

5.0 MITIGATION

The previous chapters of this DEIS assess the potential for the Proposed Action to result in significant impacts to the project site and surrounding environs. This chapter summarizes all the findings documented in the previous chapters and assesses the significance of the impacts identified. As mitigation efforts would become incorporated into the proposed Project, their development and efficacy to address the significant impacts are also assessed where required.

5.1 Identified Significant Adverse Impacts

5.1.1 Land Use, Zoning, Public Policy and Community Character

The analysis documented in Chapter 3.1 shows that no significant adverse change to the overall visual character of the area is expected as viewed from roads in the site vicinity, or from other publicly accessible land, as a result of the proposed development. No views have been identified from any aesthetic resource that would be adversely affected by this project. Land use patterns would be altered through the replacement of vacant land with buildings, parking and roadways associated with retail and office development, resulting in a more intense use of the project site and reinforcing the emerging role of US Route 6 in this location as a commercial and business corridor.

While the manufactured slopes proposed on the south side of the retail center do not conform with the Town code as they would be up to 40 feet high, due to their location behind the buildings and limited visibility from either roadway or nearby land uses, it is expected that these slopes would appear as an integral part of the project and thus would not alter the community environment to any greater extent than the stores proposed.

In the Applicant's opinion, the Proposed Action would be consistent with the character of the existing commercial/industrial uses along US Route 6. The project conforms to applicable bulk and area requirements of the Zoning Code of the Town of Southeast for a Gateway Commercial Zoning District (GC-2) with the exception of the height of the manufactured slopes proposed on the southern edge of the site. With a variance for the proposed manufactured slope height and a Special Use Permit from the Town Board required for the Stateline Retail Center, the Proposed Action is not expected to result in significant adverse impacts on zoning.

In addition, to comply with the Gateway and Entrance Corridor principles identified in the Town's Comprehensive Plan, the Applicant intends to incorporate the US Route 6 gateway enhancement concepts documented in Chapter 2 of this DEIS. The Applicant is committed to working closely with the Town to review these gateway enhancement concepts, including landscaping, fences, stone walls and the community center, to identify those that would enhance the Town's vision for this portion of the corridor.

By providing a new retail and office development consistent with underlying zoning that would enhance the image of the Town of Southeast in an identified gateway location, significant impacts are minimized.

5.1.2 Community Services

The demand for community services, including emergency medical services, police and fire is projected to increase as growth occurs in the Town. However, the services in place would be sufficient to handle the increases resulting from the development of the Stateline Retail Center. No significant adverse impacts are associated with these parameters and no mitigation is set forth.

5.1.3 Economic Conditions

The proposed Stateline Retail Center has the potential to draw new economic activity to the Town of Southeast. It also has the potential to add approximately 269 employees to the employment base of the Town with the potential for further increases in later years. Employees can be expected to generate further economic activity in the form of local purchases at gas stations, local restaurants, food stores, and other personal services establishments.

Some patrons of the proposed retail center would be expected to make purchases at local shops and take advantage of area restaurants and services. In addition, the proposed Project would provide residents an alternative to traveling long-distances to shop for major purchases. This is anticipated to increase sales taxes for Putnam County by capturing a portion of the retail spending that is currently exported to retail centers in surrounding parts of the region.

Displacement of existing stores leading to blighting effects elsewhere in the Town of Southeast is not projected. The proposed project is expected to result in positive economic impacts on the Town of Southeast and provide tax benefits through increased property and sales taxes to all taxing jurisdictions. No mitigation is proposed.

5.1.4 Cultural Resources

Archeological Resources

There are no historic resources currently listed on the State or National Register of Historic Places located on the project parcel. An existing three-sided stone foundation, an "L"-shaped stacked stone construction, and a stone formation creating an aqueduct along with buried archeological resources were identified on the project parcel during the Phase I Archeological Investigation and Phase II Site Evaluation Surveys.

A Phase II Site Evaluation was conducted on the project parcel after completion of a Phase IA and Phase IB Archeological Investigation (Appendix D herein) and consultation with OPRHP. A full copy of the completed Phase II Site Evaluation report has been provided in Appendix D of this DEIS.

The findings of the studies have been presented to OPRHP for review. The extensive testing undertaken during the Phase II Site Evaluation produced a representative sample of artifacts from the site.

Based on the findings documented in the Phase II Report, the OPRHP has determined that the south central portion of the project is eligible for inclusion in the State and National Registers of Historic Places (see the letter from OPRHP dated March 27, 2008 in Appendix B

Correspondence). The Applicant's Archeological Consultant is working closely with the State to develop a Data Recovery Plan (DRP) for this portion of the project site. The DRP will require additional investigation of the site and the collection and cataloging of all resources collected.

Historic Resources

There are no historic resources currently listed on the State or National Register of Historic Places located on the project parcel. Several historic foundations and structures were identified on the project parcel during the Phase I study and were investigated during the Phase II study. The Phase II Site Evaluation identified an area of the site that is eligible for listing on the National Register. The Applicant has acknowledged this potential resource and has included in the modified site design the avoidance of the extant remains identified during the Phase II Site Evaluation. Therefore, there would be no significant impacts to historic resources as a result of the proposed project in consideration of the avoidance as accepted by OPRHP.

5.1.5 Natural Resources

No unique or unusual natural resource conditions are present and no rare, special concern, threatened or endangered species were found on the subject site. The proposed project has been designed to minimize impacts to natural features and to respect the environment to the maximum extent practicable through the implementation of incorporation of Low Impact Development and Green Building principals. Approximately 27.8 acres (63.2 percent) of the developed site would persist as open space that would have coverage of forest, meadows, wetlands, lawns or landscaping. In consideration of this and the measures proposed to offset the effects of the development, significant adverse impacts to natural resources are not anticipated to result from the completed project. No further mitigation is set forth.

5.1.6 Geology

With the incorporation of the proposed procedures, protocols and practices identified in Chapter 3.7, the Proposed Action would not result in any significant adverse impacts to geology, soils or topography. No further mitigation is set forth.

5.1.7 Water Resources and Wetlands

The wetlands that are regulated by the Town of Southeast and the USACE are isolated from most site activities, and would not be impacted directly by construction or operation of the Stateline Retail Center. Wetland buffer impacts would be associated with the proposed stormwater management basins (0.78 acres), impervious surfaces including parking, internal access roads and a small portion of Building D, including related grading (0.76 acres) and the development and use of the SSTS including the installation of the access drive and the forcemain (0.22 acres). All buffer areas disturbed for the installation of the stormwater management basins and the forcemain would remain pervious and be re-vegetated with appropriate flora.

No direct impacts to the three watercourses identified on the site would result from the development of this project aside from the temporary impacts to Watercourse NYC-B and its buffer resulting from installation of the proposed 2" to 3" forcemain between the buildings and the SSTS. The disturbed area would be returned to pre-development grades and planted

with native vegetation as appropriate after the installation is completed. It is the Applicant's assessment that the proposed restoration of these areas, would enhance habitat and, therefore, adequately offset impacts. As a result, no significant permanent impacts to either the regulated resources or buffers would result from the Proposed Action.

The on-site drainage patterns and volumes would not significantly change. Stormwater runoff would be intercepted and treated by the stormwater management systems which would be installed on site. As significant impacts have been minimized no further mitigation is planned.

5.1.8 Stormwater Management

As a result of the mitigation measures described in Chapter 3.8 and incorporated into the Proposed Action (SWPPP, Erosion and Sediment Control Plan, etc.) significant impacts to on- and off-site watercourses, wetlands and the East Branch Reservoir are not expected or would not occur. No further mitigation is set forth.

5.1.9 Traffic and Transportation

The Traffic and Transportation Chapter of this DEIS documents all traffic related impacts associated with the Proposed Action. The original scope required the assessment of ten existing intersections and proposed site access. Subsequently, two additional intersections (both legs of Sodom Road and US Route 6/202 and Main Street and US Route 6/202) were investigated as requested by the Town. The studied existing intersections are as follows:

1. US Route 6/202, Argonne Road and Interstate 684/ NYS Route 22 southbound ramps;
2. US Route 6/202 and Starr Ridge Road and Interstate 684/ NYS Route 22 northbound ramps;
3. US Route 6/202 and Peach Lake Road (NYS Route 121);
4. Peach Lake Road (NYS Route 121) and Westbound Off-Ramp (Interstate 84 Exit 21);
5. Peach Lake Road (NYS Route 121) and Eastbound On-Ramp (Interstate 84 Exit 21);
6. US Route 6/202 and Joe's Hill Road;
7. US Route 6/202 and Dingle Ridge Road;
8. US Route 6/202 and Saw Mill Road (Danbury, Connecticut);
9. Saw Mill Road and Westbound Ramps (Interstate 84 Exit 1 Danbury, Connecticut);
10. Saw Mill Road and Eastbound Ramps (Interstate 84 Exit 1 Danbury, Connecticut);
11. US Route 6/202/22 and Sodom Road (East and West) County Road (CR) 50; and
12. US Route 6 (East Main Street) and US Route 202/22

Of these twelve existing intersections, three were identified as having a level of service under either the Existing, No-Build or Build Condition that may require improvement(s). A description of the proposed mitigation for each of these three existing intersections along with the proposed site access is presented in the following paragraphs. The Interstate 84, Exit 1 interchange area including the US Route 6/202 and Saw Mill Road intersection lane groups operate at level of service D or better under the Build Condition with the Reserve

project mitigation considered in the analysis. Traffic mitigation, which is part of the Reserve Project's Connecticut State Traffic Commission certification, include a traffic signal and additional lane improvements in the Interstate 84 Exit 1 area. These pending improvements would also accommodate the projected traffic associated with the Stateline Retail Center.

The area including site access roads to the retail component off of US Route 6/202 would operate at level of service C or better under the Build Condition with the proposed site accesses improvements. The exiting traffic from the Office access is projected to operate at level of service D in the p.m. peak hour. However, the new signal at the main retail access will provide some gaps which should make this operation better. The Proposed Action includes three access roads. An unsignalized right turn in and right turn out access would be constructed at the western end of the retail project site (Lot 2), and a signalized main entrance with two lanes exiting and one entering would be developed at the eastern end. The office building parcel (Lot 1) would have its own unsignalized access to US Route 6/202. Incorporation of these measures would allow for acceptable levels of service at the access points.

The Interstate 84, Exit 21 interchange area including the US Route 6/202 and NYS Route 121 (Peach Lake Road) intersection operates at level of service F under the Existing Condition in the a.m. and p.m. The New York State Department of Transportation has initiated a major investment study for Interstate 84 between Interstate 684 and the Connecticut State line. The expansion of Interstate 84 would likely require changes to the Exit 21 ramps at NYS Route 121 and potentially signalization of the NYS Route 121 and US Route 6/202 intersection.

Currently, three of the volume traffic signal warrants are satisfied at the NYS Route 121 and US Route 6/202 intersection under the Existing Condition (Appendix T). Signalization of this intersection would best address traffic delays under the Existing and future No Build and Build Conditions. The Applicant has met with the NYS DOT to discuss the warrant analysis and possible mitigation strategies. Refer to the letter from John Collins Engineers, P.C. Dated April 16, 2008 to the NYS DOT for minutes of that meeting. A NYS DOT representative noted that, while a request made in 2003/2004 to signalize the NYS Route 121 and US Route 6/202 intersection was denied, the agency will review the DEIS and offer input throughout the SEQRA process based on current data.

The Applicant will continue to work closely with the Town and the State to implement improvements deemed necessary at this intersection. Should the NYS DOT permit any required improvements to this intersection, the Applicant will contribute funds at a level consistent with the added traffic generated by the project at this intersection.

The intersections of US Route 6/202 and Sodom Road, west and east, operate at level of service E and F respectively under the Existing Condition. The western intersection level of service E is not a result of Sodom Road traffic, which is almost exclusively right turning traffic, rather it is a result of left turning traffic entering into the intersection directly from the gas station located at the intersection. Delays at these intersections will continue to increase after development of the Proposed Action. A review of the traffic volume data indicates that, for the eastern intersection, only the peak hour volume warrant (Warrant 3) is met for the minimum time (Appendix T).

The NYS DOT indicated that they have no plans to improve the Sodom Road intersections. As with the intersection of US Route 6/202 and NYS Route 121, the Applicant will work

closely with the Town and the State to assess the appropriate level of mitigation for the Sodom Road intersections. Should mitigation be required and permitted by NYS DOT the Applicant will contribute funds commensurate with the traffic through the intersection related to the Proposed Action.

Holiday Parking Management strategies, as documented in Chapter 3.9 herein, are proposed to ensure adequate holiday parking.

For increased efficiency in the overall transportation network and to provide better access to the Proposed Project, the applicant will work with the County to create a regular PART system bus stop at the Stateline Retail Center utilizing an on-site stop as a turnaround.

Network improvements would reduce delays to acceptable levels. Through the implementation of the traffic improvements documented above and in Chapter 3.9 and incorporated into the Proposed Action, significant impacts on traffic are not anticipated.

5.1.10 Air Quality

The Stateline Retail Center would not introduce major stationary sources of air pollution either during its construction or operation. The traffic generated by the proposed project was insufficient to require a refined air analysis of any intersection. The Stateline Retail Center development does not meet New York State's criteria for a microscale analysis provided in the NYS DOT EPM. Thus, no microscale analysis is required.

The net difference in total air pollution burden is considered to be minimal for this proposed Project. It is expected that the proposed Project would not result in significant air quality impacts. No further mitigation is set forth.

5.1.11 Noise

The Project design is intended to minimize noise impacts to adjoining residential properties. The buildings have been located towards the southern edge of the property, abutting Interstate 84. Loading docks and refuse collection areas for the retail buildings would be located at the rear (south side) of the buildings. Noise associated with truck deliveries, unloading and garbage pick-up would be mitigated to a large degree by the location of the buildings between the loading docks and the residential properties. As a result of the measures proposed as part of Project, no significant noise impacts are anticipated as a result of the Stateline Retail Center. No further mitigation is set forth.

5.1.12 Construction

Through the implementation of the measures identified in Chapter 3.12 and incorporated into the Proposed Action (SWPPP, Sediment and Erosion Control Plan, Blasting Protocol, etc.) developed to offset potential effects that would result from the construction of the Proposed Action, no significant impacts would result. No further mitigation is set forth.

5.1.13 Infrastructure / Energy

Correspondence with NYSEG indicates that facilities are in place to provide electrical service to the project without any capacity problems, thus no significant impacts to electrical supply are anticipated as a result of the proposed project. Wastewater design flow for the proposed

project is 4,900 gallons per day (3,700 gpd for the retail component and approximately 1,200 gpd for the office building) according to the Preliminary Wastewater Report, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. Based upon on-site testing completed to date, the proposed locations for the SSTs are acceptable for subsurface sanitary treatment. All of the septic tanks will discharge to one of two precast concrete duplex pump stations. Buildings A, B, and C will utilize one pump station and buildings D and E will each have a pump station discharging to the eastern and western SSTs fields respectively. The estimated wastewater flow is 3,700 gpd for SSTS 1, and 1,200 gpd for SSTS 2. An estimated 36,062 gallons per day or 25.0 gallons per minute is available for groundwater recharge on the Stateline Retail Center property. This amount far exceeds the project estimated water demand of 4,900 gallons per day (gpd) or 3.4 gallons per minute. No further mitigation is set forth.

5.2 Conclusion

Adverse impacts associated with the construction and operation of the Stateline Retail Center have been disclosed in this document. The incorporation of the measures proposed would minimize potential adverse impacts to the greatest extent practicable and significant impacts would not occur.