STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT

Pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Lloyd Town Board (the "Town Board") as the SEQRA Lead Agency makes the following findings.

Name of Action: Hudson Valley Wine Village ("HVWV" or "the Project")

Description of Action: The project is for a mixed-use development consisting of single and multi-family residences, resort hotel, commercial office and light industrial uses and will require rezoning in whole or in part by the Town Board of the Town of Lloyd. Once the rezoning has been completed the Town of Lloyd Planning Board will review the components of the mixed use project pursuant to the subdivision, site plan and special use provisions of the Town Code. Sewer and water service will need to be provided to the property at the Applicant's expense and the Town's Sewer and Water Districts will need to be extended if the project is approved, or new water and sewer districts will need to be created. The rezoning will include the consideration of an overall project master plan which will address the future development density of the property as well as the placement of any public or private roadways and utilities all consistent with the GEIS and this SEQRA Statement of Findings. Each component of the master plan for the mixed use may also require additional State, federal and local approvals as discussed in the GEIS.

Project Location: 191-200 Blue Point Road, Town of Lloyd, Ulster County, New York 12528

Date Final Generic Environmental Impact Statement Accepted: July 16, 2014

Certification To Approve/Fund/Undertake:

Having considered the supplemental draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and

2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse 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.

Town of Lloyd Town Board_____
Name of Agency

_____ Paul Hansut_____
Signature of Responsible Official **Name of Responsible Official**

Town Supervisor_____ August , 2014_____
Title of Responsible Official **Date**

Address of Agency: Town of Lloyd Town Hall
12 Church Street
Highland, New York 12528

cc: Town of Lloyd Planning Board
Town of Lloyd Highway Dept.
Ulster County Health Dept.
Ulster County Planning Dept.
NYSDOH
NYSDOT
NYSDEC
NYSOPRHP
U.S. ACOE
U.S. Fish and Wildlife Services
Applicant

AGENCY JURISDICTION AND DESCRIPTION OF SEQRA PROCESS

The Town Board has jurisdiction over the Project as the Lead Agency because Hudson Valley Wine Village, Inc. (the "Applicant" or "Project Sponsor") has applied to the Town Board for the rezoning of a portion of the 437 acre project site including the establishment of new zoning districts and an overlay design district to provide for a unified and interconnected plan for development of multiple districts using common design guidelines. The Town Board also has jurisdiction over the project related to future approvals concerning sewer, water and roadways, as well as a development agreement that would cover such issues as recreational fees, performance bonds or other financial security, among other approvals.

In accordance with the SEQRA Regulations, the following elements of the SEQRA process were undertaken:

- On July 19, 2011, the Project Sponsor submitted Part 1 of the Full Environmental Assessment Form (EAF) to the Town of Lloyd which included a letter seeking the rezoning of the project site, including the establishment of an overlay zoning district.
- The Lloyd Town Board circulated its intent to be Lead Agency to all involved agencies on July 20, 2011.
- On September 14, 2011 the Lloyd Town Board established itself as lead agency and issued a positive declaration. A draft scoping document was accepted on the same date.
- The Town Board held a public hearing seeking comments on the draft scoping document on October 12, 2011, and written comments on the draft scoping document were accepted through October 28, 2011.
- On December 14, 2011 the Final Scoping Document was adopted by the Lead Agency (see DGEIS Appendix A).
- On August 30, 2013 the Project Sponsor submitted to the Lead Agency the first Completeness Draft of the DGEIS.
- On February 5, 2014 the Project Sponsor submitted to the Lead Agency the second Completeness Draft of the DGEIS.
- On February 19, 2014, the Lead Agency formally accepted the DGEIS as complete for circulation. The DGEIS and Notice of Completion were duly circulated to all involved and interested agencies.
- On March 19, 2014 a public hearing allowing for public comment on the DGEIS was held by the Lead Agency. The written public comment period remained open until April 17, 2014.
- July 16, 2014 the Town Board accepted the FGEIS as complete and providing a full and comprehensive evaluation of the project and addressing all comments received by the Town on the DGEIS.
- No further SEQRA review will be necessary if a future action associated with the HVWV Project is undertaken in conformance with the Conceptual Plan found at Figure 2.1.1 of

Appendix D in the FGEIS (hereinafter referenced as the Conceptual Plan) and baseline conditions and thresholds established in the FGEIS or the Lead Agency's Findings Statement. Of particular importance is the phasing for the Project that is set forth in the FGEIS at page 24: "To mitigate any potential disruption in the housing market construction of the housing units will be phased in as construction of the hotel/conference center and industrial uses are completed as those uses are anticipated to create demand for the new housing. One hundred and fifty dwelling units may be built prior to the construction of the hotel, commercial and industrial uses. The construction of housing units in excess of the 150 dwelling units will be contingent upon the construction and operation of the hotel/conference center and industrial uses. After the hotel and conference center is completed and operating, 150 additional dwelling units are allowed. An additional 1.5 dwelling units will be permitted for each 1000 square feet of industrial space constructed up to a maximum of 800 dwelling units." The thresholds are as follows:

Topography and Slope

- Disturbance of Steep Slopes (15% - 25%) over 25 acres; or
- Disturbance of Steep Slopes (>25%) over 7 acres; or
- Any Disturbance east of the Waterfront Bluff Line; or
- Any structure proposed within 100 feet of the Waterfront Bluff line.

Soils and Geology

- Site excavation resulting in more than 560,000 cubic yards of cut or 470,000 cubic yards of fill; or
- Site excavation resulting in more than 110,000 cubic yards of excess material (i.e. cut exceeds fill); or
- Construction related soil disturbance which exceeds 156 acres;

Hydrogeology

- Total impervious area of no more than 68 acres; or
- Documented reductions in any adjacent well capacity by more than 10% of the original pumping rate.

Surface Water/Stormwater Management

- Mitigated post-development peak flow rate at any design point which exceeds the pre-development peak flow rate for the 1-, 10- or 100-year 24 hour storm event as reported in Table 4 of the Master Stormwater Pollution Prevention Plan for the Hudson Valley Wine Village dated last revised July 9 2014; or
- Any Site or Phase specific Stormwater Pollution Prevention Plan which does not provide the required Water Quality Volume or minimum Runoff Reduction Volume; or
- Any Site or Phase specific Stormwater Pollution Prevention Plan which does not meet current stormwater design parameters as specified in the most recent version of the New York State Stormwater Management Design Manual or the New York State Standards and Specifications for Erosion and Sediment Control.

Wetlands

- Wetland impacts which exceed 1.4 acres, including 1.28 acres of impacts to isolated wetlands and 0.12 acres of impact to jurisdictional wetlands; or
- Impacts to buffer of Vernal Pool HA, critical terrestrial upland, that exceed 5.63 acres; or
- Impacts to buffer of Vernal Pool Q, critical terrestrial upland, that exceed 0.77 acres; or
- Impacts to buffer of Vernal Pool U, critical terrestrial upland, that exceed 22.98 acres.

Flora/Fauna

- Land disturbance which exceeds 156 acres; or
- Any proposal which may result in impacts to threatened or endangered species in excess of those contemplated within the GEIS; or
- Any proposal which may result in impacts to threatened or endangered species listed by USFWS or the NYSDEC after the GEIS was approved.

Air Resources

- Traffic generation which exceeds 1,158 peak AM trips; or
- Traffic generation which exceeds 1,562 peak PM trips.

Cultural Resources

- Any change to the development outline/Area of Impact as shown on the revised DGEIS Figure 3.8.2, contained in FGEIS appendix D.

Land Use and Zoning

- Any changes to the numeric values for the proposed zoning density, coverage, setbacks, building height or any numeric area, dimensional or bulk requirements or standards as set forth below:

Dimensional Table for Proposed Blue Point Districts					
Zoning District	**BPC**	**BPI**	**BPMF**	**BPMF (Single Family)**	**GB-1**
Minimum Lot Area	2,500 square feet	1 acre	2,500 SF 10 du/acre	8,000 SF 10 du/acre	15,000 SF
Minimum lot width (feet)	25	150	150	80	75
Minimum lot depth (feet)	—	—	—	—	—
Minimum Road Frontage (feet)	25	150	150	85	75
Minimum Building setbacks (feet) Front	10	25	None	30	None
Side	None	35	None	15	20

Rear	10	25	None	50	25
Maximum building height (feet)	45	45	45 3 stories	40 3 stories	35
Maximum building coverage (%)	—	—	30%	30%	—
Maximum lot coverage (%)	70%	90%	60%	60%	40%

Visual Character

- Any change in the Conceptual Plan that would move the buildings closer to the bluff area or change their mass or height.
- Same as threshold for Land Use and Zoning above.

Noise

- Noise levels at the internal and external property lines which result in Leq of more than 65 dBA between the hours of 7:00 am and 8:00 pm during any weekday and 9:00 am and 8:00 pm on any Sunday or holiday; and
- Noise levels at the internal and external property lines which result in Leq of more than 50 dBA between the hours of 8:00 pm and 7:00 am during any weekday and 8:00 pm and 9:00 am on any Sunday or holiday; and
- Noise levels at the internal and external property lines which result in an increase in Leq of more than 10 dBA above ambient noise levels.
- Noise levels which exceed the Town of Lloyd Code limitations.

Traffic

- Traffic generation which exceeds 1,158 peak AM trips; or
- Traffic generation which exceeds 1,562 peak PM trips.

Utilities

- Water demand which exceeds 400,000 gpd; or
- Wastewater demand which exceeds 300,000 gpd.

Community Services

- Same as Land Use and Zoning.

Fiscal Conditions

- No threshold proposed.

Demographics

- No threshold proposed.

Community Character

- Same as thresholds for Land Use and Zoning.

Greenhouse Gas Emissions

- No threshold proposed.

- In instances where a future action associated with the implementation of the HVWV Project is not in conformance with the Conceptual Plan or conditions and generic thresholds, an environmental assessment form (EAF) will be completed to assist the lead agency or other involved agency in the evaluation of conformance with the FGEIS and Findings Statement as well as potential adverse impacts related to such action. As a result, one of the following SEQRA compliance steps will be carried out by the Lead Agency or other involved agency:
    - Amended Findings Statement – if the future action was found to be adequately addressed in the GEIS, but was not addressed or inadequately addressed in the Findings Statement, an amended Findings Statement will be adopted.
    - Negative Declaration – If the future action was not addressed or was not adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts, a negative declaration will be prepared.
    - Supplemental EIS – If the future action was not addressed or was not adequately addressed in the GEIS, and such action may have one or more significant adverse environmental impacts, a Supplemental EIS will be prepared.
- In order to track the status of the Project and the Applicant's compliance with the conceptual plan and baseline thresholds of overall development, for each site plan review application submitted during any phase of the HVWV Project, the Applicant will be required to provide a table comparing the anticipated impacts from the proposed site plans to the thresholds and including what developments have been completed up to the time of the Applicant's submittal.

STATEMENT OF SEQRA FINDINGS

The following findings and general conclusions have been made upon review of the Draft and Final Generic Environmental Impact Statements and accompanying concept plans and documentation prepared for the Hudson Valley Wine Village Project pursuant to the Town of Lloyd Town Board's responsibility as Lead Agency under SEQRA and the Town of Lloyd Zoning Code and Comprehensive Plan.

Description of the Action

1. The proposed action includes approximately 437 acres currently zoned as R-1 and R-2. The Applicant has requested that the Town Board amend the existing zoning to provide for a new overlay district that provides a unified and interconnected plan for development of multiple districts using common design guidelines. The Applicant has also requested that the underlying zoning districts be changed to allow for the redevelopment of the site in accordance with the preferred concept plan. If adopted, the rezoning will allow the HVWV property to be developed to provide:
    - A maximum of 800 residential housing units, expressed as 10 dwelling units per buildable acre, in those portions of the site rezoned to allow multi-family housing;
    - 157,971 square feet (SF) of commercial/office space (53,144 SF new and 51,727 SF adaptive reuse within the Tuscan Village and 53,100 SF new along Route 9W);
    - 450,000 SF of light industrial, manufacturing, and/or institutional space;
    - A 34,048 SF conference center with an associated 8,222 SF restaurant to be known as the Tuscan Village Conference Center;
    - A 103-room suite hotel overlooking the Hudson River;
    - Two wedding chapels approximately 2,000 SF in size; and
    - Utilities such as a private wastewater treatment plant, stormwater collection and treatment, the extension of public water to the property, and roadways to serve the development.

2. Site and infrastructure improvements related to the proposed project include: general site grading, roadway grading and paving; demolition of existing structures; installation of a stormwater drainage system designed in accordance with the NYSDEC Stormwater Design Manual (2010); water supply and sanitary sewer installation; wastewater treatment plant construction; and landscaping that includes, to the extent practical, the protection of existing mature vegetation, and the preservation of undeveloped areas along the perimeter and interior of the Project site comprising approximately 77 acres as set forth in the GEIS pursuant to a conservation easement or restrictive covenant. The project also provides for pedestrian amenities such as a public transit pick up points, the construction and maintenance of sidewalks and public lighting. The goal of the design guidelines is to make the overall development plan cohesive, attractive and unified. The rezoning and the concept plan are consistent with the Town of Lloyd Comprehensive Plan as updated in 2013 after extensive

public review and comment and with the extensive and active participation of the Town Board, the Planning Board and the Zoning Board of Appeals over a two year period.

3. A conservation easement will be imposed over the Hudson River Bluff to preserve the view of the site from the Hudson River. Public access to the conserved bluff area will be provided through a recreational trail that will be built along the bluff line of the HVWV Project site using existing trails where possible. The proposed trail will system will run through the interior of the property and along the Hudson River bluff line and will link to the trail in Franny Reese State Park which is located just north of the property. The Project Sponsor will retain ownership of the trail system unless it is determined that the trail would be better suited to be owned by the Town or another public agency. The owner of the trail will be responsible for its upkeep, maintenance, as well as all liability.

4. The final Preferred Alternative includes site development refinements which, variously, increase open space, reduce impacts on habitats, reduce disturbed areas and impervious surface areas, as well as reduce impacts on community services:

    a. A refinement of the Route 9W Commercial Alternative Site Plan: This alternative provided for an additional 53,100 SF of commercial along Route 9W in the place of 68 dwelling units. The result of this change in the site development program reduced the number of residential housing units to 847. Based on discussions with the Town of Lloyd regarding the most suitable use to be located along Route 9W, it was determined that the inclusion of commercial along this highly travelled roadway was most logical and consistent with the Town's Comprehensive Plan.

    b. In the south eastern quadrant of the property, 47 proposed single family homes were eliminated. In addition, seven townhouse structures in the north western quadrant of the property were also eliminated. Eliminating these structures greatly decreases the overall site disturbance and clearing required by the Project thereby leaving greater areas of undisturbed habitat. Moreover, the elimination of the 47 single family homes in the south eastern quadrant of the property reduces the maximum number of residential units for the project to 800 residential units. This reduction helps limit the increased population to a sustainable number and lessens impacts on community services. The phasing of the construction and operation of the mixed use development also assists in achieving this goal.

    c. The acquisition of two additional parcels along the central western portion of the property allows the light industrial structure proposed in that location to be shifted west into a location with fewer impacts to steep slopes. It also allows for the reduction of impervious surfaces through a shorter access drive and common parking areas.

ENVIRONMENTAL SETTING, ANTICIPATED IMPACTS AND MITIGATION MEASURES

1. Land Use, Zoning, Community Character, and Cultural Resources

<u>Existing Zoning</u>

1. The Project site is currently zoned R-1 and R-2. The implementation of the HVWV Project can only be accomplished by amendment of the existing Zoning Code of the Town of Lloyd (Chapter 100) by legislative action of the Town Board through the adoption of a local law that amends the Town of Lloyd Zoning Code and the Zoning Map. Because of the large area of land owned and controlled by the Applicant and the conceptual nature of the plans, the Applicant requested and the Town agreed to require the preparation of a Generic Environmental Impact Statement. The GEIS and this statement of findings establish certain thresholds which, once the property has been rezoned, will provide for the orderly development of the property over an extended time period, approximately twenty years.

2. The local law to rezone the property will add the new zoning districts proposed and amend the Town's zoning map to reflect the creation of the an overlay district which will provide a unified and interconnected plan for development of new zoning districts—Blue Point Commercial BPC), Blue Point Multi-Family (BPMF), Light Industrial (BPI), and General Business (GB 1) Districts—using common design guidelines.

3. The Local Law creating any new districts will use terminology consistent with that of the existing code. Any new terms needed will be included in the definition section found at 100-8. Drafting of the final local law rezoning the property will include the mitigation measures required in the findings statement

4. The rezoning of the Project site allows the HVWV property to be developed in such a way as to provide a maximum variety of housing types and densities, encourage job supporting and tax producing development, and increase the range of services and facilities available to serve the Town's present and future populations. In addition, the incorporation of design guidelines will provide clear and useful architectural standards for the design, construction, review and approval of growth in the Blue Point Overlay District. These guidelines will help ensure that new buildings are compatible with either the Town of Lloyd's vernacular architecture, the character of the "Tuscan Village" or the rural traditions of American architecture. The design guidelines further address architectural standards for each of the proposed zoning districts and identify site planning, building design and landscaping requirements.

<u>Community Character and Compatibility with Surrounding Land Uses</u>

5. The Project site is primarily undeveloped land, consisting of forests and meadows, a portion of which is located on a bluff overlooking the Hudson River. A total of just more than two (2) acres of the overall Project site is made up of roads, buildings, and other paved surfaces from previous uses as a winery. The existing buildings on the site have all been photographed and the photographs are included in the GEIS. Certain of the buildings will be preserved and renovated as part of the overall Project.

6. The Project site is bounded on the west by US Route 9W and has access via Blue Point Road. US Route 9W is the primary north-south travel corridor in the Town of Lloyd. North of the Project site, the Mid-Hudson Bridge is the primary means of crossing the Hudson River between Lloyd and Poughkeepsie. On the eastern shores of the Hudson River across from the

Project site is the City of Poughkeepsie, an urban center providing commercial, cultural, and educational amenities at a regional level.

7. Land use adjoining the Project site is a mix of residential, agricultural, and commercial and Parkland.

8. Due to the design and placement of all of the buildings on the Project site, the buildings will not have an adverse impact on community character. The natural materials used to construct the buildings will blend with the surrounding natural environment. The placement of the buildings utilizes the existing topography of the site to minimize the visibility and perceived scale of the buildings. In addition, decorative landscaping and screening will be installed within the developed areas of the Project site to reduce the visibility of the proposed Project from surrounding areas. A 101 feet buffer is being maintained on the property. Within that 101 feet buffer the existing zoning will continue undisturbed.

<u>Visual Impacts</u>

9. A viewshed mapping analysis and Visual Analysis were conducted to determine the visual impacts of the Project. The new mixed uses included in the Project will be visible, to varying degrees, from surrounding areas. However, due to the wooded nature of the bluff on the property, and architectural design and landscaping, the Project will blend in with its surroundings and provide a natural transition to the Town environment. The bluff area, with the exception of the resort portion of the development in the area containing the existing structures, will be permanently preserved; this 77 acre area to be preserved is shown on the concept plan.

10. The Project site will be visible sporadically throughout a 5.0-mile radius visibility analysis zone. Within the foreground areas (up to 0.5 miles), visibility is limited to locations on the Hudson River. Views from the middle ground (0.5 miles to 3.0 miles) will be screened by existing development in the City of Poughkeepsie. Potential visibility of the structures at distances greater than 0.5 miles will be limited and/or filtered by varying vegetation heights.

11. Visual simulations show the Tuscan Village Conference Center ("TVCC") located within the densely wooded bluffs along the Hudson River. Average tree heights in this area are 60'. The proposed TVCC does not rise above the existing tree line along the bluff. The most visible area of the TVCC is located on a cleared hillside where Hudson Valley Winery buildings currently exist. Viewshed impacts will be limited due to the wooded bluffs which will screen views, building heights of the TVCC below the existing tree line, the nature of the Project in replacing existing development on-site, and the narrow clearing which presents views of the Project site. Replacement buildings will be designed in accordance with design guidelines have been prepared to ensure the Project is consistent with local architectural character.

12. The hotel, conference center and Tuscan Village are consistent with siting policies of LWRP Policy 24:

    a. Existing buildings on site are quite large and are visible from the Hudson River.

b. The proposed structures are located back from the shoreline and the bluffline and maintain the attractive quality of the shoreline. The height of the proposed buildings will be no greater than the highest point of the existing buildings.

c. The proposed structures will be clustered and oriented to retain views and save open space.

d. Existing sound buildings on site will be retained and incorporated into the Tuscan Village.

e. Deteriorating structures are to be removed.

f. Original land forms will be retained to the extent practicable.

g. Existing vegetation within the WBOD will be preserved and existing views of coastal waters will be preserved.

h. The design guidelines for the Blue Point Overlay District require appropriate materials to screen unattractive

i. The proposed buildings are compatible with and add interest to the landscape.

13. Given that the HVWV Project will be visible from locations on and across the Hudson River, there is potential for site lighting to be visible. While views of the HVWV Project site are expected within close proximity, they are not anticipated from longer distances, i.e. from the other side of the River.

14. Lighting will be designed in accordance with light levels and uniformity ratios recommended by the Illuminating Engineering Society of North America (IESNA) Recommended Practice Manual. For building exteriors, public space and pedestrian areas, IESNA recommends illumination levels ranging from one to five foot-candles. All exterior light fixtures will be consistent with this recommendation and be designed with shielding to prevent light spillage to the night sky. Residential and non-residential structures will be illuminated to the minimum extent required to provide safe ingress and egress to the structures while minimizing lighting impacts on adjacent structures and properties. All outdoor lighting will comply with §100-27 of the Town Zoning Code. Site specific lighting plans will be completed as part of the site plan review process for individual projects.

<u>Open Space and Recreation</u>

15. Existing open space in the form of forest and agricultural lands will be incorporated into the mixed-use development. Approximately 285 acres of open space will be retained, with very large open spaces on the northern and eastern borders kept in their natural states and accessed by hiking trails.

16. The Hudson River Bluff, which protects the view of the site from the Hudson River, will be preserved by a conservation easement. Public access to the conserved bluff area will be provided through a recreational trail that will be built along the bluff line of the HVWV Project site using existing trails where possible. The proposed trail will system will run through the interior of the property and along the Hudson River bluff line and will link to the

trail in Franny Reese State Park which is located just north of the property. The Project Sponsor has indicated a willingness to plan, develop and manage the trail connection to Franny Reese State Park in cooperation with Scenic Hudson and the Palisades Interstate Park Commission. Final location of the trail system will be determined by the Town of Lloyd Planning Board during subdivision and site plan review.

17. Public space will include small public parks, walkways/walking trails and playgrounds that are associated with the residential development. In these areas will be located benches, picnic tables, gazebos and playground equipment as they may be associated with the uses that surround these public spaces.

Cultural Resources

18. Consultants to the project conducted Phase IA and Phase IB cultural resource surveys for the Project site.

19. The Phase IA identified a stone memorial located at the intersection of Old Blue Point Road and the stream that drains the central portion of the site into the Hudson River. At this location, a stone marked "Jonathan Tompkins Pvt. NY State Trps. Revolutionary War 1752-1840" was erected in 1976. The Phase 1A survey found that the Project area contained a high probability to contain both prehistoric and historic cultural material.

20. A Phase IB field examination was conducted to test for cultural deposits that may be impacted by the Project. A total of five (5) historic loci and twelve (12) pre-historic loci were identified during the Phase 1B testing. Of the historic loci found on-site, two (Tompkins, Tompkins 2) were recommended for further testing. The HVWV project will include the demolition of some of the existing winery structures on-site. However, these structures are not listed on the National Register of Historic Places.

21. The Phase 1B recommended that demolition of the Dubois House/Banquet Hall be monitored and that testing be undertaken in the interior of the house foundation to gather any additional information that may be present. Eight of the eleven pre-historic loci were recommended for future testing at the level of a Supplemental Phase 1B to determine the boundaries of each locus, to determine whether additional diagnostic material may be recovered, and to determine whether the sites represent a single site or a series of discrete loci.

22. The construction of the Bluff Trail could potentially impact archaeological resources in the area along the bluff line. The trail is anticipated to be constructed along the existing trail that currently exists along the bluff line. The HVWV Project will directly avoid impacting the pre-historic loci on site during construction and operation activities by preserving them in their current condition. By protecting these cultural and prehistoric resources the proposed Project enables future investigations to occur.

23. The New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP) identified nine archaeological sites within a one-mile radius of the Project site; however, only one of these sites, Tompkins Landing, is located on the Hudson Valley Wine Village

property. Based on NYS OPRHP's research, it is probable that the Project area may have been used as a lookout during the American Revolutionary War.

24. Specific methods for stabilizing and securing the identified archeological sites and loci, will be determined during site plan review. Future investigations and coordination with NYSOPRHP will continue as part of the state permitting process. The following actions will be undertaken to stabilize and secure the sites identified as a result of the investigation:

    - The entire Blue Point Archaeological Site (as defined in the HVWV Phase 1A/1B) will be fenced with fencing substantial enough to prevent easy access. Ideally, this would be cyclone fencing or something similar. It will need to be high enough to prevent a person from simply stepping over the fencing. It would be staked at close intervals to keep it upright and intact.
    - The area will be posted with signs at frequent intervals. The signs will refer to something similar to the following: "Environmentally Sensitive Zone. Entry Prohibited. Trespassers will be prosecuted."
    - Surveillance cameras will be installed to monitor the archaeological zone. These cameras will connect to a security company protecting the HVWV site to ensure that unauthorized entry does not occur.
    - The archaeological zone will be subjected to regular patrols to ensure that the zone is not breached and that no one has tampered with or vandalized the fencing or security cameras.

2. Topography and Soils

1. The DGEIS lists the major soil types in the study area as: Bath-Nassau-Rock; Bath-Nassau; Lyons-Atherton; Mardin-Nassau; Nassau-Bath-Rock; and Volusio. The Project will disturb approximately 156 acres of on-site soils, including, without limitation, cut and fill grading for roadways and residences as well as excavation for utility trenches; blasting may also be required.

2. A review of the United States Geologic Survey (USGS) Topographic Map indicated that the surface elevations on the site range from greater than 350 feet above mean sea level (msl) on topographic highs at the north and south ends of the property to less than 100 feet above msl along the Hudson River on the eastern portion of the property. The site is separated by a high ridge. Approximately 23 acres of impact to slopes between 15-25% and 6 acres of impacts to slopes greater than 25% will be disturbed. (See DGEIS, Figure 3.1.1). Because of the undulating nature of the topography, it is not possible to completely avoid such steep slopes.

3. As explained in the DGEIS, erosion and sediment control measures will be implemented to minimize soil erosion and to control the offsite transport of sediment laden runoff during rainfall events. The Erosion and Sediment Control Plan has been designed in compliance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) (the "Stormwater General Permit") and "New York Standards and Specifications for Erosion Control" August 2005. To the extent these general permits and

requirements are amended in the future by the NYSDEC, it will be necessary for the components of the development to be redesigned to meet such future requirements.

4. Observance of the erosion and sediment control measures contained in the SWPPP will significantly minimize the potential environmental impacts from erosion and sediment runoff due to construction and operation of the Project.

5. Consistent with Section 1805.3 of the 2010 NYS Building Code ("NYSBC"), at a minimum, any structure located on or adjacent to a slope, that is steeper than one foot vertical to three feet horizontal (1V:3H), will be reviewed for slope stability. The NYSBC defines adjacent as within 40 feet of the top of the slope, or within 15 feet from the toe (base) of the slope. Site specific development proposals will be examined for the need for geo-technical and slope stability analyses at the time of site plan review. Where necessary, steep slopes will be stabilized by retaining walls and vegetative plantings.

6. The area of disturbance within the potentially contaminated cluster area, as identified on Figure 3.2.3 of the DGEIS, totals 17.73 acres. Areas proposed for residential use with arsenic and lead concentrations in excess of regulatory standards will be mitigated as required by all applicable laws and regulations. These mitigation measures are likely to include the following elements: excavation of impacted soils with on-site management; excavation of impacted soils for off-site disposal; and excavation of impacted soils with on-site management and off-site disposal. A Phase II ESA will also be completed prior to site plan approval for project areas identified as having significant data gaps identified in the Phase I ESA for the former Winery Complex.

7. Soils deemed unsuitable to be used as fill or for final grading purposes on-site will be transported off-site by truck. The location receiving these soils will be identified on a project specific basis depending on the quality and reusability of site soils. The amount of material to be transported will also be identified at this time.

8. Project specific site design strategies will be identified to reduce the need for blasting. Any blasting operations that are necessary will adhere to New York State law and the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives Federal Explosives Law and Regulations governing the use of explosives. Applicable blasting certifications will be obtained and blasting will comply with all safety requirements.

3. Vegetation and Wildlife

1. On-site vegetation consists largely of forested cover in addition to portions of open field and wetlands. Approximately 65 percent of the site will remain in its natural state, including 77 acres along the Hudson River bluff.

2. The HVWV Project will disturb approximately 1.40 acres of onsite wetlands, including 1.28 acres of unregulated isolated wetlands, and 0.12 acres of jurisdictional wetlands. Compensatory wetlands mitigation is proposed for the impacts to jurisdictional wetlands. A substantial portion of the site is being preserved and protected from future development including the 77 acres along the bluff.

3. Additionally, the HWVW Project may result in impacts to copperhead snakes. Copperheads are not a protected species, but it is desirable to minimize disturbance of this species to avoid interaction with humans. A mitigation plan is included in the GEIS to limit construction impacts on the snakes. The oversize culverts under the roadways also will assist the snakes and other reptiles and wildlife to move about the property.

4. Habitat Assessment activities including, without limitation, field surveys and a review of habitat criteria found no Federally and/or State endangered, threatened, or rare ("ETR") species on site, from the United States Fish & Wildlife Services list or identified by the NYSDEC. While the HVWV Project site contains habitat that may be used by Indian and long eared bats, this species was not found during field surveys. Seasonal limitations on tree clearing will be imposed, limiting tree clearing to when the bats are hibernating in the off-site caves. No structures or caves where bats overwinter have been identified on the Property.

5. The Town Board has fully considered NYSDEC's and U.S. Fish and Wildlife Service's comments regarding potential impacts to vegetation and wildlife. Specifically, the NYSDEC commented that further investigation of the eastern box turtle, which was spotted in close proximity to wetland VAA, was needed to determine whether its habitat would be disturbed. The one eastern box turtle spotted on site was a male approximately 15 years old. The entire site is suitable habitat for eastern box turtles although select locations that are more open, sandy, or wetland edge are preferred to mature canopy forest. These habitats are available on the northern portion of the property. The population of eastern box turtle is deemed small since only one individual was observed in the 3+ years of site observations. A figure has been provided to depict wildlife corridors after the project is developed.

6. To address habitat fragmentation, a section of residential development has been deleted to allow a larger section of the older growth forest on the southern section of the property to remain. Furthermore, the elimination of seven townhouse structures on the north western portion of the Project site will also result in decreased habitat impacts.

7. The Project Sponsor will retain the services of a snake monitor if related site work is to occur during April 1st through October 31st. The snake monitor will conduct reconnaissance surveys for copperheads within the work area prior to the initiation of any disturbance and relocate snakes as required. A temporary restrictive barrier may be used to help avoid impacts when disturbance is likely to occur from actions occurring outside of the acceptable work periods.

8. The Project Sponsor plans to avoid any and all direct impacts to Indiana and northern long-eared bats by: scheduling tree removal activities to the time period from October 1 to March 31; installing orange construction fencing between the areas to be cleared and the areas that will be left undisturbed on the site before grading begins; ensuring that no artificial dyes, coloring, insecticide, or algaecide such as copper sulfate will be placed in stormwater control structures on the site; and ensuring exterior lighting will be shielded and downward facing.

9. Mitigation for jurisdictional wetland impacts in the form of wetland establishment will be provided in a non-jurisdictional wetland area in a ratio of at least 1:1, i.e. 0.1 acres mitigation

for 0.1 acres jurisdictional wetland impact as approved by the U.S. Army Corp. of Engineers. The proposed Project and the mitigation will comply with Federal wetland regulations. Additionally, the Project will preserve three small vernal pools on the site and provide buffers as set forth in the FGEIS. Specific mitigation measures will ensure the viability of the vernal pools on-site and include:

a. Roads will be excluded from the pool depression and pool envelope.

b. Road curbing with a 1:4 slope that small animals can cross (Cape Cod-style curbing) or no-curb alternatives on low capacity roads will be utilized

c. Use oversize square box culverts (2 · 3 ft) near wetlands and known amphibian migration routes to facilitate amphibian movement under roads. These should be spaced at 6-m intervals and use curbing to deflect amphibians toward the box culverts. The proposed box culverts will completely span the stream from bank to bank and this design will be included in the submission for permit authorization

These measures will serve to keep habitat corridors connected even though some disturbances will occur.

10. Additionally, no structures will be built within the 50 foot wetland buffer. The Planning Board will enforce this as a condition of site plan approval and appropriate conservation easements will be recorded in the chain of title for the property.

11. No impacts to submerged vegetation in the Hudson River from increased run-off or turbidity are anticipated as stormwater will be managed in accordance with NYSDEC guidelines. These guidelines are specifically designed to settle and minimize turbidity in stormwater prior to discharge.

4. Surface Drainage and Stormwater Management

1. Development of the Project will create additional impervious areas, which will result in increased stormwater runoff, and could have indirect impacts on water resources. The total area of impervious surfaces (e.g. roads, driveways, sidewalks, rooftops) associated with site improvements is approximately 68 acres, or 16 percent of the Project site. Such impacts will be minimized by proper design, installation, and maintenance of stormwater infrastructure and utilities.

2. Stormwater runoff from the proposed development will be collected and conveyed to a combination of closed storm sewers and open stormwater conveyance systems as further described in the Stormwater Pollution Prevention Plan (SWPPP). The closed storm sewer network will consist of catch basins, drainage manholes, high density polyethylene piping and/or reinforced concrete piping, and/or corrugated metal piping. The open stormwater conveyance system will consist of roadside ditches, grass lined swales, riprap lined swales, and major culvert crossing. Stormwater management systems will be consistent with the NYSDEC Stormwater Management Design Manual and the Town of Lloyd stormwater

management requirements. All stormwater improvements must comply with the DEC stormwater program and guidance in effect at the time the site plan review is being undertaken.

3. The overall site disturbance of the HVWV is above the threshold that would require a Full SWPPP that includes post development mitigation of Water Quantity, treatment of Water Quality and Runoff Reduction Volume. If a portion of the site were to be developed where its individual area of disturbance did not meet a threshold that would require a Full SWPPP, one would still be required. A separate SWPPP that is consistent with the New York State Stormwater Design Manual will be prepared for each site plan or subdivision plat of the Project.

4. Post-construction stormwater practices will be designed during the site plan, subdivision and/or special use permit review process that occurs before the Town of Lloyd Planning Board. Post construction stormwater practices will be designed, operated and maintained in accordance with the SWPPP and NYS DEC Regulations. As necessary the Town of Lloyd Town Board will establish special improvement district(s) pursuant to Article 12 of the Town Law to maintain and operate the post construction stormwater practices of the Project.

5. The Town Board acknowledges the NYSDEC's comments regarding wetland functions of the SWPPP. The Project Stormwater control practices designed in accordance with the NYS Stormwater Management Design Manual and further described in the Master SWPPP will mitigate potential increases in water quantity flow to on-site wetland resources. The goal will be to maintain existing hydrological inputs to avoid disturbance to the natural wetlands systems.

6. There are no regulated wetlands proposed for use as stormwater management practices (SMP's). SMP's are only proposed within isolated wetlands. The isolated wetlands will be excavated and filled as necessary to meet the geometric requirements of the New York State Stormwater management design manual. Work proposed within these isolated wetlands will include grading and installation of controls, (consisting of storm water piping, flared end sections and a precast concrete control structure) at the outlet of each stormwater management practice to control the rate stormwater is released from the practice. The time to drain each stormwater management practice will be dictated by the type of practice ultimately selected based on the New York State Stormwater management design manual criteria.

7. In accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4), the Town of Lloyd, as a regulated MS4 area, has a responsibility to implement and ensure compliance with the Town's Stormwater Management Plan and the SPDES General Permit. The Project Sponsor will be required to further explore stormwater management measures, including, without limitation, swale design during the site plan review process.

8. The majority of the Sam Williams Road pavement will be removed re-vegetated and a new roadway installed from Route 9W into the site. A new culvert will be installed under this roadway to allow the conveyance of flows within the adjacent stream. The impervious area

upstream of this stream will be reduced from that which is currently a tributary to the existing culvert in question. Stormwater from the site and the new road will not be directed to this existing culvert thereby resulting in a secondary benefit of reducing runoff to the culvert.

9. To the extent technically feasible, the Project Sponsor will incorporate stormwater measures, with the concurrence of the Town and NYSDOT to address existing flooding conditions. Such measures will be further evaluated as part of site plan review for the phase of the development proximate to the existing flooding conditions. Under no circumstances will the stormwater from the proposed project adversely affect the existing flooding conditions.

5. Traffic and Site Access

1. A traffic impact study was prepared by Consultants to the Project as part of the DGEIS and FGEIS. The intersections studied for the Project included U.S. Route 9W and Chapel Hill Road (C.R. 11)/Macks Lane, U.S. Route 9W and Bluepoint Road, U.S. Route 9W and Sam Williams Road (North Leg), U.S. Route 9W and Sam Williams Road/Mackey Road, U.S. Route 9W and Argent Drive, U.S. Route 9W and Mayer Drive, U.S. Route 9W and Tillson Avenue/Haviland Road, Vineyard Avenue and Chapel Hill Road, and U.S. Route 9W and Ramps to Mid-Hudson Bridge Access.

2. In its letter dated April 14, 2013, the NYSDOT found the methodology utilized to develop the Traffic Impact Study, Trip Generation Rates, Trip Distribution, Existing Traffic Volumes, 0.5% growth rate, background growth rate, No-Build Traffic Volumes and 2021, 2031 Build Traffic Volumes to be reasonable. (See FGEIS, Appendix L).

3. At build out, the HVWV Project will generate approximately 1,158 trips during the weekday AM peak hour and 1,562 trips during the weekday PM peak hour. The total trip generation for the site during the Saturday Peak Hour is expected to be approximately 75% to 85% of the total trip generation of the site during the PM Peak Hour.

4. The Project Site will have two access locations, which will both provide access from U.S. Route 9W to the site. The north access driveway will intersect with U.S. Route 9W by reconstructing and realigning a portion of Sam Williams Road to form a “T” intersection with U.S. Route 9W. The remaining segments of Sam Williams Road will be considered for discontinuation.

5. The Central Boulevard, when completed, will be offered for dedication to the Town of Lloyd. All roads within the HVWV Project Area that will be offered for dedication will be consistent with the Town Highway Standards and road classifications. The roads within the individual areas of development will be owned by and maintained by each respective homeowners association or company/owner which manages the respective area. The roads within the development of the HVWV Project Area will follow the design standards and guidelines that are established within Chapter 89 - Streets and Sidewalks of the Town of Lloyd Zoning Code.

6. Improvements and modifications to existing roadways, including, without limitation, the installation of traffic signals and the provision of left and right turn lanes at the two Project entrance connections to Route 9W, will be coordinated with the NYSDOT.

7. The Town Board acknowledges the comments provided by the NYSDOT. The results of the Synchro analyses, which were conducted for the north and south site access driveway intersections, have been summarized in the FGEIS. A Highway Work Permit application will be submitted to NYSDOT by the Applicant along with the site plans, traffic impact study and any other pertinent information including any other improvements to address capacity and/or accident counter measures for NYSDOT review as part of the Highway Work Permit process.

8. Additionally, the site development plan provides an internal network that accommodates pedestrians and bicycles. Sidewalks have been shown on the concept plans, as well as other pedestrian amenities. Associated with the road widening improvements along NYS 9W for the access to the project, the reconstruction will consider pedestrians and bicycle activity and the final design will be coordinated with NYSDOT as part of the Highway Work Permit process and designed to comply with the guidelines that have been established by the United States Access Board.

9. As set forth more fully in the DGEIS at Section 3.12, phased traffic mitigation measures will include:
    - Right and left turn lanes at the two Project entrances onto Route 9W
    - Signalization of the South and North entrance to the Project site
    - Signal timing/phasing improvements and two addition of two approach lanes on Route 9W at Macks Lane
    - Signalization of Chapel Hill Road and Vineyard Lane.

10. The study concluded that the Project will not have an adverse impact from a traffic perspective if the proposed improvements are implemented in conjunction with the phased development.

6. Infrastructure and Utilities

<u>Water Supply</u>

1. The HVWV property is currently not served by public water and lies outside the boundaries of the existing Highland Water District ("District"). Connection of the Project site to the District requires extension of the existing water main along US Route 9W and improvements at the water treatment plant to accommodate the increased water demand associated with the Project. Such improvements will be made at the Applicant's expense.

2. A water supply investigation report was prepared for the Project. Based on the District's overall capacity to treat up to 3.5 MGD, its current 1 MGD use, and the 314,273 gpd

estimated water demand for the HVWV Project, the District will have an additional 2.2 MGD capacity.

3. The Town Board acknowledges the NYSDEC's comments regarding verification that the Town of Lloyd has sufficient water supply capacity. The District has a valid Water Supply Permit to treat up to 3.5 million gallons of water a day. Therefore, adequate capacity exists to meet the anticipated peak day water demand for the proposed development. The Town will comply with the Department's requirements at the time application for water district extension is made by the Applicant.

4. Additionally, extension of water service to the Project site along US Route 9W will be coordinated with the Town and County departments of Public Works to minimize disruptions to the traveling public and to ensure restoration of public roads and rights-of-ways in accordance with local standards and permits issued. On site, installation of water lines will be coordinated with construction of other buried utilities and wastewater lines as well as the roads so as to minimize construction impacts. Sedimentation and erosion during construction, as well as fugitive dust emissions, will be mitigated by the stormwater control and construction measures.

5. Upgrades and improvements, which may include operational changes and installation of additional tankage and pumps for the storage and handling of sludge, will be made to the District's pumping facilities to allow for additional pumping capacity in order to adequately meet the demand associated with the HVWV Project. As with all other similar projects in the Town, the Applicant will bear the cost of the installation of such improvements.

6. Up to 100,000 square feet of light industrial space could be built on well water and septic system, if approved by the Ulster County Department of Health, if the space will be used for a purpose that requires only water and sewer for the restrooms for the employees, and similar minimal uses. Such light industrial space will require site plan approval by the Planning Board.

<u>Wastewater</u>

7. The Project site is not currently served by a public wastewater facility. The HVWV Project is projected to generate approximately 250,000± gallons per day of wastewater. A new on-site wastewater collection and treatment system will be designed and constructed to accommodate flows from the proposed development at the Applicant's expense.

8. The proposed wastewater treatment facility and conveyance/collection systems is proposed to be built, maintained, and initially operated by a Sewage Works Transportation Corporation formed by the Project Sponsor. At the formation of the Sewage Works Transportation Corporation, the Town will review anticipated operating costs, operation and maintenance budgets and rate schedules to ascertain the long-term sustainability of the WWTF and collection systems. In the future event that the wastewater collection and treatment system is offered for dedication to the Town Board, a new sewer district would be established in the Town to be responsible for the annual operation and maintenance costs and such costs would

be assessed to the property owners in that sewer district in accordance with Article 12 of the Town Law.

9. The proposed WWTP will be designed in accordance with Ten-States, NYSDEC, and NEIWPCC guidance. Discharge from the WWTP will be to an unclassified intermittent stream, which is a tributary to the Hudson River and designated a Class A Stream by the NYSDEC. Wastewater effluent quality will be in compliance with NYSDEC standards.

Utilities and Services

10. Central Hudson Gas & Electric Corporation currently provides natural gas and electric services in the area of the Project site. Existing buildings on the HVWV property are connected to electric service; however, there is currently no natural gas connection. A gas transmission line (high pressure main) currently runs north-south through the western end of the HVWV property. Central Hudson Gas & Electric has indicated existing capacity to serve the Project (See DGEIS, Appendix B, correspondence). The design of the electrical service for individual development projects will be developed as part of the site plan review process.

11. Telecommunication service, including phone, internet and cable TV, is provided by Cablevision, as well as other commercial providers which have facilities in the vicinity of the proposed project. Cablevision has indicated they will be able to serve the HVWV Project.

12. The HVWV is estimated to produce approximately 2,000 tons per year of solid waste once full build-out is achieved (after year 2034). During the years prior to full build-out, the quantity of waste generated by operations will increase proportional to the square feet of the Project that is in operation. The waste generated is assumed to be typical municipal solid waste (MSW). Solid waste disposal and recycling will be provided by a private hauler.

13. The HVWV Project will have designated garbage disposal areas on-site for residents to dispose of their household waste and recyclable materials. Separate areas will be designated for commercial and light industrial uses. Adverse impacts on the available capacity of the receiving landfills are not expected to result from the HVWV Project's estimated solid waste output.

7. Climate Change and Energy

1. A Greenhouse Gas Assessment ("GHG Assessment") was completed by The Chazen Companies, consistent with *NYSDEC's Policy on Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements*. The carbon footprint for the HVWV is the total set of all GHG emissions and is calculated as metric tons of carbon dioxide equivalent (CO2e) per year, as directed.

2. Direct GHG emissions from stationary sources at the HVWV include emissions from combustion of on-site fossil fuels for heat, hot water, steam generation, and industrial processes. This can include, but is not limited to, boilers, heaters, furnaces, oven, internal

combustion engines, and any other equipment or machinery that combusts carbon containing fuels or waste streams. The GHG Assessment estimates 25,599 metric tons of CO2e from direct GHG emissions and 23,638 metric tons of CO2e from indirect GHG emissions will be generated at full build-out of the HVWV Project.

3. Measures in accordance with NYSDEC's *Policy on Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements* will be incorporated as part of the site plan review process for individual projects over the 20 year build out period. Some of these mitigation measures include: building design and operation measures, efficiency or mitigation measures for on-site GHG sources, site selection and design measures, transportation measures, and waste reduction or management measures. For example, where appropriate, the use of alternate energy sources (solar and heat pumps) as well as the use of LED light fixtures will be implemented. LEED certification may also be sought for certain components of the HVWV Project.

8. Community Services and Economic Impact

1. The project is expected to have a permanent population of 2,121 persons, with approximately 270 between the ages 5 to 17.

2. While increased school enrollment is often considered a negative, no significant adverse effect on the Highland Central School District will occur from the Project. The school district has adequate capacity to accommodate the projected population at full build out.

3. Generally, community services including police, fire, emergency medical and health care services have adequate staff and equipment available to provide service to the HVWV Project. However, even if there is an increase in demand due to the increased population, the Project will provide sufficient net property tax revenue to the Town of Lloyd to pay for increased service demands.

4. The HVWV Project will have a net positive average annual impact of $987,298 in revenue to the Town of Lloyd during the 20 year build out period. The Project will more than offset the increase in public service costs it will generate and therefore be fiscally positive to all local taxing jurisdictions.

5. The Project also reduces its net fiscal cost by providing for privately owned on-site infrastructure.

9. Noise

1. Existing noise conditions on the Project site are influenced by surrounding land uses. The primary noise on-site can be attributed to vehicular traffic on US Route 9W in Lloyd and NYS Route 9 in Poughkeepsie, as well as trains passing on the east along both sides of the Hudson River and aircrafts passing overhead.

2. Construction activities will produce noise impacts which cannot be avoided. These impacts are generally intermittent and usually limited to daytime hours. The Project is subject to local noise regulations that limit construction activity to the hours of 7 am to 8 pm.

3. The 100' buffer around the perimeter of the property will attenuate noise over the distance and as a result of existing and future vegetation. Additional buffers may be identified during the site plan review process for site specific development projects. Buffers identified to mitigate the impacts of noise will be vegetated including retained vegetation and/or plantings.

4. Additionally, construction contractors will be required to use the following effective noise mitigation techniques as recommended by FHWA:

    - The construction contractor will be required to use equipment with mufflers, on-board shields and any other sound reduction equipment maintained to their original specification.
    - Equipment will not be allowed to idle when not in use.
    - Any equipment for which there is a choice of locations, such as electrical generators and air compressors, will be situated as far as possible from the closest receptors.
    - Loose engine parts or other parts with loose or missing screws, bolts or metal plates will be repaired so that vibration and noise generation are reduced.
    - Enclosures, such as plywood barriers, will be constructed around significant stationary sources of sound if the noise from such equipment cannot be effectively mitigated by distance or other means.
    - The slamming of tailgates by dump trucks or trailers will be discouraged, and rubber gate gaskets will be required.

5. Projected daytime noise levels associated with additional car and truck trip generation from the operational phase of the Project are anticipated to fall within the typical range of existing ambient noise levels.

10. Air Quality

1. Temporary construction-related air quality impacts (i.e. fugitive dust) will be relatively short in duration and generally not in proximity to public receptors. The phasing of the Project will reduce the intensity of any impacts over the 20 year construction period. Furthermore, water trucks will be used as needed during construction to reduce dust generated on the site. Dust control must be provided by the general contractor to a degree that is acceptable to the owner, and in compliance with the applicable local and state dust control requirements.

2. Vehicular-related emissions are regulated by the Clean Air Act and enforced statewide through inspection agencies. Emission concentrations are generally higher in areas of significant congestion where consistent idling occurs. A preliminary assessment of air quality impacts was included as part of the traffic analysis based on build out potentials for the Project site. The analysis evaluated potential impacts of carbon monoxide and particulate matter during peak traffic scenarios and concluded that the HVWV Project complies with air

quality standards in accordance with NYSDOT's Environmental Procedures Manual (EPM). Therefore, no resulting impact on air quality is expected.

3. Operation of light industrial uses within the HVWV Project has the potential to impact air quality. However, the specific uses for this project component have not yet been identified. Further investigation into these impacts will be addressed during the site plan review stage. The HVWV Project will be compliant with NYSDEC and USEPA regulatory and permit programs, which may include, without limitation, compliance with the Clean Air Act, Clean Water Act, Emergency Planning and Community Right-to-Know Act and the applicable implementing State regulations.".

11. Unavoidable Project Impacts

1. Potential unavoidable adverse impacts which may result from the Project have been identified. These include:

    - Disturbance to the site for grading, construction, paving, and landscaping;
    - Replacement or disturbance of on-site soils during the course of development, including disturbance of approximately 29 acres of steep slopes (>15 percent);
    - Increase in the amount of impervious surface (a total of approximately 68 acres);
    - Alteration of on-site stormwater runoff patterns although there will be no increase in the amount or decrease in the quality of stormwater leaving the site;
    - Impacts to approximately 1.40 acres of onsite wetlands, including 1.28 acres of unregulated isolated wetland impact, and 0.12 acres of jurisdictional wetland impact.
    - Impacts to on-site terrestrial and aquatic habitats;
    - Generation of traffic. During the construction phase, trucks, machine transport vehicles, supply vehicles, and work crew vehicles would add to the present traffic. Once the development is complete, there will be additional trips generated by residents, employees and patrons of the HVWV;
    - Increase in dust particles generated at the site during construction;
    - Increase in noise levels generated at the site resulting from operation of machinery and equipment during construction;
    - Increase in water usage and wastewater generation;
    - Increase in solid waste and recyclable material generated at the site;
    - Increase in lighting generated at the site; and
    - Increase in energy usage, specifically electricity and heating fuels.

2. While the Town Board recognizes that some of these impacts are permanent and are an unavoidable result of the Project, the Board concludes that such impacts are not significant, or have been mitigated as described in the DGEIS and this FGEIS to a level not considered

significant. To the extent that there are any changes to the conceptual plan or light industrial uses that exceed the thresholds established above the SEQRA lead agency for the review of the site plan, subdivision or special use permit application will be able to require the preparation of an SEIS to evaluate the potential significant adverse environmental impacts of such change or such light industrial use.

12. Alternatives

1. Pursuant to SEQRA, the Town Board considered alternatives to the proposed action, including both the use of alternative sites and alternative plans, as well as the no action alternative.

Alternative Sites

2. There are no alternative sites under the control of the Project Sponsor that meet the Project Sponsor's objectives. The property has been owned by the Project Sponsor for decades.

No Action

3. As required by SEQRA, the Town Board considered the no action alternative. Not completing the Project would be significantly worse financially and for the general welfare of existing Town residents because the site would remain as is, including the many structures on-site that are no longer in use and in significant disrepair and without the added tax base for the Town. Furthermore, the proposed trail system, permanent preservation of open space and improvements to the Town's water infrastructure would not otherwise occur.

Alternative Plans

4. A total of eight (8) alternative site plans were considered for the Project and impacts of each were diligently compared (See DGEIS Table 4.3.1). Such alternatives included:

    a. Alternative Site Plan 1 - As of Right Development Plan (200± units of housing)
    b. Alternative Site Plan 2 - Conservation Subdivision Plan (200± units of housing)
    c. Alternative Site Plan 3 - Revolutionary Ridge Development Equestrian and Golf Course Plan
    d. Alternative Site Plan 4 – 1,194 Dwelling Units, 400,000 SF Alternative Uses Plan
    e. Alternative Site Plan 5 - 120 Suite Hotel, 240 Condominiums, 768 Dwelling Units Plan
    f. Alternative Site Plan 6 – 90 Suite Hotel, Conference Center, 50,000 SF Commercial/Office and 50,000 SF Adaptive Reuse
    g. Alternative Site Plan 7 – 750 Dwelling Units, 50,000 SF Commercial/Office, 50,000 SF Adaptive Reuse, 600,000 SF Industrial/Manufacturing/Institutional, Conference Center, and 90 Suite Hotel

h. Route 9W Commercial Alternative Site Plan 8 - 847± Dwelling Units, 157,971 SF Commercial/Office (53,144 SF new and 51,727 SF adaptive reuse within the Tuscan Village and 53,100 SF new along Route 9W), 450,000 SF Industrial/Manufacturing/ Institutional, Conference Center, and 103 Suite Hotel

5. Alternative Site Plan 8, including 950± Dwelling Units, 100,000 SF Commercial/Office, 50,000 SF Adaptive Reuse, 450,000 SF Industrial/Manufacturing/Institutional, Conference Center, 103 Suite Hotel, was determined the preferred alternative.

6. This Preferred Alternative is most consistent with achieving the goals set out by the 2013 update to the Town of Lloyd's Comprehensive Plan and reduces environmental impacts.

7. As a result of Alternative 8, the assessed value of the Site increases which benefits the Town, Special Districts, and School District in terms of increased property tax revenue. Alternative 8 includes more commercial land use which increases the number of permanent on-site jobs that are created.

13. Potential Growth Inducing Impacts

1. The Project will contribute 800 housing units over the 20 year build out period and is estimated to generate total of 2,121 new residents. The construction and operation of the mixed use development will be phased to provide for the construction of housing units over time as other resort hotel/conference and industrial square footage is built and operating.

2. Employment opportunities during construction and over the long-term operation will be created as a result of the Project. It is estimated that approximately 166 temporary jobs will be created during construction of the Project. Over the long term, approximately 1,438 direct and indirect jobs will be created within the Tuscan Village Conference Center, commercial/office space, and light industrial component. Most employees are expected to come from the local and regional workforce. Training and skill-building will be provided on the job. Indirect jobs will be created as a result of the HVWV Project and will be spread out over a wide geographic area, and not only located in the Town of Lloyd.

3. New infrastructure, particularly drinking water and wastewater collection and treatment can be an inducement to growth under some circumstances. With respect to water service, an existing water line on US Route 9W will be extended to the Project site at the Applicant's expense. US Route 9W is currently developed with various commercial and residential properties. Potential for induced growth from the water line extension on US Route 9W is very limited due to the available land stock and current land uses. Any water line extensions would require municipal approval and therefore controls will be in place to ensure that induced growth is limited or at a minimum considered as an impact in the future.

4. The Project will involve the construction of a new wastewater collection and treatment system which will be privately owned and operated. The provision of wastewater service will not cause induced growth since the wastewater will only service the Project site.

5. With the HVWV projected to result in a total estimated assessed value of $227,473,930, it is possible that surrounding property values will rise. Rising property values can result in increased interest in land for the purpose of development or protection from development. Induced growth as a result of a successful HVWV Project is difficult to predict, any further development would have to be consistent with existing zoning limitations and with the Town's comprehensive plan. As the Town has established with this project, any substantial zoning changes in the Town covering large portions of property will be subject to the preparation of a GEIS which would thoroughly evaluate such cumulative and induced growth impacts.

6. Based on the above, no significant adverse effects are expected in the short term or long term from the project with respect to growth inducement. While some amount of induced growth is anticipated, mostly due to an increase in property values, new jobs and an increase in resident population, existing land use and infrastructure provision controls result in restraints that reduce and control induced growth. The mixed use nature of the Project and its construction over a twenty year period also balances the proposed future development.