necessary.

### C. NATURAL RESOURCES

Since 2004, the Applicant has continued to refine and expand the detail in the natural resource and ecological assessments of the Project Site. These surveys are summarized in Response 5-1 in the FSEIS Comments and Responses.

The analysis of the potential natural resource impacts in the DSEIS focused primarily on the proposed new areas of disturbance including the one in the vicinity of Mountain Lake, and portions of Phases 2 and 3. The Natural Resources Assessment Update, prepared by EcolSciences, Inc. is set forth in Appendix D to the DSEIS. Although the DSEIS concluded that the original configuration of the proposed development in the vicinity of Mountain Lake would not have the potential to generate any new significant adverse impacts on natural resources not previously identified and analyzed in the Final Environmental Impact Statement (FEIS), the development proposal was the object of significant public and Town comment.

Ultimately, at the direction of the Town Board and in response to public comment and the input from the Town's consultants, the Town Board directed the Applicant to significantly condense the proposed new development in the vicinity of Mountain Lake to allow for the greater preservation of contiguous open space and habitat corridors. Units from the Mountain Lake Neighborhood would be relocated to the Winding Hill neighborhood, an upland area previously proposed for development. In addition, as further discussed below, potential impacts to wetland areas would be reduced. For the reasons identified herein, no significant adverse impacts to natural resources are

anticipated from the Final Proposed Modifications or the other elements of the Proposed Action.

The Final Proposed Modifications would improve habitat connectivity from what was analyzed in the DSEIS. The disturbance to the potential wildlife corridors that cross through the central portion of the site, between the NYSDEC/USACE wetland WQ/WH, Bog Meadow (wetland ML-C) and Mountain Lake and its associated wetland (ML), has been minimized. The Final Proposed Modifications reduce disturbance within the Primary Habitat Corridor that runs from the center of the project site northwest and off the parcel and reduces disturbance to the local migration pattern that runs from Wetlands WH/WQ through Wetland ML-C and north toward the parcel boundary. It also reduces development between Mountain Lake, Wetland ML-A and Bog Meadow. This revision reduces impacts to potential habitat corridors allowing passage between Wetland WQ/WH and Wetland ML-C by removing approximately 20 units and two roadways. The Final Proposed Modifications also eliminates the northern most cul-de-sac of the Mountain Lake portion of the development thereby reducing by 10 the number of lots between Wetlands ML, ML-A and ML-C and providing a much more direct route for wildlife between these surface water resources.

As the reduction in development area under the Final Proposed Modifications opens the upland and stream corridors between wetlands in the Mountain Lake area, many wildlife species would likely focus their activity and movement along these water features as they travel across the parcel. By removing development along the south side of the stream channel and surrounding uplands, wildlife can cross through the site following a corridor that does not include steep slopes. This is further enhanced by the removal of the roadway formerly proposed west of the Mountain Lake wetlands, consolidating the development activity in the vicinity of Mountain Lake provides more opportunity for both large terrestrial species and smaller semi-aquatic species to traverse the site following the stream corridors and less steep terrain.

The Final Proposed Modifications would also minimize the impacts to core forest habitat located south of Mountain Lake and, therefore, reduce potential impacts to wildlife. The preservation of core forest habitat and other onsite habitats is possible because the Final Proposed Modifications would cluster all of the remaining units and roadways into a small, compact area, minimizing disturbance to the forest community. The reduced size and extent of development creates a much smaller opening in the forest canopy and thereby would have less impact on wildlife species dependent on core forest habitats. The Final Proposed Modifications also reduces the amount of potential edge habitat by clustering the development and removing linear roadways that could have increased edge habitat into the forest interior. This reduction in the creation of disturbed edge habitat reduces the potential for the introduction of invasive species.

The Final Proposed Modifications will reduce disturbance to NYSDEC 100-foot wetland buffer areas from 3.13 acres to 2.86 acres. Impacts to ACOE regulated wetlands have been reduced from 1.75 acres to 0.67 acres. The reduction in wetland impacts would occur within Phase 1, and are primarily due to the clustering of the Mountain Lake

Neighborhood area. Table 2-3 of the FSEIS presents the anticipated wetland and wetland buffer disturbances within Phase 1 of the development. There are no changes proposed to disturbances within Phases 2 and 3.

The reduced development area within the Mountain Lake Neighborhood would minimize potential impacts to the upland area between Wetland ML-C (vernal pool/bog meadow) and the north end of Wetlands WQ and WH. The Final Proposed Modifications eliminates two road crossings (Tucseto and Clear Water Trails) of the watercourse that flows between these two surface water resources and leaves intact the majority of the area directly between the ML-C and the other two wetlands. It also eliminates the need for the two proposed habitat crossings in association with the two road crossings of this watercourse, a beneficial impact. Refer to Figure 5-7, "Habitat Road Crossings" in the 2009 DSEIS. The Final Proposed Modifications would also reduce the number of lots within the 50-foot buffer of this watercourse. To protect the watercourse, those lots which fall within the buffer area will carry a deed restriction to limit disturbance, thus protecting the buffer. No residences would be constructed within the buffer area.

As further discussed in the Hydrology and Stormwater Management section below, the Final Proposed Modifications would also reduce disturbance to the Tuxedo Lake and Mountain Lake watersheds, and therefore reduce the potential to impact water quality in both lakes. Notwithstanding this reduction, in response to public comment and as further discussed in the Hydrology and Stormwater Management section below, the Final Proposed Modifications also include a mandatory water quality testing program for both Tuxedo Lake and Mountain Lake.

During the public comment period on the DSEIS, a copperhead den was identified on the Project Site. The Final Proposed Modifications maintain a reasonable distance between the copperhead den and closest residential parcel. The presence of this copperhead den requires certain measures, described below, to protect the den and the species. The den is located within a portion of the Southern Tract that the Project had designated as permanently protected open space and which the Final Proposed Modifications would continue to protect as such. The Final Proposed Modifications would increase the distance between this den and the nearest residence by at least 150 feet, from approximately 350 feet under the 2004 Preliminary Plan, to greater than 500 feet. The Final Proposed Modifications would not result in any encroachments closer to the copperhead den than previously proposed. Additionally, the Final Proposed Modifications would not encroach on such critical copperhead habitat features as sunny/exposed rock outcrops essential for post-emergence basking or gestation.

The following measures have been proposed by the Applicant as part of the Final Proposed Modifications and shall be undertaken to prevent disturbances to the den and nearby potential copperhead basking areas: (1) construction of the water tower will be scheduled during times that would not interfere with copperhead basking or migration; (2) fencing and barriers will be erected in a manner to direct snakes away from the water tower site and from residential development; and 3) additional wildlife tunnels shall be evaluated during subdivision and site plan review and installed under proposed roadways

to assure that sufficient migration pathways are maintained between the den and nearby wetlands. The Project design already incorporates sustainability and best management practices to minimize impacts to wildlife including wildlife tunnels under the existing roadways.

In addition, the Applicant proposed and shall be required to install bat boxes to attract bats away from development areas and encourage nesting in forest areas including forest areas in the vicinity of Mountain Lake. The details for such bat boxes are set forth in Chapter 5 of the DSEIS.

The relocation of lots from the Mountain Lake Neighborhood to the Winding Hill Neighborhood would not result in any new impacts to natural resources in the vicinity of Winding Hill. Since this area was previously proposed for development, and the relocated units are predominantly infill units, no new loss of undisturbed upland habitat is proposed. In fact, the addition of these units to Winding Hill allows for greater preservation of contiguous habitat areas elsewhere on the site, such as in the vicinity of Mountain Lake. Furthermore, no new wetland or wetland buffer disturbance is proposed as part of the re-designed Winding Hill Neighborhood. Therefore, no significant adverse impacts to natural resources are anticipated to result from relocating units to the Winding Hill Neighborhood.

The elimination of the flag lots would increase the proposed area of disturbance, as well as impervious surface area, where cul-de-sacs and hammerheads would be extended in lieu of longer driveways to accommodate flag lots. However, the areas in which these roads would be extended had previously been proposed for development. No new wetland or wetland buffer impacts are anticipated to result from the elimination of flag lots. Therefore, no significant adverse impacts to natural resources are anticipated.

None of the donations of land or facilities have the potential to generate any significant natural resource impacts. The donation of the Greeting Center and the lease of the maintenance building will not generate any new or different natural resource impacts. No uses are proposed for any of the vacant land to be donated to the Town, including the land along the Ramapo and the parcel within the Project in Phase 2.

As discussed above, the Final Proposed Modifications identify as the preferred alternative the construction of a detention/recharge basin on Tuxedo Reserve property within the Village of Sloatsburg in lieu of direct discharge as proposed in the DSEIS. The proposed basin location is situated between Quail Road and the federal wetlands. Soil conditions at this location include deep sands and gravels, making it a suitable location for recharging the aquifer. The basin location is outside of any federal or state wetland area, and is in a previously disturbed area, the majority of which is open meadow with some areas of second growth trees. Therefore, as analyzed in the 2009 Technical Memorandum, no significant adverse impacts to natural resources are anticipated.

As previously discussed, the Town will not issue a building permit until either a plan for the construction of a replacement sewage treatment plant for the Hamlet Plant has been approved by the NYSDEC, or approval to hook up to the new Western Ramapo Wastewater Treatment Plant has been issued; and the Town will not issue a certificate of occupancy until either the replacement sewage treatment plant is constructed or the Project is connected to the new Western Ramapo Wastewater Treatment Plant. All improvements associated with construction or connection would be the sole responsibility of the Applicant, and would have to be approved by NYSDEC. The treatment of wastewater pursuant to NYSDEC regulations would prevent any significant adverse impacts to natural resources.

The potential subdivision of one lot in the Village of Sloatsburg is not part of the Tuxedo Reserve Project. Regardless, it is noted that the lot is located in an area characterized by second growth field and forest communities, habitats common to the Sloatsburg portion of the site. Potential impacts to natural resources would be evaluated by the Village of Sloatsburg during subdivision review. Given the de minimus nature of this minor subdivision, no significant adverse impacts to natural resources are anticipated.

#### D. HYDROLOGY AND STORMWATER MANAGEMENT

The Final Proposed Modifications would reduce impervious surfaces, resulting in increased area for infiltration and groundwater recharge and reduced area needed for stormwater treatment practices. The total impervious area on the Southern Tract has been reduced by 2.24-acres from what was analyzed in the DSEIS. This includes a 0.8-acre reduction in impervious surface within the 74-acre Mountain Lake watershed. As such, a total of 0.5-acres of impervious surface would be located in the Mountain Lake watershed, or 0.9% of the total watershed area.

The only proposed development within the Mountain Lake watershed area is the passive recreation area to be located near the Lower Mountain Lake loop road. This area may include parkland and a community building. To the extent that there could be a potential impact, the Final Proposed Modifications would lessen the potential to impact the lake's water quality, a beneficial change. To the extent that there is potential for adverse impact, the Final Proposed Modifications also reduce the amount of development in proximity to the subsurface bedrock fractures near Mountain Lake, which is a beneficial impact.

The Final Proposed Modifications would have no effect on the proposed disturbance to the Tuxedo Lake watershed. As discussed in the DSEIS, approximately 30 acres of the Tuxedo Reserve Project Site is located within the approximately 2,500 acre Tuxedo Lake watershed. The proposed development would introduce approximately 12.5 acres of disturbance, and 2.9 acres (or a 0.1% increase) of impervious surface to that area. However, most of the stormwater generated from the new development in that area would be caught and diverted from Tuxedo Lake utilizing the stormwater management practices mandated in the Project's Performance Standards. The only stormwater that will drain into Tuxedo Lake will emanate from the rear yards of several of the home sites within the

Tuxedo Lake watershed. These amounts would not have any significant adverse impact on Tuxedo Lake's water quality.

Notwithstanding the reductions in the amount of disturbance and impervious surface areas in the Mountain Lake watershed and notwithstanding the very small amount of drainage into Tuxedo Lake, in response to public comment the Applicant included in the Performance Standards for the Project mandatory water quality testing. As detailed more fully in the Performance Standards, water quality testing must occur following any storm greater than 1.25 inches. During all phases samples would be taken from the existing stream on the Sloatsburg parcel before it enters the culvert in Route 17. Once there is any construction occurring within 1,000 feet of the nearest edge of Mountain Lake, then samples shall be taken from the existing swale near the proposed recreation facility. Once there is any construction within the Tuxedo Lake watershed, then samples shall be taken from the outlets of sediment traps at the locations of Pocket Pond 5a (for pre-construction test) and Dry Swale 5b. Required testing would occur before, during, and after construction.

In addition, prior to the first site disturbance and as required by the Project's Performance Standards, the Applicant must submit an Environmental Compliance Document to the Town Engineer for review and approval. The Environmental Compliance Document must require compliance with the Project's NYSDEC approved Stormwater Pollution Prevention Plans.

The proposed detention/recharge basin along Quail Road in the Village of Sloatsburg would be designed to meet or exceed all state and local requirements for stormwater detention. In addition, a diversion structure would be incorporated into the Quail Road bridge design at Station 58+00. The diversion structure would have no effect on stream flows during normal low-flow conditions. During large storm events, however, a portion of the streamflow would be directed into a bypass pipe that would parallel Quail Road and discharge to the detention/recharge basin. The basin would provide significant storage and attenuation of the flow, thereby reducing peak discharge rates from the overall site to levels below pre-development rates. The stormwater basin will be designed to meet or exceed NYSDEC standards.

All improvements associated with construction of a new replacement sewage treatment plant or connection to the Western Ramapo Sewage Treatment Plant would be the sole responsibility of the Applicant, and would have to be approved by NYSDEC. The construction of a new sewage treatment plant or connection to the Western Ramapo Wastewater Treatment Plant would be done in accordance with all applicable NYSDEC stormwater regulations. Therefore, no significant adverse impacts to hydrology or stormwater management are anticipated.

As previously discussed on page 2-1, the potential subdivision of one lot in the Village of Sloatsburg is not part of the Tuxedo Reserve Project. The lot would be designed to comply with all applicable subdivision regulations of the Village of Sloatsburg. The stormwater management for any development in Sloatsburg would be independent of the

Tuxedo Reserve Project. Potential impacts relating to hydrology and stormwater management would be handled as part of the environmental review conducted by the Village of Sloatsburg.

None of the land or facility donations involve a change in the use of land and therefore no impacts to hydrology or stormwater management are anticipated.

#### E. ARCHAEOLOGICAL RESOURCES

The Final Proposed Modifications would not generate any significant adverse impacts to archaeological or historic resources. A number of commenters raised questions regarding potential historical and archaeological resources on the property—specifically, the presence of Native American remains and the location of the Continental Road. In response to these comments, the Project Site was re-evaluated for impacts to these potential resources.

The Project Site was inspected by a licensed archaeologist to ascertain whether Native American remains had been present and disturbed on the Project Site, as was claimed at the DSEIS public hearing. All new soil cuts in and around the areas where access roads and test wells (previously approved) had been drilled were inspected for archaeological material. No artifacts or remains were observed.

Commenters on the DSEIS also speculated that an alleged “corduroy road” found on the Project Site was a portion of the Continental Road constructed for use by George Washington’s Continental Army. To determine the historic context of this road, two sections of one of the logs that form the “corduroy road” were sent for dendrochronological analysis to the Tree-Ring Laboratory at Cornell University. While an exact date of the sample could not be determined, the analysis found that the excellent preservation of the log indicates that it is probably a more recent construction, and is unlikely to be the remnants of the Continental Road or a 19th century bridal path, as has also been speculated. The results of the analysis were sent to the State Historic Preservation Office (SHPO) which concurred that the corduroy road is not part of the Continental Road and is of more recent construction.

The Final Proposed Modifications are generally within the same Area of Potential Effect (APE) studied by Historical Perspectives and approved by New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). The previous study included the proposed road to the water tank, but it did not include the areas to the east and west of the road where the new lots would be located. Historical Perspectives reviewed the layout of the Final Proposed Modifications. Their report is included in Appendix H of the FSEIS.

Archaeological testing of the proposed road right-of-way for the water tank road on the west side of the Tuxedo Reserve Phase 1 development tract was completed in 2008. This right-of-way, designated as Area AA, had a total of 15 shovel tests completed within the proposed impact area. Testing found soils to be fairly shallow, ranging between 27 and

48cm in depth, above bedrock. Some locations had exposed bedrock, which precluded archaeological testing altogether.

Under the Final Proposed Modifications, the more level portions of the residential lots (where slopes are less than 12% as per OPRHP standards), and precluding locations with exposed bedrock, would require archaeological testing. However, given the small area involved, these locations should only be reviewed and subjected to archaeological testing in accordance with the MOU described below after lot boundaries are finalized during the subdivision review process.

Prior to issuance of any Planning Board approvals, the applicant will be required to submit a letter from the OPRHP which shall indicate that OPRHP has completed its review of any cultural resource examinations and that same have been completed to the agency's satisfaction.

Development of the Final Proposed Modifications would conform to the 2001 Memorandum of Understanding (MOU) between the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) and the Related Companies. This MOU established a process for continued research and review of archaeological resources as the Tuxedo Reserve properties are developed. Should an archeological resource based on the determination of OPRHP be discovered, that resource would be avoided or a Phase 3 mitigation would be conducted. In either case, the Town would be notified. Therefore, the Final Proposed Modifications would adhere to any mitigation measures identified and required by OPRHP, should such archaeological resources be discovered.

In response to public comment, the OPRHP issued a letter to the Town in which it discussed the potential of the Project to have impacts on rockshelters. The letter noted that all rockshelters would be outside the areas of disturbance of the Project, but that potential for secondary impact might occur from young people using the rock shelters to play in and for other purposes. OPRHP also noted that previously disturbed rockshelters, even those heavily disturbed, may still be National Register Eligible and that the only way to make such a determination is by sufficient investigation. These matters will be addressed by the Applicant's ongoing compliance with the MOU and the more detailed analysis and investigation that will occur during the review of subdivision and site plan applications. If any significant adverse impacts are identified, the Applicant will be required to implement the mitigation measures required by OPRHP.

A Phase 1B survey was conducted in the area of the detention/recharge basin along Quail Road in the Village of Sloatsburg. No artifacts were found and no sites encountered in this area. Therefore, no significant adverse impacts to archaeological resources are anticipated from the development of the detention/recharge basin.

Construction of a replacement sewage treatment plant or connection to the new Western Ramapo Wastewater Treatment Plant is not anticipated to result in any significant adverse impacts to archaeological resources. The replacement sewage treatment plant would be on lands adjacent to the current plant and which have been investigated and

prior investigation by the Applicant (reviewed and approved by OPHRP) has confirmed that construction of the replacement sewage treatment plant on that site would not result in significant adverse impacts on archaeological resources. Connection the Ramapo plant would be via lines to be constructed under existing roads and connecting to the Project's sewer lines where Quail Road would meet Route 17 in Sloatsburg.. As no additional excavation of land would be required, there is no potential for any significant adverse impacts on archaeological resources.

The potential subdivision of one lot in the Village of Sloatsburg is not part of the Tuxedo Reserve Project. Therefore, it would be required to undergo its own environmental review, including the study of archaeological resources if warranted.

#### F. GEOLOGY, SOILS, AND TOPOGRAPHY

The 2003 FEIS concluded that potentially significant adverse impacts to geology, soils, and topography would be avoided through adherence to the Performance Standards prepared for the Project. The Proposed Modifications include changes to the 2004 Preliminary Plan and revisions to the original Performance Standards which further reduce the potential for adverse impacts to geology, soils and topography by requiring narrower roads and site specific grading within the ROW in order to minimize the disturbance area of the Project.

Both the 2004 Preliminary Plan and the 2010 Preliminary plan require roads which must be constructed in areas of steep slopes which will require substantial amounts of fill and/or cut. In order to further reduce the potential for adverse impacts to geography, soils, and topography, the Final Proposed Modifications have been designed to substantially balance the amount of cut and fill required for the overall Project. The Applicant presented conceptual plans for rock walls on the Project Site which were reviewed by the Town Engineer and no significant adverse impacts to geography, soils and topography were identified. These designs will be refined during subdivision and site plan review.

Finally, the Final Proposed Modifications have been designed to maximize the development of the flattest areas of the site in order to minimize the overall disturbance, even to the extent that the roads to access those locations require some cut and fill.

The Final Proposed Modifications would also minimize the amount of blasting required on the Project Site. A Rock Blasting and Stabilization protocol has been included in the Performance Standards to provide standards for all rock blasting and subsequent stabilization activities, as well as, to identify protection measures for public and private supply wells and on site wetlands during construction of the Project.

Therefore, the Proposed Modifications analyzed herein would not result in any new significant adverse impacts to geology, soils, or topography.

#### G. CONSTRUCTION

Construction activities at Tuxedo Reserve would occur within the approved “limits of disturbance,” to be finalized at subdivision review of the various phases. The anticipated area of disturbance for the Final Proposed Modifications is presented in Figure 2-7 of the FSEIS. For most of the Project it has been conservatively projected that disturbance would occur 20 feet outside of all rights-of-way and 20 feet beyond the rear of lots. This is a conservative projection and a reasonable worst case scenario because disturbance in a significant number of instances is not expected to be that extensive.

The limit of disturbance for construction activities that would occur for the Final Proposed Modifications is approximately 367 acres. This is substantially the same as the total disturbance area analyzed in the DSEIS. Although approximately 3.32 acres of disturbance was removed from the Mountain Lake Neighborhood, an additional 1.69 acres of disturbance was added to the Winding Hill Neighborhood to accommodate the relocated units. In addition, the extension of cul-de-sacs and hammerheads to eliminate flag lots resulted in a total of 1.55 acres more disturbance in those areas. However, the net result is 0.08 acres less disturbance than what was analyzed in the DSEIS. In comparison, the limits of disturbance for construction activities that would occur if the 2004 Preliminary Plan were constructed would be 380 acres. Therefore the Final Proposed Modifications would continue to decrease the limit of disturbance for the Project from that analyzed in the 2003 FEIS.

As indicated in Figure 2-8 of the FSEIS, the development of the Project with the Final Proposed Modifications would create approximately 148 acres of impervious area, which is the same as the 2004 Preliminary Plan. This represents a 2-acre or 1.3% decrease from what was analyzed in the DSEIS. This minor decrease in impervious coverage is an improvement and is not anticipated to result in any significant adverse impacts.

The Final Proposed Modifications would result in minor modifications to the construction phasing plan. While the three major phases would remain the same, some changes are proposed to Phases 1C and 1D to allow for the relocation of units from the Mountain Lake Neighborhood to Winding Hill. The Construction Phasing Plan for the Final Proposed Modifications, included as Figures 2-9A and 2-9B in the FSEIS, show the construction sequencing required to build out the Project in accordance with the Development Phasing Plan. The Construction Phasing Plan includes order of magnitude estimates for earthwork (cuts and fills) for each sub-phase of construction, as well as locations for staging on-site rock processing and material storage. As shown in Figure 2-9B, the adjusted net result of the earthwork would result in 6,000 cubic yards (CY) of cut. This falls well within the “balanced” range for an order-of-magnitude calculation of this scale. It represents less than one percent of the total earthwork volumes for the site. Therefore, the Final Proposed Modifications would continue to balance cut and fill on the Project Site.

The proposed detention/recharge basin along Quail Road in the Village of Sloatsburg would be constructed during the first phase of the project. As discussed above, the Final Proposed Modifications would not significantly alter the phasing plan presented and

analyzed in the DSEIS. Therefore, this addition to Phase 1 construction is not anticipated to result in any significant adverse impacts.

The construction of a replacement sewage treatment plant, or connection to the Western Ramapo Wastewater Treatment Plant, would not involve the type of construction activity that would have the potential to generate any new significant adverse construction impacts.

The potential subdivision of one lot in the Village of Sloatsburg is not part of the Tuxedo Reserve Project. Any construction on this lot would be independent of the Tuxedo Reserve Project, and would undergo its own environmental review.

### **VIII. GROWTH INDUCING ASPECTS OF THE PROPOSED ACTION**

The Proposed Action, including the Final Proposed Modifications, would not have the potential to induce any new growth not previously identified and analyzed in the 2003 FEIS or Findings Statement. The basin in Sloatsburg would process only those stormwater flows generated by the Tuxedo Reserve development and no greater number of units or bedrooms is proposed. The additional non-residential uses in the Commons are local in nature at a scale and intensity to serve the Tuxedo Reserve community and not to induce any additional growth elsewhere. The Proposed Action would not increase the size of the replacement sewage treatment plant beyond that which was required in the 2004 Special Permit. Accordingly, the Proposed Action, including the Final Proposed Modifications, would not induce any significant growth.

### **IX. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

The land that makes up the Tuxedo Reserve site is the most basic resource that would be irreversibly committed. The Final Proposed Modifications, as revised, would include the construction of a detention/recharge basin along Quail Road in the Village of Sloatsburg. This development area has been accounted for in the estimates of overall land disturbance. Furthermore, this revision would not materially alter the quantity or type of materials that would be required for the Project from that which would have been required for construction of the 2004 Preliminary Plan.

The 2003 FEIS did not find the commitment of the identified irreversible and irretrievable resources to be a significant adverse impact. The revisions and refinements to the Final Proposed Modifications would not significantly alter the resources to be irreversibly and irretrievably committed.

### **X. UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS**

The Final Proposed Modifications would not result in any unavoidable significant adverse impacts.

## **XI. MITIGATION**

Any and all mitigation measures identified in the 2003 FEIS, 2004 Findings Statement, 2009 Technical Memorandum, DSEIS, and the FSEIS, will be implemented. The only traffic mitigation measure identified in the 2003 FEIS and required in the 2004 Findings Statement that will be modified is the elimination of the northbound left turn lane on Route 17 at the intersection of Seven Lakes Drive. As detailed in the 2009 Technical Memorandum, this modification is being made due to the discontinuation of a no-build project known as Highland Homes.

It is noted that the proposed stormwater basin in the Village of Sloatsburg was previously considered and analyzed as alternative “mitigation” to address stormwater flows generated by the proposed project in the DSEIS. As the preferred alternative, the proposed basin would prevent the Final Proposed Modifications from having the potential to generate any significant adverse stormwater impacts.

The construction of a replacement for the Hamlet sewage treatment plant or connection to the Western Ramapo Wastewater Treatment Plant prior to the issuance of the first certificate of occupancy would preclude the Final Proposed Modifications from having the potential to generate any significant water quality impacts arising from disposal of the Project’s sewage and therefore no mitigation measures are required.

Since the Proposed Action, including the Final Proposed Modifications, would not have the potential to generate any new significant adverse environmental impacts, no mitigation is required beyond the mitigation already required in the 2004 Findings Statement. Except as enumerated above regarding the one unnecessary traffic mitigation measure, those mitigation measures would be continued. No further mitigation measures are required.

## **XII. ALTERNATIVES**

### **A. NO ACTION ALTERNATIVE**

The No Action Alternative, as specifically relates to the issues analyzed in the SEIS, represents the future conditions of the Project Site if the Proposed Action is not undertaken and the Final Proposed Modifications are not approved. Under this alternative, Tuxedo Reserve would be built as it was analyzed in the 2003 FEIS and approved in the 2004 Special Permit and 2004 Preliminary Plan.

#### **1. Land Use, Zoning and Public Policy**

In the No Action Alternative, the increased open space would not be created, more environmentally sensitive lands could be developed, no additional retail would be built in the Commons and the Active Adult housing would be isolated from the Commons in Phase 2. All of the foregoing are less desirable than the Proposed Action and therefore, the Proposed Action is preferable to the No Action Alternative.

## 2. Economic and Fiscal Impacts

The No Action Alternative and the Proposed Action would both result in a net positive fiscal impact to the Town during all three phases of the Project. Although the amounts differ to some degree, the fact that the Project is tax positive in all phases in the Proposed Action confirms that the No Action Alternative is not preferable. In addition, the Town would receive other benefits in the form of land and facility donations, reduced maintenance responsibilities and potential liability for roads, and the possibility of higher revenues from certain lot and unit conversions that are not part of the No Action Alternative. For these reasons, the Proposed Action is preferable.

## 3. Natural Resources

One of the primary purposes of the Final Proposed Modifications is to reduce disturbance to existing wetlands and to avoid disturbance to vernal pools and habitat corridors. Although some disturbance might potentially be minimized by refining the 2004 Preliminary Plan as part of the review of future subdivision applications, without an amendment of the 2004 Preliminary Plan its overall development patterns would remain substantially the same. Therefore, under the No Action Alternative, the vernal pools and habitat corridors (which would be avoided under the Project with the Final Proposed Modifications) are more likely to be affected by the development of single family homes, roadways, and other development features. Moreover, any future subdivision review would require piecemeal action to further protect the vernal pools and habitat corridors, whereas the Final Proposed Modifications would implement those protections at once and guarantee that they are to be in effect. Therefore, the Final Proposed Modifications are preferable to the No Action Alternative.

## 4. Hydrology and Stormwater Management

With the elimination of direct discharge to the Ramapo as a viable stormwater management option, both the No Action Alternative and the Project with the Final Proposed Modifications would implement similar stormwater management plans to protect area hydrology. Therefore, the No Action Alternative is not substantially different from the Proposed Modifications with regards to hydrology and stormwater management.

### B. PIPC LAND EXCHANGE ALTERNATIVE

This design alternative would involve a land exchange of a parcel owned by the Palisades Interstate Park Commission (PIPC) adjacent to the Southern Tract and the Light Industrial Office (LIO) development parcel in the Tuxedo Reserve Northern Tract. Under the PIPC Alternative, the Applicant would trade the 88.78 acre LIO parcel for the 21.116 acre PIPC parcel. The PIPC parcel would be developed with 18 housing units relocated from other parts of the Southern Tract. If the LIO parcel was exchanged, its future development would be precluded under the PIPC Alternative and the LIO parcel or other exchanged parcel(s) would be included as lands owned and managed by PIPC.

Although the total number of housing units would remain the same, this land exchange would enable the construction of additional four-bedroom homes in lieu of three-bedroom homes. If the LIO parcel would be exchanged, its allowed commercial uses as

authorized in the 2004 Special Permit would not be undertaken. The PILOT payments required under the 2004 Special Permit would not be altered in the event that the LIO Parcel would be exchanged.

The PIPC Land Exchange Alternative is analyzed in the DSEIS. That analysis confirms that the PIPC Land Exchange Alternative would not have the potential to generate any new significant adverse impacts. One key benefit of the PIPC Alternative is that it would enable the alignment of the required emergency access at South Gate Road to avoid an unregulated wetland and a drainage depression, located near the Project's property line at South Gate Road. The Proposed Modifications, consistent with the approved 2004 Preliminary Plan, incorporates an emergency access alignment which requires an 8-foot cut through this drainage depression. The PIPC Alternative realigns this emergency access to more closely follow existing contours, to avoid the wetland area, and to connect with South Gate Road 300-feet south of the currently approved connection.

The PIPC Land Exchange Alternative is no less protective of the environment than what is currently reflected in the approved 2004 Preliminary Plan. On balance, it would be a preferred alternative if an agreement can be reached with PIPC.

### **XIII. CERTIFICATION OF FINDINGS TO APPROVE**

The Town Board has considered the relevant environmental impacts, facts and conclusions disclosed in the FSEIS 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 Proposed 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: Hon. Peter Dolan  
Telephone Number: (845) 351-2265

Appendices: 2004 Findings Statement without Exhibits