TOWN OF NORTH SALEM PLANNING BOARD
LEAD AGENCY SEQR FINDINGS STATEMENT

TYPE I ACTION

SALEM HUNT
SITE DEVELOPMENT PLAN

TOWN OF NORTH SALEM
WESTCHESTER COUNTY, NEW YORK

Issued By: **Town of North Salem Planning Board**
Cynthia Curtis, Chair
266 Titicus Road
North Salem, New York 10560

Date: **OCTOBER 7, 2009**

TOWN OF NORTH SALEM PLANNING BOARD

TYPE I ACTION - COORDINATED ENVIRONMENTAL REVIEW
LEAD AGENCY: TOWN OF NORTH SALEM PLANNING BOARD
266 TITICUS ROAD, NORTH SALEM, NY 10560

SALEM HUNT
SITE DEVELOPMENT PLANT

LEAD AGENCY FINDINGS STATEMENT

OCTOBER 7, 2009

1. INTRODUCTION

1.1 The following document consists of the required Findings Statement of the Town of North Salem Planning Board ("Planning Board"), as lead agency, for the completed coordinated environmental review pertaining to the Type I action: **Salem Hunt Site Development Plan** (the "proposed action") relating to property located on the westerly side of June Road in the Town of North Salem, Westchester County, New York, as designated on the Town of North Salem Assessor Tax Maps as Sheet 5, Block 1735, Lot 19.

1.2 These Findings are made in accordance with and pursuant to Article 8 of the Environmental Conservation Law, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA).

1.3 These Findings are based on the content, information, reports and analyses documented and evaluated in the Draft Environmental Impact Statement (DEIS), Final Environmental Impact Statement (FEIS) and on the project development plans prepared in support of the proposed Type I action.

1.4 The Planning Board, as lead agency of the coordinated environmental review of this Type I action, has carefully considered the materials which form the basis of these Findings and has applied the standards set forth in SEQR 6 NYCRR Part 617 in reaching its conclusions regarding the environmental significance of project related potential impacts and the mitigation measures proposed to balance and/or minimize those impacts to the greatest extent practicable.

2. PROPOSED ACTION

2.1 **Name of Action** - Salem Hunt

2.2 **SEQR Classification** - Type I action – Coordinated Environmental Review

2.3 **SEQR Lead Agency –** Town of North Salem Planning Board, as confirmed on April 5, 2006

2.4 **Project Sponsor** – Wilder Balter Partners, LLC

Property Owner – June Road Properties, LLC

2.5 **Project Site Location and Zoning**

The project site consists of an approximately 40 acre parcel of land ("site" or "subject property") located on the westerly side of June Road, Town of North Salem, Westchester County, New York, as designated on the Town of North Salem Assessor Tax Maps as Sheet 5, Block 1735, Lot 19. The site is located entirely within a Town of North Salem R-MF/4 Multi-family Zoning District, the restricted New York City Watershed area and the North Salem School District. The northerly boundary of the subject property is coincident with the County/Town Boundary shared with the Town of Southeast (Putnam County). The site includes approximately 816 feet of public street frontage along June Road. The subject property is presently undeveloped and primarily consists of forested areas. The site also includes regulated wetlands (Federal, State and locally regulated), including a portion of NYSDEC Wetland L-32. Areas within 100-feet of the wetlands are also regulated by both North Salem and NYSDEC.

2.6 **Surrounding Area Characteristics**

The project site consists of a single tax lot that is rectangular in shape and extends towards the west from its frontage on June Road, which becomes North Salem Road (and Putnam County Route 55) north of the municipal and county boundary which coincides with the site's northern parcel line. The property slopes gradually from west to east and topography varies approximately 100 feet across the site. Several marked horse riding trails traverse through the site. An overhead electrical line and easement cross through the site in the northeast corner of the property. Wetlands are present along the eastern property boundary and in the northwestern and southwestern portions of the site, and continue off-site. The majority of the site, like much of the surrounding woodlands consists of mature second-growth hardwood forest. The property is located in an area of mostly low density residential development. Also located near the site is a horse farm to the west, undeveloped land to the northwest and southwest, North Salem Volunteer Town Park to the east and the North Salem Middle/High School to the southeast. To the north, in the Town of Southeast are undeveloped woodlands, open fields and single-family residences. Further to the northwest are commercial and industrial uses located along Fields Lane.

2.7 Summary Description of Proposed Action

The proposed action includes the construction of sixty five (65) single-family residential units on an approximately 40 acre parcel located in an R-MF/4 Multi-family Zoning District. Site street access is proposed via June Road in the Town of North Salem with the construction of a new private driveway to serve the entire residential development. The proposed action involves the following components:

- Sixty-five (65) two-bedroom single-family (fee-simple) residential units located within twenty-four (24) two-story residential buildings, with each unit having either a one (1) or two (2) bay garage. Thirteen (13) of the units (20%) are proposed as Moderate Income Housing units in accordance with the standards and requirements set forth in §250-124 of the Town of North Salem Zoning Ordinance. The proposed residential buildings will include: eleven (11) two-unit buildings; nine (9) three-unit buildings; and four (4) four-unit buildings.
- A private Wastewater Treatment Plant (WWTP) facility to be constructed south of the entrance driveway, including a WWTP building measuring approximately 55 feet by 35 feet and a subsurface sanitary disposal system (SSDS). The SSDS is proposed to be located in the east-central portion of the site. The SSDS field area would be maintained as an annually mowed meadow.
- A private community water supply system, utilizing three on-site water supply wells.
- An approximately 5,000 SF community building and outdoor pool, for the use of residents and their invited guests.
- Site development related stormwater management and treatment facilities.
- Site landscaping and utility improvements.
- Establishment of a project specific Homeowners' Association ("HOA"), which will own and maintain all common site improvements (utilities, landscaping, recreation facilities, roadways, shared parking areas, WWTP, SSDS, water supply system, and stormwater management facilities).
- Wetland mitigation improvements; the management and maintenance of which will be the responsibility of the project sponsor, or the HOA, as may be applicable.

2.8 Proposed Action Alternatives

A number of alternative configurations, layouts and access locations have been considered and evaluated in regard to their comparative potential environmental impact value. The following alternatives were studied in the DEIS and FEIS:

- **No Action Alternative**
- **Structure Design and Layout Alternative**
- **Increased Unit Count Alternative**
- **Reduced Impervious Surface Alternative – Decreased Unit Count**
- **Reduced Impervious Surface Alternative – Same Unit Count as Proposed Action**
- **Walkable Community**
- **Fee-simple Alternative**

3. AGENCY JURISDICTION

3.1 Lead Agency

The Town of North Salem Planning Board confirmed lead agency status for the coordinated SEQR review on April 5, 2006. As lead agency, the Planning Board is responsible for the supervision and completion of the coordinated environmental review process pursuant to the provisions set forth in SEQR 6 NYCRR Part 617.

3.2 Involved and Interested Agency Permit Approvals

Implementation of the proposed action will require several permits, approvals and reviews from Federal, State, County and local agencies, including those listed in the table below:

Salem Hunt Site Development Plan – Project Approvals, Reviews and Permits		
Agency	**Permit, Approval or Recommendation**	**Status**
LOCAL and REGIONAL AGENCIES		
North Salem Planning Board	Site Development Plan Wetland Permit Stormwater Pollution Prevention Plan (Chapter 193) Subdivision	Pending
North Salem Town Board	Transportation Corporations (sewer & water) Water and Sewer Improvement Districts	Pending
North Salem Architectural Review Board	Review of plans and elevations	Pending
North Salem Housing Board	Review of moderate income housing units	Pending
Southeast Planning Board	Review of site access and Site Plan	Pending
Southeast Highway Department	Review of site access	Pending
New York City Department of Environmental Protection (NYCDEP)	WWTP, SSDS, Sewer Collection System Stormwater Pollution Prevention Plan	Pending
COUNTY AGENCIES		
Westchester County Public Works	Permit for improvements within County right-of-way *	Pending
Putnam County Highways and Facilities	Permit for improvements within County right-of-way *	Pending
Westchester County Health	Water Supply WWTP, SSDS, Sewer Collection System Subdivision	Pending
Westchester County Planning	GML 239-LMN Referral	Pending
Putnam County Planning	GML 239-LMN Referral	Pending
STATE AGENCIES		
Department of Environmental Conservation (NYSDEC)	Wetlands Permit Water Supply Permit SPDES GP-0-08-001 Permit, SPDES Wastewater Permit	Pending
Department of Health (NYSDOH)	Review of water supply plans	Pending
Department of State	Transportation Corporation Waterworks Corporation	Pending
Attorney General	H.O.A. Offering Plan Filing	Pending
FEDERAL AGENCIES		
Army Corps of Engineers (ACOE)	Jurisdictional Determination (complete) / Bridge Crossing	Pending
* Note: Improvements will be made in the right-of-way in both Westchester and Putnam Counties. Putnam County will review only the adjacent residential driveway relocation; all other aspects will be subject to Town of North Salem and Westchester County's jurisdictions.		

3.3 Procedural History

1. The proposed action was initially presented to the Planning Board in 2005, and consisted of applications for Site Development Plan and Wetland Permit Approvals.

2. On March 1, 2006, the Planning Board classified the proposed action as a Type I action pursuant to SEQR 6 NYCRR Part 617 and declared its intent to be lead agency with respect to a coordinated environmental review, and further authorized circulation of a Notice declaring its intent to be lead agency to other involved agencies.

   A Notice of Intent to serve as lead agency, as well as copies of the Environmental Assessment Form (EAF) and supporting materials and plans for the proposed action were duly circulated to other involved agencies, in accordance with the requirements and procedures set forth in SEQR 6 NYCRR Part 617.

3. On April 5, 2006, the Planning Board, having received no objections to its intent to serve as lead agency for the required coordinated environmental review, confirmed its status as lead agency; and as lead agency, issued a Positive Declaration pursuant to SEQR 6 NYCRR Part 617, requiring the preparation of an Environmental Impact Statement (EIS). The Planning Board further authorized the circulation of a Notice to involved and interested agencies indicating their confirmation as lead agency, issuance of a SEQR Positive Declaration, and as to the scheduling of public scoping.

4. On May 3, 2006, the Planning Board, as lead agency, conducted a duly noticed public scoping session, at which time involved and interested agencies, and the public were given an opportunity to provide comments on the issues and studies to be addressed and included in the required EIS.

5. On June 7, 2006, the Planning Board, as lead agency, adopted a final written Scoping Outline identifying the issues and studies to be covered and the type and level of analysis to be included in the project EIS, and provided the project sponsor with a copy of the Final Scoping Outline.

6. On February 7, 2007, the project sponsor submitted for completeness review a preliminary Draft EIS (DEIS). The Planning Board, as lead agency, determined that the scope and content of the submitted preliminary DEIS was not adequate for public review as it did not fully comply with the DEIS specifications and requirements set forth in the lead agency's adopted Final Scoping Outline.

7. On March 25, 2008, the project sponsor submitted for completeness review a revised preliminary DEIS. The Planning Board, as lead agency, determined that the scope and content of the revised DEIS was again not adequate for public review as it still did not fully comply with the DEIS specifications and requirements set forth in the lead agency's adopted Final Scoping Outline.

8. On May 7, 2008, the Planning Board, as lead agency, determined the third version of the required DEIS, as revised through April 18, 2008, to be complete for the purpose of public review and comment, and authorized circulation of the DEIS to involved and interested agencies accordingly.

9. On May 20, 2008, the Planning Board, as lead agency, circulated a copy of the DEIS and Notice of DEIS Completeness to involved and interested agencies indicating the acceptance of the DEIS as complete for public review and comment, and of the schedule for the SEQR Public Hearing and associated public comment period. Copies of the DEIS were made available to the public for review. The DEIS is currently accessible via the web at: **www.timmillerassociates.com/publicreview/salemhunt/default.html** and on the Town of North Salem website at: **www.northsalemny.org/planning/applications/salem-hunt-multi-family-development.**

10. The Planning Board, as lead agency, held and closed a duly noticed SEQR Public Hearing on June 11, 2008, at which time the public, involved and interested agencies, and the Planning Board and its consultants were afforded an opportunity to comment on the DEIS and question the project sponsor on issues associated with the proposed action. Written comments were accepted until July 11, 2008.

11. All verbal and written comments received by the Planning Board, as lead agency, pertaining to the DEIS were provided to the project sponsor for response in the subsequent Final EIS (FEIS) document.

12. On December 29, 2008, the project sponsor submitted a draft FEIS, which draft was determined to be incomplete by the Planning Board, as lead agency. Two subsequent revised draft versions of the FEIS were submitted on April 30, 2009 and July 7, 2009, respectfully, and were both also determined to be incomplete by the Planning Board, as lead agency.

13. A revised draft was submitted thereafter addressing the incompleteness comments of the lead agency and the specific revisions recommended by the Planning Board's Planning Consultant dated July 29, 2009.

14. On August 5, 2009, the Planning Board, as lead agency, determined the final revised FEIS as complete and authorized its circulation to other involved and interested agencies, and made it available to the public.

15. On August 7, 2009, the completed FEIS was filed and circulated to the other involved and interested agencies, including a copy of the FEIS Notice of Completion in accordance with the standards and requirements set forth in SEQR 6 NYCRR Part 617. The FEIS Notice of Completion was published in the August 19, 2009 edition of the NYSDEC Environmental Notice Bulletin (ENB). The FEIS Notice of Completion, FEIS and project development plans have also been posted on the internet for public viewing at:

www.northsalem.org/boards/planning/applications/salemhunt.html

4. POTENTIAL IMPACTS AND MITIGATION MEASURES

4.1 Evaluation of Potential Impacts

The evaluation of the proposed action's multiple components, encompassing varied environmental settings and existing conditions, resulted in the identification of potential impact issues which were explored in the DEIS and FEIS.

The Positive Declaration issued by the North Salem Planning Board, as lead agency, determined that implementation of the proposed action may result in, if not adequately controlled and mitigated, potential significant adverse environmental impacts, specifically pertaining to the following:

- Alteration to site topography due to proposed construction activities in areas where slopes are greater than or equal to 15%.
- Changes to existing ground and surface water quality and quantity, disturbance to wetlands and wetland buffer areas, alteration of drainage patterns and runoff conditions, and increased erosion and sedimentation. The proposed action is located within NYCDEP's regulated watershed area and could have potential adverse environmental impacts on the water supply serving New York City and other area water supply resources.
- Disturbance to wooded vegetation and potential adverse impacts on threatened and/or non-threatened species. Also, significant substantial changes in the use and intensity of use of existing undeveloped woodland and wetland habitat areas, resulting in potential substantial loss and fragmentation of natural areas.
- Alteration of existing community and neighborhood character and woodland aesthetics due to substantial clearing of vegetation.
- Alteration of present traffic patterns due to the increase in population anticipated upon completion of the project.
- Fiscal impacts upon the Town of North Salem, relating to the provision of needed community and support services, maintenance of public facilities, park and recreational resources and public school facilities.

The DEIS prepared in support of the proposed action and in accordance with the Positive Declaration issued by the Planning Board, as lead agency, includes a detailed impact evaluation organized by the following environmental topic issues:

- Land Use and Zoning
- Terrestrial and Aquatic Ecology
- Groundwater Resources
- Wetlands/Watercourses and Buffers
- Geology, Soils and Topography
- Cultural Resources (Visual, Community Character, Historic and Archeological)
- Traffic and Transportation
- Utilities
- Community Facilities and Services

The DEIS also includes an evaluation of the following other environmental aspects as they pertain or would be affected by the implementation of the proposed action:

- Effects on the Use and Conservation of Energy Resources
- Growth Inducing Aspects
- Alternatives to Proposed Action
- Irreversible and Irretrievable Commitment of Resources

The FEIS addresses the substantive DEIS review commentary and also provides an updated analysis pertaining to the plan improvements made between the DEIS and FEIS. While the number of units proposed (65) remained unchanged, the FEIS included a number of project improvements: reduction in the width and length of the private roadways; the number of units per building was modified to provide more flexibility in building layout; and a WWTP was added to provide increased treatment of effluent prior to its discharge to the SSDS. The form of ownership was changed from condominium to fee-simple ownership resulting in a much more positive fiscal benefit to the Town, County and School District. The FEIS responds to all substantive verbal and written comments received by the Planning Board, as lead agency, during the DEIS public comment period, and presents "mitigation alternative" measures proposed by the project sponsor and contains additional analyses where required.

4.2 Identification of Proposed Mitigation Measures

As noted above, identified potential impact issues have been evaluated for each project component and location, and where appropriate, mitigation measures are included to balance, offset or reduce those potential impacts, to the greatest extent practicable.

5. ENVIRONMENTAL CONSIDERATIONS AND FINDINGS

5.1 Land Use and Zoning

The project site was specifically rezoned in 2000 in response to a legal decision requiring the Town of North Salem to create the opportunity for affordable housing and provide for the development of a variety of housing types within the Town. All of the site development buildings will be in full conformance with the applicable underlying and supplementary regulations for high and medium density residential development, including R-MF/4 (Section 250-19.1 of the Town of North Salem Code). The buildings will also be in compliance with all applicable building setback, height and separation distance requirements. Thirteen (13) of the 65 units (20%) are proposed as designated Moderate Income Housing units pursuant to §250-124 of the North Salem Zoning Ordinance and will be subject to affordability limitations set forth therein. The Town is currently in the process of updating its Comprehensive Plan. The Comprehensive Plan committee has discussed the issue of affordable housing and it is likely that the updated Comprehensive Plan will include recommendations to amend North Salem's existing Moderate Income Housing regulations to be consistent with the standards utilized by Westchester County. It is noted that the project sponsor intends to apply for grants to develop the proposed affordable units, in which case the units would be required to be consistent with the County's standards and limitations regardless.

The development of sixty-five (65) residential units on approximately forty (40) acres, with the implementation of the mitigation measures proposed in the DEIS and FEIS, will result in an appropriate residential use in an area with other residential land uses and nearby school facilities. The proposed action has been designed to comply with the underlying zoning standards of the R-MF/4 District. Implementation of the proposed action will require an unavoidable change in the site's current land use from a vacant woodland property to that of a multi-unit residential development, but will be partially mitigated by the avoidance of sensitive areas and establishment of a Conservation Easement on portions of the most constrained lands within the site, and retention of wooded buffers along the perimeter of the site.

Access to the development will be from a single private driveway entrance via June Road, located across from Starlea Road. June Road becomes North Salem Road (Putnam County Route 55) north of the municipal and County Boundary. Several configurations for achieving site access and suitable emergency access provisions were evaluated. The preferred plan includes a traditional two-lane entrance with an emergency access drive located along the northerly edge of the property (accessed via the same curb cut as the project entry road) to be utilized in the event that a portion of the internal entrance road is blocked. The emergency access has been designed to be twelve (12) feet in width and approximately 1,040 linear feet in length, constructed of pervious pavement. Locked security gates are proposed to be located at the access point on the north side of the site entrance and between Buildings 13 and 14. The emergency access (along with all other internal roads) will be owned and maintained by the HOA, including plowing during the winter. A pull-off for five (5) vehicles at the entrance is proposed for the residents to safely park near the proposed bus stop at the project site entrance on June Road.

The proposed attached residences will be constructed within twenty-four (24) separate buildings located upon an internal private common roadway (with a length of approximately 2,695 linear feet). The proposed units are primarily located in the central and southern portions of the site and will consist of fee-simple single-family residences. The project layout and residential building configuration has been designed to avoid and minimize impacts to the site's sensitive natural resources including site wetlands and steep slopes, and concentrates proposed development in areas of the site where the soils and topography are more conducive for development. In preserving the on-site wetlands and much of the wetland buffer, natural open space will be retained on the property, particularly along the eastern and western edges of the site. Open space will also be provided between the proposed building groupings west of the entrance road, upon entering the developed portion of the property. The proposed residential buildings have been sited along the main roadway (Road "A") and a shorter internal road (Road "B"), which together provide a looped road access through the center of the development site.

As required, twenty (20%) percent or thirteen (13) of the proposed residential units will be designated as "Moderate-Income Housing" (MIH) units. The maximum initial and future sales or rental (though rental units are not presently planned and the HOA offering plan will restrict future conversion to rental) price of the MIH units will be consistent with the affordability and income eligibility requirements set forth in the Town's Zoning Ordinance. The proposed MIH units have been designed, as required, to be physically integrated into the overall project layout and building configurations. All sixty-five (65) of the proposed residential units (market and MIH units) have been designed with two (2) bedrooms each, due to the site's limitation for on-site sewage disposal and in order to reduce the required water demand; maintain a compact development footprint thus minimizing impervious surfaces and related stormwater impacts; minimize impacts on the School

District; avoid the otherwise need for area variances and encroachments into regulated wetland buffer with larger units; and ensure continuity of unit type within the overall development complex.

The proposed action also includes an approximately 5,000 square foot clubhouse building and outdoor pool facility to be constructed in the northeast portion of the site, visible as residents and visitors enter the property. The community recreation building will be a private facility for the sole use by site residents and their invited guests; it is not a commercial facility that can be rented, nor will it be open to the general public. The recreation facility includes a separate parking area including fourteen (14) common parking spaces. The interior of the recreation building will contain a large lounge with meeting space for resident gatherings and a fitness center. Adjacent to the recreation building would be a heated outdoor swimming pool measuring approximately 25 feet by 50 feet, enclosed by a fence and landscaped common area.

A minimum of ninety-four (94) parking spaces are required for the proposed action. However, based on the experience of the project sponsor, the minimum required number of parking spaces is insufficient for the anticipated market of the proposed action.

Each residence unit will include an attached garage accommodating one (1) or two (2) cars. The proposed action includes 117 garage spaces. In addition, the area immediately outside each garage space is sufficiently sized to accommodate a parked car without impacting the complex roadways, thus providing in essence an additional 117 parking spaces at the proposed units. Common parking accommodations for 35 visitor-specific parking spaces are also provided throughout the site, including the 14 parking spaces provided at the community center/recreation building. Five (5) additional parking spaces are provided near the site entrance to facilitate school bus pick-up and drop-off.

Homeowner's Association (HOA)

A Salem Hunt Homeowners' Association ("HOA") will be lawfully created to own and manage the operation and maintenance of all common areas, facilities and infrastructure included in the proposed action. The HOA would be declared effective when fifteen (15) percent or more of the units are under contract. This is required to occur before the project sponsor closes and transfers title on the first residence unit in the development. When approximately seventy-five (75) percent of the residential units have been sold, the project sponsor, as the HOA sponsor, would establish a Board of Directors maintaining one (1) seat for the unsold units. When all of the units have been sold, the project sponsor would remove itself from the HOA Board and the homeowners would manage all applicable land, facilities and operations. A Declaration of Covenants, Restrictions and Easements will be created which will define the common areas and establish the HOA's ownership and maintenance obligations.

Site components owned and maintained by the HOA would include:

- Internal site roadways, sidewalks, driveways, and parking areas
- Recreation clubhouse, outdoor pool and play area
- Emergency access road and gates (plowed through winter)
- Fire fighting water tanks
- Stormwater collection system and basins

- Common landscaped areas and natural areas
- Walking trail and pedestrian/equestrian bridge (the equestrian trail would be maintained by the North Salem Bridle Trails Association pursuant to an equestrian trail easement)
- Stonewalls
- The WWTP and SSDS (these will be owned and managed by a duly approved Transportation Corporation which will be wholly owned by the HOA).
- The water control building, water supply wells and related infrastructure, including storage tank (these will be owned and managed by a duly approved Transportation Corporation which will be wholly owned by the HOA).
- Exterior unit landscaping, plowing residential driveways, and maintenance of the exterior of all buildings including siding, roofing, gutters, leaders and decks

The following project specific measures will be implemented to ensure that potential land use and zoning impacts, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. The proposed action provides a housing type that is consistent with the permitted principal and accessory land uses as recommended by the Town of North Salem land use plans and the R-MF/4 Zoning District. Twenty (20%) percent of the units will be designated "Moderate Income Housing" units in accordance with the Town's zoning and will serve to off-set some of the Town's obligation to provide affordable housing.

   The pace of completion of the moderate income units will be required to be consistent with the completion of market rate units. Also, the individual market rate units within a single building grouping will not be eligible for a Certificate of Occupancy until all moderate income units located in that same building grouping are also completed and ready for a Certificate of Occupancy. The specific details for issuance of Building Permits and Certificates of Occupancy relative to the phasing of moderate income units will be finalized during the subsequent Site Plan review and incorporated into any subsequent Approval Resolution.

2. The project sponsor has proposed to offer the Town of North Salem or a non-profit conservation organization (Section 501) a Conservation Easement covering approximately 17.3 acres of land (approximately 43% of the site), consisting predominantly of wooded / wetland areas.

3. Residential buildings will be located approximately 158 feet away from the northern property line and a 100-foot setback has been maintained between the southern property line and the residential structures, in excess of the required minimum yard setbacks. Landscaping and buffer plantings are proposed along the northern property line (areas not utilized for stormwater management or emergency access). A setback of 100 feet is proposed to be maintained between the southern property line and the proposed residential buildings. The first 50 feet of the buffer would retain the existing trees and would be augmented by proposed landscaping and buffer plantings.

4. Site landscaping to be shown on the approved Final Site Development Plans will be required to be installed and maintained, in perpetuity, in accordance with said plans. Dead, diseased or dying landscaping or buffer vegetation will be required to be replaced in-kind or as may otherwise be subsequently approved by the Planning Board.

5. Drafts of the legal instruments associated with the project will be submitted in conjunction with the application for Site Development Plan / Preliminary Subdivision Plat Approval.

6. Stonewalls on the property located outside the limits of disturbance will be required to be retained in place. It is preferred that stonewalls within areas of permitted disturbance be avoided where possible and incorporated with site development landscaping; stones from walls which cannot be avoided should be reused on-site in the construction of new walls wherever possible. Final review of these details will be conducted during the subsequent Site Plan review process.

5.2 Vegetation and Wildlife

To construct the proposed development, the loss of 20.2 acres (50.5% of the project area) of existing vegetation is unavoidable. This reduces the available wildlife habitat on the site by approximately the same acreage and requires the installation and maintenance of erosion control measures until full stabilization is achieved. Of the estimated area of disturbance (20.2 acres), 14.8 acres (37% of the total site acreage) will ultimately be revegetated and 4.3 acres (10.8% of the total site acreage) will be transformed into permanent impervious surfaces.

The existing vegetative cover and habitat on the remaining 19.8 acres of the site, primarily consisting of wetlands and upland wetland buffer areas, will not be disturbed by the proposed action. The proposed action will result in the loss of and/or change in forested habitat that connects similar habitat to the west and southeast. Existing habitat along the edges of the property within the required property boundary setbacks and within the wetlands and wetland buffers would remain substantially undisturbed. (Wetland and wetland buffer impacts are discussed more thoroughly below.)

The proposed action will result in permanent alteration of interior site habitat, particularly interior forest habitat, which is anticipated to have an impact on the breeding success of forest interior species that were documented as occurring on the site. Connectivity between the perimeter of the site and larger intact tracts of forest off-site will be maintained. Undisturbed forested area will help maintain habitat for area-sensitive forest interior bird species as well as post breeding habitat for amphibians such as spotted salamanders and wood frogs.

Impacts to existing site forest are unavoidable in order to construct the proposed site development. However, mitigation measures proposed include: concentrating development in the central portion of the site and providing extensive landscaping throughout, leaving substantial portions of the site perimeter in a natural state and which are proposed to be dedicated and conveyed to an appropriate entity with a Conservation Easement, avoidance of wetland disturbance and minimization of wetland buffer area disturbances. Provision for a trail within the largely undisturbed site perimeter is proposed, including a wetland crossing by a pedestrian / equestrian bridge.

All species of mammals, birds, reptiles and amphibians anticipated to be present on the site are species generally common to northern Westchester County. The NYS Natural Heritage Program reported that they have no records of known occurrences of endangered, threatened or special concern species of plants or animals or significant habitats on the site, and none were observed by the project sponsor during its field investigations. Eastern box turtle (*Terrapene carolina*), a State-listed Special Concern species and listed as a threatened species under the Westchester County Endangered Species Act was observed on the site. A specialist conducted an Eastern box turtle habitat evaluation of the subject property. The project site contains foraging and potential hibernating sites for the species. However, the site does not provide suitable nesting locations for the Eastern box turtle.

The proposed action will alter the habitats that are present on the site and therefore has the potential to impact the potential number of box turtles present and/or utilizing the site. In the northwest corner of the site, where two turtles were observed, much of the existing stonewalls that serve to enclose this area will remain undisturbed, with the portion of land located within the 'enclosed' area remaining substantially undisturbed. Enhancement of site wetlands in conjunction with required wetland mitigation measures is also proposed as discussed in Section 5.5 below.

The following project specific measures will be implemented to ensure that potential impacts to terrestrial and aquatic ecological resources, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. Clearing limit lines will be physically marked on the site with appropriate fencing prior to commencing any construction activity to insure that impacts occur within the approved development areas in accordance with a subsequent approved Site Plan. No trees in healthy condition beyond the marked limits of disturbance will be disturbed. Trees near working areas will be protected in such a manner so as to avoid accidental damage to trunks and roots (disturbance of any kind within the projected root zone of these trees or within the drip line of the tree foliage will be avoided). Snow fencing or other highly visible means of marking placed around the maximum area of the root system will be utilized to prevent the destruction of roots by exposure or through the compaction of soils. All construction equipment will be excluded from being located outside of the marked limits of disturbance.

2. The project sponsor has proposed to offer the Town of North Salem or a non-profit conservation organization (Section 510) a Conservation Easement covering approximately 17.3 acres of land (approximately 43% of the site), consisting predominantly of wooded / wetland areas, including those areas where the Eastern Box turtle was observed.

3. The proposed Landscaping Plan includes plantings consisting of a mix of species in clustered, naturalistic settings. Plantings are intended to supplement the site's existing natural buffers, wetland buffers and to enhance the overall character of the new residential site development. Native species for site landscaping purposes and for revegetating the proposed water quality and stormwater detention basins will also be utilized. Details of the proposed Landscaping Plan will be finalized during the subsequent finalization of the proposed Site Plans.

4. The areas of the project site which are proposed to be avoided and preserved are known to support invasive species which are altering the character of the woodlands and represent a long-term risk to the native vegetative community. The project sponsor proposes that an invasive species eradication program be implemented at the project site as part of the overall development plan, the detail of which will be finalized during the subsequent Site Plan review process. Invasive target species to be eradicated include:

    - Tree-of-heaven (*Ailanthus altissima*)
    - Multiflora rose (*Rosa multiflora*)
    - Mugwort (*Artemisia vulgaris*)
    - Autumn olive (*Eleagnus umbellata*)
    - Garlic mustard (*Alliaria petiolata*)
    - Purple loosestrife (*Lythrum salicara*)
    - Common reed (*Phragmites australis*)
    - Oriental bittersweet (*Celastrus orbiculatus*)
    - Porcelainberry (*Ampelopsis brevipedunculata*)
    - Japanese barberry (*Berberis thunbergii*)
    - Japanese stilt grass (*Microstegium vimeneum)*
    - Winged euonymus (*Euonymus alatus*)

5. The proposed action has been modified to allow for a greater area within the limits of disturbance to be revegetated to a more natural state. Mowed lawn areas have been reduced significantly in favor of meadow. The entire SSDS area is proposed to be minimally maintained as a meadow and planted with a low growing conservation wildflower and grass mix. The SSDS will be mowed once each year at the end of the growing season to reduce woody growth to support potential suitable habitat for ground nesting bird species as well as small mammals and reptiles, along with food and forage opportunities for birds and mammals preferring edge habitat.

6. A Herpetile Protection Plan is proposed to limit impacts to box turtles and other herpetiles utilizing the project site. The specifics of this will be refined during the finalization of the Site Plan and will at minimum include:

    - **Barriers and Fencing to Keep Turtles and Other Reptiles from Development Areas**

      The entire development area will be bounded by a turtle fence to preclude turtles and other herpetiles from entering the developed portions of the property. Access to the power line easement along the north boundary of the site will remain in case turtles are using this existing open area for movement. At the openings in the proposed on-site recreation trails, an 8-inch by 8-inch wooden beam or similar will be placed across the opening to keep turtles from accessing areas that provide direct connection to the site development area.

- **Culvert Under the Roads**

  A wildlife tunnel will be placed under the main access road that leads to and from proposed development areas. The culvert location has been carefully engineered and positioned so that it does not serve for drainage during rain events. Due to the requirement that all runoff from road surfaces be captured and treated, the plan does not show a grate or other surface opening for this culvert. However, the distance from one side of the culvert is relatively short, and good light penetration is expected. Proposed fencing will be placed flush with the opening of the pipe to direct turtles and other herpetiles into the tunnel proposed under the road.

5.3 Groundwater Resources

There currently is no groundwater withdrawal or usage on the undeveloped project site. To the southeast of the site are water supply wells which serve the Town of North Salem highway facility and the North Salem High School. The surrounding lands are residential areas, served by individual water supply wells. The subject property is not located within any Town of North Salem Water District.

The project engineer, Insite Engineering and Surveying, P.C., has prepared an estimate of water demand for the Salem Hunt project. Calculated water demand estimates are provided in the *Preliminary Water System Report* (August 31, 2007), included in the DEIS. The project water supply wells were tested based on the water demand of ninety (90) residential units, which is for a substantially greater number of units (25 more) than proposed. The Preliminary Water System Report provides a total average daily design flow for the project of 20,500 gallons per day (gpd) or 14.2 gallons per minute (gpm). The total current groundwater usage for all areas within the proposed action drainage area (up-gradient, undeveloped project site, down-gradient) is an estimated 31,350 gpd. Adding the estimated 20,500 gpd for the project, results in a post-development water usage of approximately 51,850 gpd for the drainage area.

The aquifer drainage area analyzed in the DEIS consisted of approximately 373 acres including: the project site (approximately 40 acres), the up-gradient area (approximately 266 acres) and the down-gradient area (approximately 67 acres). The groundwater recharge for the entire site aquifer drainage area following the proposed action development has been conservatively estimated to be approximately 205,502 gpd. Therefore, based on the projected water demands of the proposed action and the anticipated annual recharge to the analyzed drainage area, no significant adverse impacts to groundwater recharge or quality are anticipated, particularly since projected water demand will be substantially less than both the average recharge rate and drought condition recharge rate.

No permanent irrigation improvements are proposed. Further, lawn irrigation systems and lawn watering systems will be prohibited after the site has been stabilized. The project sponsor has committed to utilize native and drought tolerant vegetation in the project landscaping, which will reduce the need for assisted irrigation. Although individual residential units will include outdoor water spigots, all lawn and landscape maintenance will be the responsibility of the HOA, and association rules and regulations will be established to prohibit individual homeowners from watering lawns and landscaping, and to discourage on-site car washing.

Given the density of the proposed action and the proximity of the project site to neighboring wells, possible impacts to neighboring wells could potentially include loss of yield. A 72-hour pump test was completed in December, 2006 on three (3) proposed water supply wells for the project in accordance with a well testing protocol prepared by the project sponsor's consultant and revised to the satisfaction of the Planning Board's Hydrogeologist. Four (4) of the eight (8) off-site wells monitored showed an influence from the pumping test. These wells include the Town well serving the Town's nearby highway facility, Seeley well, Red Horse Farm well and the Havell well.

The tested project site wells were pumped at 82 gpm, or approximately 5.7 times the average project water demand. The monitoring well most influenced by the first pumping test was the Havell well as it is the closest to the project site test wells. The Red Horse Farm, the Town highway facility and the Seeley wells were all impacted to a lesser degree. Based on the analyses conducted, the proposed action's long-term impact to the Red Horse Farm well usage is expected to be minimal. The Havell well has a range of usage of approximately 50 feet and the pumping test had an influence of 25 feet during the first test and 13 feet during the second. The depth of this well is unknown. Given the observed influence and proximity of the Havell well to the project site, and in consideration of the proximity and yield of other nearby wells, specific related mitigation measures are proposed, as described below.

As discussed elsewhere in this Findings Statement, a comprehensive Stormwater Pollution Prevention Plan will be implemented which is intended to insure that all stormwater runoff is properly treated. This will address the potential for contamination of on-site or nearby water supply wells resulting from untreated stormwater runoff related to the proposed action.

The following project specific measures will be implemented to ensure that potential subsurface groundwater impacts, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. Undeveloped and landscaped portions of the site will allow continued recharge of the underlying aquifer. The proposed action has been designed to minimize the amount of impervious surface coverage to approximately 4.3 acres (or approximately 11%) of the entire site area. The remainder of the site (approximately 89%) will either be undisturbed or remain pervious supporting the recharge of the local aquifer. The majority of stormwater collected from the proposed parking area and driveways will be treated in the proposed stormwater management facilities. Stormwater will be collected and stored to permit infiltration back into the ground, thus contributing to the recharge of groundwater resources. Approximately 19.8 acres or close to one-half of the property will remain undisturbed, allowing existing soils to contribute to recharge.

2. Low-flow, water efficient plumbing fixtures and appliances will be installed in the residential units and recreation building. The use of such water conserving fixtures can reduce water consumption by more than 20% (to be conservative, only a 20% percent reduction has been utilized in all of the calculations for water and sewer flows applicable to the studies in the DEIS). The project proposes extra-low flow toilets that use 1.2 gallons per flush as compared to standard water saving toilets that use 1.6 gallons per flush, which could result in a 25% further reduction in water use from toilets. The terms of the HOA will clarify that alterations to (or replacement of) these fixtures which would reduce their efficacy shall not be permitted.

3. The project sponsor has proposed to conduct an offsite private Well Monitoring and Mitigation Plan. The purpose of the Plan will be to monitor potential adverse effects to certain off-site residential wells that could be a result of the use of the proposed site wells. The wells proposed to be monitored include those which showed drawdown during the pumping test (Town well serving the Town's nearby highway facility, Seeley well, Red Horse Farm well, and the Havell well), and a fifth off-site well, the Cindrich well, which has been included by the project sponsor in response to Mr. Cindrich's concerns. The Plan provides for a renewable bond or letter of credit to be provided (the details of which will be finalized during the subsequent Site Plan review) in order to cover the cost of corrective measures resulting from the long-term effects of the site's three (3) production wells, a process to investigate water supply impairment claims, plans to provide interim drinking water in the potential event of off-site well impacts and identification of potential remedial measures, including:

    - Lowering a pump to a deeper level, replacing a shallow-well pump with a submersible pump, or replacing a shallow-lift submersible pump with one of adequate supply capacity.
    - Conducting airlift well development to clean a well that produces colored or sediment-laden water.
    - Hydrofracturing a well, deepening a well, or drilling a replacement well.

4. The project sponsor has agreed that if and when the School drills new wells that the Salem Hunt wells will be made available for observation of any draw-down testing that the School may conduct.

5. A comprehensive Stormwater Management Plan has been prepared which is intended to reduce potential impacts to subsurface water quality resulting from new stormwater runoff generated by the proposed action, as discussed further below.

5.4 Wetlands / Watercourses and Buffers

The project site includes four (4) separate mapped wetland areas, identified in the DEIS and FEIS as Wetlands A, B, C and D, all of which are regulated by the Town of North Salem along with a 100-foot regulated "buffer area" (collectively these resources are referred to in the Town of North Salem's Freshwater Wetlands Law as a regulated "Controlled Area"). The NYSDEC also regulates Wetland D (which includes a portion of NYSDEC Wetland L-32) and Wetland A (which has been determined to be tributary to NYSDEC Wetland L-32 although not mapped as such on the most recent NYSDEC Freshwater Wetlands Map). The U.S. Army Corps of Engineers (ACOE) regulates Wetlands C and D but determined Wetlands A and B to be "isolated" or non-jurisdictional wetlands, as they lack hydrologic connection to other waters regulated by the ACOE.

Without appropriate plan measures, the proposed action could potentially increase the volume and velocity of stormwater discharged to wetlands, watercourses and associated regulated buffer areas from land clearing and conversion of existing land forms into impervious surfaces (e.g., roads, parking areas and buildings) and landscaped areas. Left uncontrolled, peak rates of surface runoff would increase, as would pollutant loadings found in the increased storm water runoff. If not controlled and the potential impacts mitigated, these activities could lead to accelerated erosion and sedimentation both during and after construction, as well as long-term adverse impacts to

downstream hydrology and surface water quality. Potential indirect impacts to wetlands, watercourses and downstream receiving waters could also result from post development increases in pollutant loading in stormwater, post development flooding from increases in the volume of stormwater discharged, and bed and bank erosion in receiving watercourses resulting from increased stormwater discharge velocities. Other related potential indirect impacts to wetland and watercourse resources could include thermal impacts to water temperature from the loss of vegetation and increase in impervious surface on the site. To address these impacts, the proposed action requires a Stormwater Pollution Prevention Plan, which plan is required to be consistent with the Town's Stormwater Management law and the New York City Department of Environmental Protection's Watershed Rules and Regulations.

The project site is located within the Muscoot Reservoir basin of the New York City Watershed Area. The NYCDEP Phase II Report indicates that the Muscoot Reservoir phosphorus total maximum daily loading (TMDL) is currently being exceeded as a consequence of existing point and non-point phosphorus inputs of kg/yr from its watershed. The project SWPPP, and the stormwater basins specified in it, have been designed to comply with NYS GP-0-08-001 and the Enhanced Phosphorus Removal Standards set forth in Chapter 10 of the NYS Manual. Following construction, approximately 0.28 fewer pounds of phosphorus are anticipated to be discharged annually from the site than is currently discharged. However, this reduction does not reach the 19% reduction directive required by NYSDEC for the entire Town of North Salem.

The proposed action includes the disturbance to approximately 0.45 acres of regulated 100-foot wetland buffer relating to the construction of the new site access driveway and installation of project related site utilities. The disturbances would impact both on-site and off-site portions of Wetland D (NYSDEC Wetland L-32), which will also require the separate review and approval from NYSDEC. The area of disturbance to the on-site portion of Wetland D buffer area is proposed at less than 0.3 acres, while the area of off-site disturbance which is related to the installation of stormwater management improvements within the right-of-way of June Road is proposed at approximately 0.15 acres.

Approximately 200 square feet of disturbance is proposed to impact the buffer area of Wetland B only. This disturbance is associated with the proposed installation of a water main connection to one of the site's water supply wells.

Other wetland/watercourse and regulated buffer area related impacts of the proposed action include minor disturbances associated with the installation of a proposed pedestrian/equestrian bridge stream crossing within Wetland D (also NYSDEC Wetland D). The bridge is intended to provide a direct trail connection from the project site to adjacent Town owned park lands (Volunteer Park) as well as provide walkable access to the nearby school complex. The bridge would likely be constructed of wood with an approximate span or length of 30 feet. It would be supported by piles embedded into the wetland subsoil. No filling, excavation or dredging of the wetland is proposed. It is estimated that approximately four (4) pairs (a total of eight (8)) of 9-inch diameter piles would be necessary to be installed into the wetland to support the bridge. The bridge could be constructed with small track mounted equipment to minimize disturbance. For the purposes of the EIS analysis the proposed wetland/watercourse and regulated buffer area disturbance specific to the bridge has been assumed to be approximately 180 square feet (the approximate footprint of the bridge). However, the actual area disturbance resulting from the installation of eight (8) wooden piles would be less. The bridge is proposed to be constructed by

the project sponsor, the timing of which and construction details will be finalized during the subsequent Wetland Permit review. Additional minor disturbances to regulated buffer area on either side of the bridge would also be incurred by the continued use and maintenance of the connecting pedestrian/equestrian trail. It is anticipated that the use and routine maintenance of the trails would typically be exempt from Town and NYSDEC regulations.

The proposed action includes provision for an on-site system of recreational trails which will be accessible to pedestrians and equestrians. The shared trails are proposed to be "developed and maintained" pursuant to a Trail Easement Agreement with the North Salem Bridle Trails Association. As proposed, the trails will cross through portions of the on-site wetland buffers associated with Wetland A, B, C and D, in order to create a full loop around the project site. The trail routes are proposed to be identified by signs or blazes placed on trees. No grading, filling or ground disturbance is proposed by the project sponsor in association with the trails, except the bridge described above. Accordingly to the plan, the trails will be maintained by the North Salem Bridle Trails Association and it is anticipated that some minor trail work would be necessary to maintain a safe trail path, which could potentially involve placement of wood chips. The Planning Board notes that Best Management Practices for equestrian trails are being developed and once in place, would be applied to the trails on the Salem Hunt project site. Best Management Practices include closing trails due to excessive wetness and providing alternative routes where feasible.

Permits for the disturbance to regulated wetlands, watercourses and associated regulated buffer areas will need to be obtained from the appropriate regulatory agencies (Town of North Salem, NYSDEC and ACOE) before any disturbance to the related resources or regulated buffer areas may commence.

Impacts to wetlands, watercourses and associated regulated buffer areas have been substantially avoided and minimized. The resulting impacts noted above to on-site and off-site wetlands and associated regulated buffer areas are unavoidable to provide access and needed utilities into the interior of the property where site development is more feasible and practicable. The other noted on-site wetland, watercourse and associated buffer area impacts are minor in scope, and will have limited long-term affects to these resources if properly maintained as planned. To mitigate the wetland related project impacts, the project sponsor has designed and proposes to implement a comprehensive Wetland Mitigation Plan as detailed in the DEIS and FEIS, and which will be finalized with the subsequent Site Plan and Wetland Permit reviews.

Proposed mitigation includes enhancement of existing wetlands and wetland buffer areas. The exact goals and objectives of the wetlands mitigation are to duplicate / enhance those wetland functions and values eliminated by proposed construction activities. A mechanism for measuring wetlands mitigation success will also be established during the subsequent Site Plan and Wetland Permit reviews.

The following project specific measures will be implemented to ensure that potential impacts to wetlands / watercourses and buffers, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. Wetland impact avoidance has and will continue (during the subsequent Site Plan and Wetland Permit reviews) to be applied as the primary mitigation measure to ensure short- and long-term protection of site wetlands, watercourses, regulated buffers and the functions, habitat, flora and fauna related to these resources located on the property and which continue off-site.

2. A comprehensive and detailed Wetland Mitigation Plan will be implemented in accordance with the mitigation measures specified in the DEIS and FEIS, subject to final review and approval by the Town of North Salem Planning Board in conjunction with the application for Preliminary Subdivision Plat and Wetland Permit Approvals. The project sponsor has proposed the removal of invasive species, buffer enhancement plantings, and preservation via establishment of permanent protected Conservation Easement area. The proposed action includes the conveyance of a Conservation Easement covering approximately 17.3 acres of land (or approximately 43% of entire project site) as identified on the proposed development plans to a Section 501 non-profit organization or the Town of North Salem. A draft proposed Conservation Easement legal instrument and details of an accepting suitable receiving entity of the proposed Conservation Easement will be finalized as part of the subsequent Site Plan and Wetland Permit reviews.

3. A Wetland Mitigation Area Monitoring and Maintenance Plan will be implemented and will involve monitoring of the proposed wetland mitigation areas, plantings, and invasive species removal activities. Maintenance will at minimum be conducted annually during the growing season and for an initial period of three (3) years following the accepted completion of mitigation planting. Mitigation monitoring reports will be required annually. The details of this will be finalized as part of the subsequent Site Plan and Wetland Permit reviews.

4. A comprehensive Stormwater Management Plan has been prepared and will be implemented to assist in the reduction of potential stormwater quality impacts resulting from the proposed action site development, which otherwise could impact wetland related resources of the site and downstream. Accordingly, a detailed SWPPP and Erosion and Sediment Control Plan consistent with the Town's Code requirements will be required as part of the subsequent Site Plan and Wetland Permit reviews, and implemented accordingly.

5. Better Site Design techniques (NYSDEC publication April 2008, *Better Site Design*) and other specific mitigation measures have been incorporated into the proposed action development plans to further mitigate impacts relating to creation of new impervious surfaces, including:

    - Minimization of pavement by elimination of previously proposed cul-de-sac turnarounds and minimization of roadway widths (the site roadways have been designed with a width of twenty (20) feet).
    - Pervious pavement will be used for all visitor parking, recreation area parking, individual unit driveways, and sidewalks. Collectively, these modifications have reduced the impervious surface coverage from approximately 5.9 acres (DEIS Plan) to approximately 4.3 acres (FEIS Plan), resulting in a reduction of approximately 1.6 acres (or 27%) of impervious surface coverage.
    - Natural features and source controls have been incorporated into the planned stormwater management plan. Approximately 50% of roof leader drains will be directed to rain gardens or grass swales.

- Minimization of manicured lawn areas. Only approximately 2.5 acres of new lawn area is proposed. The remaining approximately 9.2 acres of on-site landscaping will be planted with low maintenance native grasses. Areas of meadow and native grasses are proposed for the common area which will be located between the proposed buildings within the central loop road, as well as for the SSDS fields. Low maintenance native grasses do not require fertilizers or assisted irrigation, avoiding both the potential for water quality impacts and reducing project water demand. These areas will only be mowed annually.
- Use of sand for winter traction and road maintenance. Use of salt will be prohibited and specified as such in the HOA Declaration of Covenants and Restrictions. The project sponsor has also proposed monthly monitoring of accumulations of non-salt winter traction materials during the months of November through March, along with removal as appropriate.

6. The Town of North Salem and other Small Municipal Separate Storm Sewer Systems (MS4s) located in the Muscoot Reservoir watershed are required by the SPDES General Permit for Stormwater Discharges for Municipal Separate Storm Sewer Systems (MS4s) GPO-0-08-002 to reduce overall phosphorus loads from point and non-point sources. This is also consistent with the intent, purpose and requirements of the Town's Stormwater Law (Chapter 193 of the Code of the Town of North Salem). At minimum, it is the Town's policy that all new development be designed to incorporate appropriate on-site stormwater management and treatment controls to prevent any increase in phosphorus loading.

   In the Muscoot Reservoir watershed, the Town of North Salem is expected to achieve an approximate nineteen (19%) percent reduction over five (5) years. To achieve this goal, the Town of North Salem is currently completing a study which is expected to be finished by the end of 2009 as required by GP-0-08-002 that will identify potential phosphorus reduction projects in the Muscoot Reservoir drainage basin. In this regard, the New York State Watershed Inspector General (WIG) has expressed the view that each property should either achieve the above phosphorous reduction goal or provide for an offsite offset project or funding of an offsite offset to achieve this goal.

   Upon completion, the project will comply with the appropriate phosphorous reduction that is required of new developments. Additional reductions on-site were determined less feasible. Therefore instead, based on consultation with other involved agencies, the project sponsor proposes to contribute $94,000 (this amount is consistent with the WIG's estimate of the pro-rata share of the Town costs of phosphorous reduction projects the Town intends to complete to meet its reduction obligations) towards a larger Town of North Salem retrofit project on public lands or on property identified by the Town that the parties involved determine could provide the most effective mitigation towards reducing overall phosphorous loads in the Muscoot Reservoir drainage basin and mitigate the phosphorous impacts of the proposed action. The project sponsor has agreed to provide this funding prior to commencement of construction or tree clearing.

7. Minimization of traditional lawn area around the proposed buildings will result in a reduced need for pest control, and thus a reduction in runoff pollution to wetland related resources. An Integrated Pest Management Plan (IPM) has been proposed for the long-term operation and maintenance of the property. The purpose of the IPM will be to minimize the use of pesticides and fertilizers on the property, and if used, ensure the safe and proper application of suitable pesticides and fertilizers. The HOA will be responsible for the implementation of the IPM policy; the actual duties and responsibilities will be delegated to the "IPM Coordinator / Contractor."

5.5 Geology, Soils and Topography

The proposed action site layout and plan configuration has been designed to minimize impacts on steep slopes by concentrating the development in the most level areas of the site, in the southern and central portions of the property. Steep slopes bordering the eastern edge of the site above an area of wetlands will remain substantially undisturbed. Only minor impacts to steep slopes are necessary to construct the new site access entrance driveway. There are no areas of the site which would warrant or involve blasting or other extensive physical rock removal methods.

According to the proposed site grading plan, cut and fill required for the on-site grading has been essentially balanced. No material will require export from the site. Select fill material, in the estimated amount of approximately 5,000 cubic yards, will need to be imported to properly construct the proposed SSDS fields.

Site-specific deep-hole soil tests were undertaken and witnessed in the field by DEP and DOH to confirm suitability for the proposed SSDS. A detailed Mounding Analysis was also conducted to confirm the suitability of site soils to accommodate the anticipated subsurface discharge of treated septic effluent.

Exposing soils on steep slopes during construction increases the potential for erosion in the short-term, which is expected to be mitigated by the planned erosion and sedimentation controls. Following construction, soil erosion from the property is expected to be minimal since developed areas will be stabilized with lawn and landscaping, and storm water management features will be fully functional.

Engineered slopes will not be greater than 2 on 1, and no rip-rap stabilization is proposed for the project. Retaining walls which meet the Town's Zoning requirements will be utilized. Where grading is proposed, various measures will be incorporated to create smooth transitions in sloped areas thereby providing a "naturalized look" to the finished development. Created lawn terraces, or, in some areas, low decorative retaining walls are proposed that will have an attractive stone-faced appearance. All areas of grading within the site and not otherwise stabilized will receive grass seeding or other permanent vegetative cover to protect the created slopes.

The following project specific measures will be implemented to ensure that potential impacts to geology, soils and topography, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. An Erosion and Sediment Control Plan has been prepared as required for the general State Pollutant Discharge Elimination System permit (SPDES Permit GP-0-08-001) for construction activities. In compliance with current and proposed regulations, the Plan provides both short and long-term maintenance of facilities including construction sequencing, storage of materials and temporary and permanent structures. Erosion control methods to be employed are based upon the guidelines within the New York State Standards and Specifications for Erosion and Sediment Controls for New Developments.

2. Various measures to control and mitigate potential erosion related impacts, including, but not limited to the following vegetative, temporary and permanent structural measures are proposed:

    - Silt fences
    - Stabilized construction entrances
    - Inlet protection
    - Critical area seeding of slopes
    - Dust controls
    - Inlet protection around proposed catch basins
    - Strawbale sediment barriers to be installed parallel to and in conjunction with silt fences
    - Diversion swales to divert clean runoff flow around the area of construction
    - Water barriers on roads and driveways
    - Temporary soil stockpiling of topsoil and soil material
    - Check dams

3. A specific maintenance and inspection schedule for the temporary erosion and sediment control measures planned will be submitted in conjunction with the subsequent Site Plan and Wetland Permit reviews. Inspections will occur weekly and after significant rainfall events. The preferred plan will include provisions for a Town-appointed Environmental Monitor, funded by the project sponsor, to inspect and ensure continued erosion and sedimentation control during the construction phase.

4. The final design of the WWTP along with the SSDS are also subject to review and approval by the Westchester County Department of Health (WCDOH) and New York City Department of Environmental Protection (NYCDEP), which approvals will be required as a condition of any subsequent North Salem Planning Board Subdivision, Site Plan and Wetland Permit Approval.

5.6 Cultural Resources – Visual Resources and Community Character

Construction of the proposed action will change the existing visual character of the project site by removing existing woodland and introducing an attached multi-unit residential development. Although the new residences will not be completely hidden from views outside the project site, any limited views from surrounding areas are anticipated to be partial and primarily seasonal (winter) views. The project layout has been designed with attention to the natural site conditions to minimize impacts to sensitive environmental elements (wetlands and sloped terrain) and includes proposed site landscaping including street trees, shade and evergreen trees, ornamental flowering trees, shrubs, foundation plantings, and areas of annually mowed lawn and limited areas of manicured lawn.

A minimum amount of exterior site lighting is necessary to provide a safe nighttime environment. Proposed lighting will be limited to "Dark Sky" compliant roadway lighting consisting of three (3) strategically-placed 100-watt metal halide street lamps, pole-mounted at 10 feet in height, along with fifteen (15) 70-watt metal halide bollard lamps measuring approximately 3 feet 6 inches in height. Site lighting (the street lighting as well as lights at individual residential units, visible interior lighting and other proposed exterior area lights) is expected to create some nighttime visibility of portions of the proposed action from a limited number of nearby properties. Due to the dense vegetation and distance that will separate these areas from the new light sources, this change is not expected to cause significant adverse effects on the surrounding residential uses. Hours of operation for the site lighting, particularly that associated with the site roadway system, visible from the site entrance driveway and June Road, and common areas, will be determined and set as part of the subsequent Site Plan review.

The proposed site entrance road is intended to maintain the existing character of the surrounding area and therefore the preferred plan is the one presented in the FEIS and not the previously proposed "boulevard-style" entrance. To maintain visual and community character of a rural image, no permanent entry sign identifying the residential complex is proposed.

The undeveloped site's potential for the presence of cultural resources (historic and pre-historic) which could be adversely impacted by the implementation of the proposed action prompted a Stage 1A Archeological Assessment (July 2006) which further recommended a Stage 1B Archeological Field Testing (June 2007). No further testing was recommended. Correspondence received from OPRHP (June 17, 2009) indicated that it has no concerns regarding archeological resources and concurred with the project sponsor's consultant's studies.

Analysis of the proposed action's potential impact on surrounding area historic resources revealed no impacts. Correspondence received from OPRHP (dated June 17, 2009) indicated that it is their opinion that the project will have "No effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places."

The following project specific measures will be implemented to ensure that potential impacts to cultural resources, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. The residential development has been sited to the interior of the property, allowing for a substantial portion of the site's perimeter vegetation to remain as an undisturbed buffer. Additional buffer enhancement plantings will further augment the functionality of the remaining perimeter vegetation.

2. The project sponsor has proposed the conveyance of a Conservation Easement covering approximately 17.3 acres (approximately 43% of the site), consisting predominantly of the perimeter wooded/wetland areas of the project site, to the Town of North Salem or a non-profit conservation organization (Section 510). The Conservation Easement is intended to preserve the areas encumbered in their natural state, exclusive of any improvements / maintenance activities within those areas that may be associated with the approved plans and bridle trail easement.

3. The architectural style of the proposed site buildings has been designed to emulate the area's rural vernacular character. The design of the proposed residential buildings includes varied sloped rooflines, shuttered windows and columned porches which will provide architectural interest similar to that of traditional styles of area homes. Muted earth-tone paint colors will be utilized to further harmonize the new development with the surrounding setting. Any subsequent changes to these features are subject to prior review and approval of the Planning Board. Landscaping throughout the site will provide visual interest and relief from the bulk of the site buildings, while softening and creating transition buffers to the surrounding undisturbed natural environment of the site.

4. Existing stonewalls on the site and at the site's property boundaries have been substantially avoided. Approximately 1,920 feet of original stonewalls will remain following proposed site development. A long wall located in the eastern portion of the site, above an area of wetland, will remain undisturbed. The majority of the walls in the northwest corner of the site, surrounding Wetlands B and C will also be preserved. All existing walls along the property boundaries will be preserved. The stones and boulders from walls that will unavoidably be disturbed by the project development are proposed to be used in the construction of landscape features, including tree wells and low retaining walls.

5.7 Traffic and Transportation

Development of the project site will result in changes to the existing road network thereby affecting area traffic movement and transportation patterns. The currently vacant site is located on the westerly side of June Road (NYS 121), across from Starlea Road. The proposed development will be accessed via a single driveway off of June Road, which will create a four way intersection with the existing intersection of Starlea Road. An existing residential driveway serving a residential property north of the entrance in Putnam County will be reconfigured to avoid conflicts with the proposed new site access entrance driveway. The access driveway entrance location and design is also subject to review and approval by the Westchester County Department of Public Works. Proposed modification to the neighboring driveway is subject to prior review and approval by the Putnam County Department of Public Works and the Town of Southeast Highway Department, as may be appropriate. Exiting traffic from the site access driveway will be stop-sign controlled. Adequate sight distances will be provided at the proposed site driveway intersection with June Road upon completion of proposed minor vegetation clearing in the June Road right-of-way, consistent with NYSDOT policy and standards for entering and exiting vehicles.

Emergency access to the project site will be provided via a 12-foot wide driveway spur off the main access driveway. The emergency access drive will provide a connection to the interior of the project site in the event that the internal main access driveway is obstructed. The emergency access will be constructed of pervious pavement and will be maintained by the HOA to provide free and clear emergency access through-out the year, including during the winter.

The condition and construction of the surrounding road network is adequate in regards to available and suitable capacity to provide efficient and safe access to the project site. The traffic analysis conducted as part of the DEIS and FEIS utilized a unit count of 90 residential units (25 more units than that which is proposed), which estimated a generation of 47 trips during the AM peak hour and 55 trips during the PM peak hour. According to the analysis, acceptable Levels of Service

(LOS) would continue to be provided at the majority of the surrounding analyzed intersections under the 90 unit scenario. Thus, the proposed 65 unit plan is expected to result in lower traffic generation rates and a shorter queue time delays than analyzed under the higher unit count. It is noted that the eastbound and westbound approaches of Bloomer Road will continue to experience less than desirable delays, regardless of the construction of the proposed action (noting that under either scenario, the existing LOS will not change).

Construction related traffic impacts are also anticipated but will be short-term and temporary (will cease upon completion of site construction activities). The number of construction vehicles will vary by stage of development. Construction is expected to occur over a three (3) year period. A Construction Phasing Plan has been developed to control the sequential development of the site and to minimize potential impacts from construction. Construction truck traffic on any given day is expected to be less than twenty (20) vehicles. Peak traffic hours on the adjacent road network will be substantially avoided by construction related trucks. However, passenger vehicles transporting workers to and from the site would add to existing traffic during peak traffic hours. It is anticipated that less than fifty (50) workers would be at the project site on any given day.

The FEIS grading plan indicates that only select fill required for the SSDS will be imported, and that the remaining portion of the site will have balanced cut and fill. This results in a significant reduction over the number of construction vehicles anticipated based on the grading plan evaluated in the DEIS. As noted above, construction related impacts will be short-term and temporary, as they will be limited to the duration of construction activities involved.

The designated route for construction traffic will be from Interstate 684 to Fields Lane, which currently handles significant truck traffic, to North Salem Road /June Road approaching the site from the north. The route described in the DEIS which included Starr Ridge / Starlea Road is not a feasible route for construction vehicles, even as an alternate, as there is a limit on through truck traffic weighing over four (4) tons. This weight limit therefore excludes use of Starlea Road by 25-ton tri-axel dump trucks and any other vehicles in this weight class. The project sponsor has proposed and the Planning Board will require that all construction traffic avoid Starr Ridge / Starlea Roads.

The following project specific measures will be implemented to ensure that potential impacts to traffic and transportation, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

1. A pedestrian connection through NYSDEC Wetland L-32 to the Town property to the south of the site, which then connects to the North Salem Middle/High School property, is proposed. The connection has the potential to reduce potential vehicle trips to and from the site to those adjacent properties over that anticipated by the traffic analysis.

2. An internal emergency access driveway will be installed and maintained year round.

3. With regard to construction-related traffic and transportation impacts:

    - A stabilized construction entrance will be maintained to minimize potential sediment and dust to be tracked onto June Road. The construction entrance will be inspected on a daily basis and following rainfalls.

- Construction vehicles will not be permitted to enter the site via Star Ridge / Starlea Roads.
- Construction vehicles and contractors will be required to park in designated areas only, outside wetlands or associated regulated buffer areas, nor under the drip line of significant trees to remain.
- On-site excavated materials will be reused on-site to reduce the need for the import of materials resulting in otherwise increased construction truck traffic.
- Construction truck traffic deliveries and usage of adjacent roads will be scheduled to avoid the peak traffic hours on said area roads.

5.8 Utilities

Sanitary Sewage

The subject property is not located within a central public sewer district. To assess the suitability of the site to accommodate sewage waste disposal, a series of deep hole soil tests were conducted to assist in the identification of a suitable area for effluent discharge designed in accordance with minimum regulations for soil suitability (permeability and percolation) and slope (15% or less).

A Wastewater Treatment Plant (WWTP) that will treat effluent prior to its being discharged to the subsurface sewage disposal system (SSDS) is proposed. The project sponsor, in consultation with the project's engineering consultants and reviewing agencies has agreed to construct a WWTP as part of the proposed sewage treatment process. The WWTP will collect and treat the sanitary flow from the development, significantly reducing the treatment of the discharge required by the soil, compared to a traditional community subsurface treatment system. The discharge from the WWTP will be treated to a level that it could be discharged to a surface water body or stream (although this is prohibited by NYCDEP regulations, thus the need for the SSDS). The NYCDEP and NYSDEC do allow reduction in SSDS size with pretreatment by a WWTP, but in accordance with current DOH regulations, despite the level of treatment proposed, there is no provision for a reduction in the size of the SSDS area.

As indicated in the DEIS and FEIS, the proposed sewage disposal system can be designed to meet all regulatory requirements, including those of the NYSDEC, New York State Department of Health (NYSDOH), WCDOH and NYCDEP. These agencies have been active participants in the environmental review process and it is the Planning Board's understanding that all related comments and concerns to date have been satisfactorily addressed.

Water Supply

Four (4) water supply wells were drilled and tested on the property in support of assessing the feasibility of a community water supply system serving the entire proposed development. An approximately 25,000 gallon subsurface water storage tank for potable water is proposed to be installed on the southerly side of the proposed community center / recreation building. This storage facility will be owned and maintained by the Transportation Corporation that will be formed as part of implementation of the proposed action (the HOA will wholly own the Transportation Corporation).

According to completed pump testing, three (3) of the drilled wells will be utilized, including well TW-2, TW-3 and TW-4. These production wells will draw water from considerable depth (a depth of approximately 71 to 101 feet) and with separation distance from the ground surface. The production wells will also have substantial vertical and horizontal separation distance from the proposed SSDS. Given that site generated wastewater will be fully treated (by the proposed WWTP) prior to its subsurface discharge (to the SSDA), no appreciable impacts to on-site water supply wells from the wastewater treatment system are anticipated.

A pumping test was conducted to evaluate potential impacts associated with groundwater withdrawal on nearby water supply wells and is discussed further above. In response to the results of the testing certain off-site private wells, a Well Monitoring and Mitigation Plan has been proposed by the project sponsor and will be required to be implemented as discussed in greater detail above.

Other Site Utilities

An existing New York State Electric and Gas (NYSEG) electrical utility easement crosses the northwestern portion of the project site. No project-specific upgrades are warranted by the proposed action. All new site utilities will be installed underground. Heating for the units will be electric. Telephone service lines will be provided by Verizon via connection to the existing overhead lines located along June Road. Cable television lines and service will be provided by Cablevision, also via hookup to the existing overhead lines. The proposed action also includes the installation of on-site propane storage tanks primarily for cooking fuel that will be installed underground and will generally serve three to four units. Details of all proposed underground site utility line locations and related aboveground infrastructure will be finalized as part of the subsequent Site Plan review and will be shown on the Site Plans.

Utility Mitigation Measures

The following project specific measures will be implemented to ensure that potential impacts to utilities, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

Sanitary Sewage Mitigation

1. The proposed sewage collection, treatment and disposal facilities will be privately constructed, maintained and operated. A Transportation Corporation will be formed to own and maintain the WWTP, SSDA and related infrastructure of the sewage disposal system for the project site development. The Transportation Corporation will be wholly owned by the HOA. As a default measure, a Town of North Salem Sewage District will also be formed pursuant to the standards set forth in New York State Town Law.

2. The WWTP will be located in a single building measuring approximately 55 feet by 35 feet. Its architectural design and appearance is consistent and compatible to the architectural design and scale of the proposed residential units. The WWTP will include an odor control system as well as an emergency power generator capable of automatic startup, should power be lost. The SSDS has been conservatively designed with several factors of safety, as described in the Preliminary Wastewater Treatment Report included in the FEIS.

Water Supply Mitigation

3. The proposed water supply wells, storage tanks, treatment facilities and distribution system will be privately constructed, maintained and operated. A Transportation Corporation will be formed to own and maintain these facilities. The Transportation Corporation will be wholly owned by the HOA. As a default measure, a Town of North Salem Water Improvement District will also be formed pursuant to the standards set forth in New York State Town Law.
4. The proposed stormwater management system and the proposed WWTP are not anticipated to impact the groundwater quality, on-site or down gradient from the site given the level of treatment proposed.

5. An off-site private Well Monitoring and Mitigation Plan will be implemented (as discussed above) in response to the potential for groundwater withdrawal serving the project site negatively impacting off-site private water supply wells.

Other Site Utilities Mitigation

6. All new site utilities will be installed underground.

7. Transformers and/or other utility equipment structures will be either installed underground or appropriately screened with all-year landscaping designed in a natural setting.

8. Where feasible, joint underground utility trenches will be used (i.e., phone, electric, cable).

5.9 Community Facilities

The following project specific measures will be implemented to ensure that potential impacts to community services, including short-term, long-term and/or cumulative impacts, are mitigated and/or minimized to the maximum extent practicable:

Fiscal Conditions

As a result of the project change from condominium ownership to now proposed fee-simple townhouse ownership, and based upon information provided by the project sponsor, the average market value of the fifty-two (52) market-rate townhouse units is anticipated to be approximately $850,000 per unit, while the thirteen (13) moderate income units are anticipated to have an approximate sales price of $225,000 per unit, for a total market value of approximately $24,146,087 (these values are representative of those detailed in the DEIS and FEIS). Based on these values, the project could potentially generate approximately $984,118 in total property taxes which would go to the local School District, County, Town and the local Fire District. The overall fiscal impact of the proposed action at these values has been estimated to be a positive one, in contrast to the impact of the originally proposed condominium ownership, which would have had a negative overall fiscal impact.

Final details of the complete cost for moderate income unit homeowners, including reoccurring HOA related maintenance, common fees and costs, and potential future HOA capital improvement or expenditure costs will be required to be provided during the subsequent Site Plan review to ensure that the full-cost of the moderate income units remains affordable in the context of the Town's moderate income zoning standards for the duration of ownership by a moderate income family.

The project HOA will own and maintain all of the community aspects of the project. This includes all roadways, building exteriors, common improvements, open space, stormwater management system, water supply, WWTP and SSDS, etc. As designed and proposed there are no aspects of the project which are anticipated to result in an ownership, maintenance or operational responsibility to the Town of North Salem.

Schools

The project site is located entirely within the North Salem School District and is projected to generate approximately 7 to 21 school-age children according to the project sponsor's analysis. The analysis utilized standard industry multipliers to estimate the anticipated number of school children and also included an analysis of similar developments in the general area.

As a result, the up to 21 public school students estimated to be generated by the proposed action are not anticipated to create capacity issues or unduly strain the District services and facilities.

During the review process, the proposed action has been modified from a previously proposed condominium ownership to a fee-simple townhouse ownership. This change in ownership format will result in a substantial positive increase in the project's annual tax revenue generation.

According to the project sponsor, the new townhomes are estimated to generate approximately $695,805 in annual tax revenue to the School District which is more than the projected cost of approximately $458,136 to educate the additional maximum number of anticipated students. The net balance is anticipated to be positive and will therefore off-set relative costs to the School District due to the potential influx of additional school-age children.

No significant adverse impacts to school transportation services are anticipated. School children would be picked up by bus at the intersection of June Road and the project site access driveway. The Transportation Supervisor for the North Salem School District has indicated that bus capacity issues as a result of the proposed action are not anticipated. Additionally, a pedestrian connection to the adjacent Town property to the south which borders the North Salem Middle/High School property has been proposed and evaluated. For children being brought to the bus stop area by vehicles during cold or inclement weather, a vehicle pull-off area will be provided along the project site road. These vehicles will be able to turnaround within the project site driveway by utilizing a portion of the emergency access driveway, thereby avoiding vehicles turning around utilizing June Road.

Police

The proposed new townhome units are anticipated to result in an incremental increased demand for area police services. Police services in North Salem are provided by the New York State Police in conjunction with the North Salem Town Police. Neither the North Salem Police Department nor the New York State Police anticipate that the additional residences will significantly affect police services or response times. Increased tax revenues are anticipated to help off-set any related increased costs. No specific mitigation measures relating to police protection services are proposed.

Fire Protection

The proposed action will add to the Town approximately 135 new residents, which will result in increased demands on existing fire and emergency services. According to the North Salem Fire Department, an increase in annual call volume would be the primary impact by this development. The proposed action will be supplied with water from a proposed private community water supply system owned and operated by the HOA. Two (2) 25,000-gallon water storage tanks will be provided on the north side of the proposed community / recreation building parking area for fire protection water storage. These tanks will be accessible to the Croton Falls Fire District at all times. The District has requested access to the storage tanks for both on-site and off-site emergency use, if necessary. The project sponsor has agreed to such usage and will formalize access and usage with the Fire District, which will be required to be completed and detailed as part of the subsequent Site Plan review. The storage tanks will be owned and maintained by the HOA, which will also be responsible for annual inspections of the tanks and required to provide copies of such inspection reports to the Fire District.

The proposed internal roads are designed to accommodate fire engines and truck traffic and the separation distances between proposed buildings has been designed in compliance with applicable Zoning and Building code regulations. Emergency access will be provided by the proposed site design around all of the proposed site buildings.

All site roadways and individual unit driveways have been designed and will be constructed to meet suitable grade/geometry for emergency access to the homes. A looped road system has been planned to provide appropriate and safe access and equipment maneuvering.

The proposed buildings will be constructed to meet applicable standards of the New York State Uniform Fire Prevention and Building Code, and will also adhere to applicable regulations of Chapter, 108, Building Construction and Fire Prevention, of the Code of the Town of North Salem.

The proposed action is estimated to generate potential property tax revenues to the Croton Falls Fire Department in the amount of approximately $11,665 annually. This additional tax revenue can be used to augment the Department's capabilities as may be necessary.

Emergency Services

The subject property is within the service area of the North Salem Volunteer Ambulance Corps. Rescue members from the Croton Falls Fire Department, North Salem Police Department and New York State Police (as needed) would also respond to emergency calls. Response time to the subject property is estimated to be approximately eight (8) minutes. Adequate access will be provided via the proposed development private roadways.

Solid Waste

The proposed action will result in the increased generation of solid waste that will need to be removed and properly disposed of off-site. The proposed action is estimated to generate less than 0.3 tons per day (or approximately 7.1 tons per month). Collection of solid waste will be at each individual unit; central collection points will not be provided on-site. Town taxes currently provide for collection of solid waste through a private carter contracted by the Town of North Salem. Each unit's garage has been designed to provide adequate storage area of refuse containers and the containers will be required to be stored within the garages except on the day of collection.

Recreation and Open Space

The proposed action is estimated to generate a projected 135 residents to the Town of North Salem's population. These residents will cause an incremental increase in recreational demand on an existing inadequate supply of active recreation fields within the Town.

The North Salem Land Subdivision Regulations include a provision for the reservation (when the land is suitable) of 10% of the total land area, specifically for recreational purposes (§200-32). Specific land dimensions and environmental characteristics are also required for such reservations of land.

To address some of the impacts to recreational facilities, the proposed action includes an on-site community / recreation building and an outdoor swimming pool. In addition, an outdoor "play area" is also proposed. These facilities will be privately owned and maintained by the HOA and will be for private use by site residents and their invited guests only.

A proposed trail system is proposed and includes a proposed Trail Easement conveyance to the North Salem Bridle Trails Association. The proposed trail system provides for continued use of the site by equestrians in order to access the adjacent established bridle trail system to the south/southwest of the site.

The proposed on-site recreation provisions address a portion of the anticipated recreational demand resulting from the project development. The project sponsor will make a payment to the Town's Recreation Fund of $300,000 to be utilized by the Town of North Salem in accordance with its Recreation Master Plan, which payment will serve to offset some of the increased demand for recreational resources of the type and nature which have not (and can not) be provided for on the project site.

5.10 Alternatives

In accordance with the Final Scoping Outline, the DEIS evaluated several alternatives pertaining to site layout and design, as well as density. For each studied alternative, the DEIS examined the potential impacts and evaluated them in the context of the proposed action and in consideration of the applicable SEQRA regulations as set forth in SEQR 6 NYCRR Part 617.9(b)(5)(v), which provides that alternatives be "reasonable" and "feasible considering the objectives and capabilities of the sponsor."

The alternatives were evaluated in the context of the site's constraints and opportunities. The site includes areas of regulated wetlands and associated regulated wetland buffer areas, resulting in relatively limited locations for appropriately sized subsurface septic treatment systems and limits the ability for substantially less impacting alternatives to be developed. The site's existing environmental constraints also limit flexibility in potential locations for developing primary site access and the location of the concentrated residential development.

The number of feasible residential units and buildings has evolved through the SEQR process and the project sponsor is proposing 65 residential units in 24 buildings, under fee-simple ownership, with the remaining areas owned and maintained by the HOA. Each of the buildings would contain two, three or four, two-bedroom residential units. The previously designed and engineered project layout proposed 75 units in 15 buildings. In the previous proposal, each of the buildings contained five (5) units. The current 65 unit proposal reduces the scale and bulk of the residential buildings. The current proposed action plan also reduces impervious surfaces, population, traffic and water and sewer use.

The Final Scoping Outline required the evaluation of seven (7) alternatives, as provided below:

- No Action Alternative
- Structure Design and Layout Alternative
- Increased Unit Count Alternative
- Reduced Impervious Surface Alternative – Decreased Unit Count
- Reduced Impervious Surface Alternative – Same Unit Count as the Proposed Action
- Walkable Community Alternative
- Fee-simple Alternative

As described above, the current proposed development plan has been substantially modified since the adoption of the Final Scoping Outline as a result of preliminary review comments, advancement of the engineering and site plan drawings and a better understanding of the site's septic system capacity, following testing and studies. These changes to the Site Plan resulted in a reassessment of the alternatives. The project sponsor met with the Planning Board on March 5, 2008. At that meeting, the above alternatives were each discussed and it was agreed that the current proposed design met the objectives of the ***Structural Design and Layout Alternative***. It was also agreed that the current proposed design with additional measures to reduce impervious surfaces would meet the objectives of the ***Reduced Impervious Surface Alternative*** and ***Decreased Unit Count Alternative***.

Each of the alternatives evaluated in the DEIS are summarized below. As noted above, the study of the plan alternatives was based on an analysis of the site opportunities and constraints, and mapping of suitable "buildable" areas and various natural features and constraints of the site.

No-Action Alternative

The **No Action Alternative** considers the potential environmental impacts that could be associated with the site remaining in its existing condition, with no development. This alternative would result in none of the negative or positive impacts of the proposed development. Under the No Action Alternative, the site would remain as private undeveloped lands in its natural condition, with no site development. No tree removal, vegetation clearing, steep slope or soil disturbance would take place. Vegetation would continue to mature in natural succession; and wetlands would continue to serve their current functions. No new traffic, population or school-age children would be generated. No new stormwater quality facilities would be constructed. No new tax revenues to the Town or School District would be generated by the new residential lots, but neither would any increased demands for community services. The No Action Alternative would not provide the project sponsor with any residential development opportunity to meet its objectives.

Structure Design and Layout Alternative

The **Structure Design and Layout Alternative** was intended to evaluate a development plan consisting of homes that are more consistent with the community character found in North Salem by reducing uniformity and including different combinations of units per building, variation in unit layout and variation in unit size. The project sponsor's initial plan proposed larger buildings with five (5) units in each building. During the DEIS, the plan was revised to include smaller buildings intended to provide increased consistency with the community character found in North Salem.

Currently twenty-four (24) smaller residential buildings are proposed that have either two, three or four units in each building, which buildings have been designed consistent with traditional farm house architecture, and with early American architectural details, including clapboard wood siding, simple lines and highly pitched roofs. Traditional early American details include the doors, shutters, double-hung windows, as well as the use of columns and wood railings at some of the entrances. The façade design includes varied roof lines and peaks, and use of traditional color schemes of muted earth tones for the siding and roofs.

Given that the proposed action provides a building architecture and layout designed to be as consistent with the community character of North Salem as feasible given the type of residential development proposed (and permitted by the zoning), the goals of this alternative have been achieved.

Increased Unit Count Alternative

The DEIS Final Scoping Outline required an evaluation of the potential impacts associated with an **Increased Unit Count Alternative**. During the preparation of the DEIS, preliminary investigation as to the feasibility of an increased unit count (90 two-bedroom units / five (5) buildings with 18 units in each) was conducted. After extensive testing and analysis to determine the project site's capacity for sanitary system disposal it was determined that the site could not

support any configuration of sewage treatment options which would allow for the initially proposed 75 units. Therefore the 90-unit alternative was not considered practicable or feasible and no further detailed analysis of this alternative was conducted. It should be noted that the current proposed number of units (65) represents the maximum number of units for which sewage treatment can be provided.

Reduced Impervious Surface / Decreased Unit Count Alternative

The DEIS Final Scoping Outline required consideration of a **Reduced Impervious Surface Alternative with a Decreased Unit Count**. After extensive site evaluations, the DEIS proposed a 65-unit layout which represented a reduction over the initially proposed 75-unit layout. As noted above, it was agreed that the DEIS 65-unit plan met the goals of this alternative.

Specifically, impervious surfaces were reduced as a result of the decreased building footprint and reduction in parking spaces, resulting in a reduction of impervious surfaces from 6.3 acres in the 75 unit plan to 5.9 acres in the DEIS Plan. Further design modifications have been incorporated to additionally reduce the area of impervious surfaces by providing pervious pavement in the parking areas for the recreation building, for visitor parking and for all individual unit driveways. These design modifications, which have been incorporated into the proposed action plan, have resulted in an impervious area reduction of approximately 14,660 square feet, as compared to the DEIS Plan.

Reduced Impervious Surface / Same Unit Count as Proposed Action Alternative

By reducing the unit count from the initially proposed 75-unit project to the currently proposed 65 units, the amount of impervious surface has been reduced as described above, thus achieving the main purpose of this alternative evaluation (i.e., reduced impervious surface and related impacts thereof). Since the 75-unit proposal was clearly not feasible on this site due to sewage disposal limitations, no additional evaluation of the **Reduced Impervious Surface / Same Unit Count as Proposed Action Alternative** was conducted.

Walkable Community Alternative

This alternative was required to examine the potential impacts associated with the project designed as a "walkable community." The **Walkable Community Alternative** examined a layout that was intended to increase the pedestrian environment of the planned development. However, the compact nature of the proposed plan's layout and single entrance / exit (no through traffic and low-speed internal traffic) results in a generally pedestrian friendly community. To further achieve the goals of this alternative during the FEIS review, the proposed action plan was further refined to include sidewalks alongside the main access road and a pedestrian connection to the adjacent Town owned property, Volunteers Park, which in turn provides access to the North Salem Middle/High School.

Fee-simple Alternative

The DEIS evaluated a fee-simple ownership project versus the originally planned condominium development. The **Fee-simple Alternative** evaluated by the DEIS involved a scenario under which the prospective owners would have physical ownership around each of the residential units and a condominium association would own and maintain common land and the utilities. With fee-simple ownership, a subdivision would be required to create individual lots around the proposed units. However, the general design and layout of the buildings, access roads and infrastructure would essentially remain unchanged from the other studied alternative scenarios. The private ownership of individual residential lots would result in a different method for calculating taxes which would also result in an increase in the expected tax revenues generated over a strictly condominium development. This scenario was indicated as the preferred alternative for ownership and was further refined during the FEIS review. As a result, the projected increase in tax revenue to each of the jurisdictions was anticipated to increase by approximately 95% over that which would have been anticipated under the original condominium proposal. The project sponsor now proposes that the ownership of all the proposed residential units as "fee-simple," thus elevating this alternative as the proposed action. An HOA will also be established to own and maintain all common improvements. This project change will result in improved positive fiscal benefits to the taxing jurisdictions (the DEIS projected a negative fiscal impact), thus mitigating the impact of the former DEIS condominium ownership plan.

6. FINAL CONCLUSIONS AND DECISION

6.1 Final Conclusions and Decision

This Findings Statement sets forth in detail the conclusions that have been relied upon by the Planning Board of the Town of North Salem, as lead agency, in its decision that:

1. The Planning Board, as lead agency for the coordinated environmental review of the proposed action has carefully considered the DEIS and FEIS, and has considered the written facts and conclusions contained herein.

2. The requirements and procedures as set forth in Article 8 of the Environmental Conservation Law and SEQR 6 NYCRR Part 617 have been followed and met.

3. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the proposed action minimizes or avoids adverse environmental effects to the maximum extent practicable.

4. Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement review and evaluation process will be minimized or avoided by incorporating as condition to the decision those mitigation measures which were identified as practical.