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**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: THE POLO CLUB – Findings Statement
PROJECT NO.: 18-12
PROJECT LOCATION: SECTION 39, BLOCK 1, LOT 1 & 2.12
REVIEW DATE: 12 FEBRUARY 2021
MEETING DATE: 18 FEBRUARY 2021
PROJECT REPRESENTATIVE: ENGINEERING & SURVEYING PROPERTIES

The following is a review of the SEQR Lead Agency Findings Statement:

**TOWN OF NEWBURGH PLANNING BOARD
SEQR LEAD AGENCY FINDINGS STATEMENT
FOR
THE POLO CLUB**

State Environmental Quality Review Act
Pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 N.Y.C.R.R. Part 617, the Town of Newburgh Planning Board, as Lead Agency, makes the following amended findings:

Name of Action: The Polo Club

Description of Action: Site plan approval for development of 242 garden apartments (215 will be available to the general public and 27 will be restricted to senior citizens) in 21 buildings and a recreational complex on a ± 36.23 acre site.

Location: The proposed development is located on the east side of NYS Route 300, north of Gardnertown Farms Road and south of Jeanne Drive in the Town of Newburgh.

Lead Agency: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

Contact: John Ewasutyn, Chairman
(845) 564-7804

SEQRA Classification: Type I
Date Final SEIS Accepted: DATE
Date Findings Statement Adopted: DATE

PROJECT DESCRIPTION

WHEREAS Spruce Creek, LLC (hereinafter “the applicant” or “the project sponsor”) has requested site plan approval from the Town of Newburgh Planning Board (hereinafter “the Planning Board” or “the Board”) to construct 242 garden apartments and a recreational complex with access to NYS Route 300. Of the 242 garden apartments, 215 will be available for rent to the general public and 27 will be restricted for rent to senior citizens, defined by the Town of Newburgh Code as individuals over the age of 55. The project will be served by the Town of Newburgh water system and the applicant is proposing to construct a private wastewater treatment plant. All roads, sidewalks, utilities, stormwater management facilities, open space and recreational facilities will be owned and maintained by the owner of the apartment complex; and

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LOCATION AND ZONING DESIGNATIONS OF SITE

WHEREAS the site is located in the Town of Newburgh, north of Gardnertown Farms Road, south of Jeanne Drive and on the east side of NYS Route 300. The project site includes two parcels of land (Section 39, Block 1, Lots 1 and 2.12) in the Town of Newburgh, Orange County, New York, totaling 36.23 acres of land and is located in the R-3 zoning district. The applicant is seeking a density bonus from the Town of Newburgh Town Board (hereinafter “Town Board”) under Sec. 185-48B(4) which allows for up to an additional 80 units, one third of which must be restricted to use by senior citizens over the age of 55 years. All buildings and structures proposed on the site will conform to the Town’s Zoning Code and will comply with all regulations which are in effect at the time of final approval; and

FILING OF APPLICATION

WHEREAS the applicant filed its original application for site plan approval on February 6, 2006 requesting permission to build 126 townhomes. Draft and Final Environmental Impact Statements were prepared and after review, the Board granted preliminary approval on September 4, 2008. In 2009, the project was amended to include a total of 138 townhomes and an amended Findings Statement was adopted on September 1, 2011 at which time the project also received preliminary approval for 138 townhouses.

In 2018, the applicant filed an application seeking to amend the site plan to a garden apartment complex. On May 6, 2019, on referral from the Planning Board, the applicant submitted a letter to the Town Board seeking a density bonus to include senior units as permitted by the Town Code in the R-3 District. On June 24, 2019, the Town Board voted to send a letter to the Planning Board instructing them to move forward with the review of the Polo Club project with the senior units included. The Town Board will vote on the density bonus after the Planning Board has completed its SEQRA review.

COORDINATED REVIEW

WHEREAS on December 20, 2019, the Planning Board recirculated its intent for designation of Lead Agency to all interested and involved agencies including Town of Newburgh Planning Board, Town of Newburgh Town Board, Town of Newburgh Volunteer Ambulance Corps., Cronomer Valley Fire Department, City of Newburgh, City of Newburgh Enlarged School District, Orange County Health Department, Orange County Planning Department, NYS Office of Parks, Recreation and Historic Preservation, NYS Department of Environmental Conservation and the New York State Department of Transportation; and

LEAD AGENCY DECLARATION, POSITIVE DECLARATION AND SCOPING

WHEREAS, receiving no objections, the Planning Board adopted a resolution declaring itself Lead Agency and acting in that capacity, determined the action to be a Type I action under the New York State Environmental Quality Review Act (“SEQRA”) and instructed the applicant to prepare a Supplemental Draft Environmental Impact Statement (“SDEIS”). On July 26, 2019, the Planning Board by resolution adopted a Scoping Document for the SDEIS; and

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SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT, PUBLIC HEARING DATES AND COMMENT PERIOD

WHEREAS, on March 3, 2020, the applicant submitted the SDEIS to the Planning Board and after review, comment and revision, the SDEIS was deemed complete on June 18, 2020. The SDEIS was distributed to all interested and involved agencies and copies were placed at the Town of Newburgh Town Hall and the Newburgh Free Library for the public's review. Electronic copies were made available online at www.townofnewburgh.org and www.engineeringpropertiespc.com. On August 6, 2020, in accordance with the Governor's Executive Orders issued in response to the COVID-19 pandemic, the Planning Board held a public hearing via Zoom during which the public was given an opportunity to ask questions and provide comment on the site plan and the SDEIS. At the conclusion of the public hearing, it was determined that given the recent power outages from a tropical storm, the public hearing was to be held open until the August 20, 2020 Planning Board meeting. At the August 20th meeting, the public was given an additional opportunity to ask questions and provide comment on the site plan and the SDEIS. At the conclusion of that hearing, the public hearing was closed but the comment period remained open until 10 days after the posting of the minutes for both public hearings. At its September 17, 2020 meeting, the Planning Board voted to close the public comment period and directed the applicant to prepare a Final Supplemental Environmental Impact Statement ("FSEIS"); and

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT AND FILING DATE

WHEREAS, on October 15, 2020, an FSEIS was submitted to the Planning Board and after review, comment and revision, the Board, by resolution, accepted the FSEIS as complete and ready for review at its December 17, 2020 meeting. The FSEIS was then circulated to all interested and involved agencies on January ____, 2021.

WHEREAS the Lead Agency has given due and thorough consideration to the Supplemental Draft Environmental Impact Statement and the Final Supplemental Impact Statement, the transcripts of the public hearings held on August 6th and August 20th, 2020, the project application, all comments submitted by its professional consultants, all submitted plans and other information submitted by the applicant and its representatives, and other written and oral comments made by the public and involved agencies and considered the potentially significant environmental impacts that may be expected from the requested permits and approvals. These findings show that the Lead Agency has considered and addressed each significant area of the plan's potential environmental impacts.

NOW THEREFORE BE IT DETERMINED that the Lead Agency finds that all requirements of NYCRR Part 617 have been met, and further makes the following findings:

STATEMENT OF FACTS AND BASIS FOR CONCLUSION

PROJECT DESCRIPTION

- 242 garden apartments site plan;
- Serviced by public water and a private wastewater treatment plant;
- Recreational facilities;
- Access from NYS Route 300; and

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- Extensive Landscaping

The project consists of 242 garden apartments, 215 of which will be available for rent by the general public and 27 will be restricted to senior citizens over the age of 55 years. Access to the site is provided via a boulevard entrance from NYS Route 300, north of Gardnertown Farm Road. Each lane of the boulevard entrance will be 14 feet wide. An emergency access is proposed via a gated paved road located from NYS Route 300 near the southern property line.

There will be one primary internal loop road providing circulation through the project site.

This loop road is connected to both the boulevard entrance and emergency access road. The internal roads are proposed to be 26 feet wide, two lane roadways. All roads will be privately maintained.

Pedestrian access through the site will be provided via 5 feet wide sidewalks and crosswalks, that will connect pedestrians to NYS Route 300.

The site plan includes a total of 584 parking spaces: 404 spaces provided in front of or adjacent to each of the apartment buildings, 130 garage parking and 50 spaces at the clubhouse, which includes two restricted for handicap use. An additional 20 handicapped parking spaces are provided at various locations throughout the site.

Recreational facilities will include a clubhouse with a pool, deck and fire pits; a dog run; playground and a bus stop gazebo. The Clubhouse will include the Leasing Office, exercise facilities, a multi-purpose room, kitchen and restrooms. In the rear of the clubhouse will be a fenced-in pool area and two firepits. The dog run will be a fenced area that will include a water spigot and waste stations with bags and a trash receptable.

Wastewater will be treated on-site at a private wastewater treatment plant to be constructed in the southeastern portion of the site. The sewage treatment plant will be designed and constructed to meet all applicable state and local regulations. The plant will include tertiary treatment, ultraviolet radiation, aeration and a backup generator. The plant will be privately owned and all financial obligations for the sewer treatment plant will be the responsibility of the apartment complex owner and/or its mortgagee.

To provide a visually attractive community, the Polo Club will be extensively landscaped throughout. Supplemental plantings and fencing will provide a visual buffer between the site and adjacent landowners on Jeanne Drive and Gardnertown Farms, where necessary.

Construction will be conducted in 3 phases (Phases 1A, 1B, 2A, 2B and 3) and is expected to take one to two years to complete.

DEVELOPERS AGREEMENT

The applicant **will be required** to prepare and enter into a Developers Agreement **with the Town Board** to provide for the timing of and enforcement mechanism for the mitigation and other provisions contained herein.

A. SURFACE WATER

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Construction of the Polo Club's main access roads, as well as site grading will result in approximately 0.27 acres of permanent ACOE jurisdictional wetland disturbance. In the event that the applicant is not able to secure an access agreement to enter the northeast corner of the property from the adjacent parcel, it will apply to the ACOE for a 0.05 acre temporary 12' wide crossing to construct the required wetlands mitigation. As the project site is currently vacant with no drainage system for stormwater, the proposed grading and impervious surfaces will potentially alter drainage patterns on the site.

SURFACE WATER MITIGATION

The preservation of open space and minimal disturbance to the ACOE wetlands and stream corridor will limit the magnitude of any impacts primarily by avoidance. To mitigate the proposed permanent disturbance of 0.27 acres to the wetlands, the applicant is proposing to construct

approximately 0.54 acres (2 times the proposed disturbance) of ACOE non-jurisdictional wetlands. A Stormwater Pollution Prevention Plan and Soil Erosion Control Plan are proposed to mitigate the potential impacts associated with stormwater runoff, such as water quality degradation and quantity increase. Stormwater runoff will be directed to five stormwater management ponds that will be constructed to mitigate the post development increases in peak stormwater runoff and stormwater quality.

All construction activities involving one acre or more of land disturbance must obtain a SPDES General Permit (GP-20-001) for stormwater discharge from construction activities. In order to obtain coverage under the General Permit for discharge from construction activities, the applicant must file a Notice of Intent (NOI) with the NYSDEC, based on the SWPPP, certified by a licensed engineer, before commencing construction. **Add language requiring 5 acre waiver and additional inspections and 7 day stabilization.**

B. TRANSPORTATION

A traffic impact study was conducted to evaluate the potential impacts of the proposed project on the surrounding roadways. The study examined five intersections within the vicinity of the project to evaluate the current conditions and the potential traffic impact generated by the project: NYS Route 300 and NYS Route 32; NYS Route 300 and Magnet School Driveway; NYS Route 300 and Plattekill Turnpike; NYS Route 300 and Gardnertown Road; and NYS Route 300 and Route 52. NYS Route 300 and the proposed site access was also examined. A Design Year of 2022 was utilized in order to evaluate future traffic conditions. In addition, traffic for other specific potential or approved developments in the area were estimated and then added to the projected traffic volumes to obtain the Year 2022 No Build Traffic Volumes. The traffic impact study yielded the following capacity analysis of the studied intersections:

□ NYS Route 300 and NYS Route 32: The intersection currently operates at an overall Level of Service (“LOS”) “D” during the AM Peak and an overall LOS “C” during the PM Peak. These levels are projected to remain the same under the 2022 No Build and Build traffic volumes.

□ NYS Route 300 and Gardnertown Magnet School Driveway: The intersection currently operates at an LOS “B” or better during the AM and PM peak. The intersection is expected to operate at a LOS “B” or better during the AM Peak and at an LOS “C” during the PM Peak.

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□ NYS Route 300 and Plattekill Turnpike: The intersection currently operates at an LOS “B” or better during the AM and PM peak. The intersection is expected to operate at a LOS “B” or better during the AM Peak and at an LOS “C” during the PM Peak.

□ NYS Route 300 and Gardnertown Road: The intersection currently operates at a LOS “B” or better during the AM Peak and a LOS of “C” during the PM Peak. Under the 2022 No Build Traffic Volumes, the intersection will operate at a LOS “B” during the AM and PM peak, but certain movements would experience a LOS “F”. Under the 2022 Build Traffic Volumes, the AM Peak would continue as a LOS “B” and the PM Peak at a LOS “F”.

□ NYS Route 300 and Route 52: The intersection currently operates at a LOS “C” during the AM and a LOS “D” during the PM Peak. Under the 2022 No Build traffic volumes this intersection is expected to operate at an overall LOS of “D” during the AM Peak and a LOS “F” during the PM Peak. Under the 2022 Build Traffic analysis, the

intersection is expected to operate at the same levels as the 2022 No Build traffic analysis.

□ NYS Route 300 and Proposed Site Access: The 2022 Build capacity analysis indicate that the access road and approach to the intersection is expected to operate at a LOS “D” during the AM Peak and a LOS “F” during the PM Peak.

TRANSPORTATION MITIGATION

TRAFFIC: Given that the required traffic improvements are already necessitated by the existing traffic and/or other proposed developments, excluding the Polo Club, the applicant is proposing to pay its fair share of the necessary traffic improvements which include the following: providing northbound and southbound turn lanes on NYS Route 300 at Gardnertown Road (approximately 100’ turning lane southbound and 200’ turning lane northbound) and a westbound right turn lane on Gardnertown Road. After conditional final approval, the applicant will meet with the Town of Newburgh to determine its fair share contribution towards these improvements. **These requirements will be included in the required Developers Agreement.** As part of its fair share contribution, the applicant has agreed to provide modems and transfer switches at the NYS Route 300/Gardnertown Road intersections and the NYS Route 300/ Route 52 intersection. In addition, the applicant will provide a survey of the NYS Route 300/Gardnertown intersection and a concept plan for the improvements identified above. The Town shall credit the applicant for all costs expended towards the modems, transfer switches, surveying and concept plan in calculating the applicant’s fair share contribution.

ACCESS: Due to high traffic volumes along NYS Route 300, the applicant will construct a separate left turn lane at the access intersection to accommodate vehicles turning left into the development. The final design will be as per NYSDOT design standards and may include the addition of a northbound right turn lane on NYS Route 300, if approved. Some vegetation will be cleared to maximize sight distances along the site frontage in the areas immediately north and south of the main and emergency entrances. Approximately 270 linear feet of clearing will be required for the main entrance and 210 feet of clearing will be required for the emergency entrance. Existing vegetation outside the required sight distance triangles will remain as a buffer to Route 300 and additional landscaping screening will be installed behind each proposed building in accordance with the landscaping plan. Finally, the applicant will install a “stop” sign from the proposed access drive to the Polo Club to NYS Route 300.

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CONSTRUCTION: Construction vehicles will enter the site from NYS Route 300.

C. UTILITIES

POTABLE WATER

The project is located in the Town of Newburgh Consolidated Water District and will be serviced by municipal water. The Consolidated Water District is supplied with water from the NYS Delaware Aqueduct station 5A tap, located near the Town of Marlborough. Raw water from the Aqueduct is filtered and chlorinated by the Town of Newburgh in a water filter plant located on the Aqueduct tap. Due to the available chlorine contact time, the total water capacity from the Delaware Aqueduct is limited to a raw water taking of 3.1 million gallons per day (MGD). In addition, the filter plant at the Chadwick Lake Reservoir has the ability to treat 3.2 MGD. Based on the above information, it appears that the Town of Newburgh water supply is capable of providing a potable water source of 6.3 MGD. The applicant proposes to connect to the public water supply through the existing 16” diameter water main located along the east side of NYS

Route 300. The on-site water distribution system will begin at a connection to the existing water main on the west side of the site at NYS Route 300, continue through the site and loop back close to the point of connection. The project will require an average of 37,150 gallons of water per day.

POTABLE WATER MITIGATION

The water supply is sufficient to service the project, however, water saving fixtures and appliances will be utilized to reduce water demand. The landscaping design will incorporate plants and materials that require less water to survive. Furthermore, to provide adequate health and safety measures, all new mains, hydrants and valves will be designed and constructed in accordance with the requirements of the Town of Newburgh and the NYSDOH. **Orange County Health**

Department approval will be required.

SANITARY SERVICES

The Polo Club is projected to produce approximately 37,150 gallons of sewage per day.

SANITARY SERVICES MITIGATION

The applicant will construct approximately 3,385 linear feet of 8" PVC SDR-35 sewer main and 21 sewer manholes. The site will flow by gravity to an on-site sewer treatment plant located in the south east corner of the site where the wastewater will be treated at a new facility and will discharge the treated wastewater to the onsite stream that flows north-south through the site. The sewage treatment plant will be designed and constructed to meet all applicable state and local regulations including the Ten States Standard. The plant will include tertiary treatment, ultraviolet radiation, aeration and a backup generator. The plant will be privately owned by a single owner and all financial obligations for the sewer treatment plant will be the responsibility of the apartment complex owner and/or its mortgagee. *** Add NYSDEC permits and approvals to this section**

GAS AND ELECTRIC

The project will be serviced by gas and electric which will result in a loss of natural resources.

GAS AND ELECTRIC MITIGATION

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To mitigate these impacts, the project will utilize energy conserving practices including but not limited to insulating all buildings to conserve heat and utilizing energy saving appliances.

SOLID WASTE

The project will generate solid waste which will be collected at eight enclosed dumpster areas located around the site.

SOLID WASTE MITIGATION

Solid waste will be picked up by a private contractor at the eight dumpster areas which will be enclosed by fencing. Recycling will reduce the amount of on-site solid waste transported to landfills. Residents will be required to separate the glass, aluminum, plastic and paper from ordinary trash and the recycling materials will be collected separately.

D. AGRICULTURE

The rear portion of the proposed project, tax lot 39-1-2.12 is identified as part of the Orange County Agricultural District #1. The project shares its southern property line with Gardnertown Farms, an equestrian facility, which is an agricultural use under NYS law.

AGRICULTURE MITIGATION

There are no anticipated adverse impacts to the agricultural use on Gardnertown Farm, however, there is a potential visual impact to the Denker residence as the home is built close to the property line. The applicant has agreed to install fencing and supplemental landscaping in the area near the Denker residence. In addition, to protect Gardnertown Farms from nuisance claims, all prospective tenants for apartments will be advised of the adjacent agricultural use and all leases will contain such notification. To further protect the identify of Gardnertown Farms, the applicant

will commit that the garden apartment complex will not be named or marketed as “the Polo Club” during or post-construction.

E. ECONOMIC AND COMMUNITY SERVICES

ECONOMIC

The anticipated market value of the apartment complex is estimated at \$42 million with an assessed value of \$13.5 million. The project will include 27 apartments that are restricted to senior citizens, over the age of 55 years. Rents for the senior units are anticipated to be approximately \$1,600 to \$1,800 per month and the remaining apartments will be offered at rents ranging from \$1,700 to \$2,100 per month.

COMMUNITY SERVICES

The project is anticipated to generate approximately 473 new residents of which 37 are expected to be school-age children.

ECONOMIC & COMMUNITY SERVICES MITIGATION

The project will generate approximately \$1.5 million annually in tax revenue for the various taxing entities which can be used to offset any increased services required by the project.

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POLICE: The anticipated increase in population is expected to generate a need for 0.95 additional police personnel and 0.28 police vehicles. This represents an incremental increase in demand on existing services and not a demand for new services in the area.

POLICE MITIGATION: It is not anticipated that the proposed project would place a significant demand on police services. Projected *tax* revenue to the Town of Newburgh, amounting to \$130,588, could be used to offset the additional demand placed on these services and no additional mitigation measures are proposed.

FIRE: The project is located in the Cronomer Valley Fire District and is served by the Cronomer Valley Fire Department, a volunteer fire department. The Cronomer Valley Fire Department has approximately 10 – 15 members respond to calls for service and therefore complies with the National Fire Protection Association 1720 guidelines.

FIRE MITIGATION: The Fire Department will receive approximately \$62,486 in tax revenue annually from the project that can be used to augment the Department’s capabilities as necessary and no additional mitigation measures are proposed.

EMERGENCY MEDICAL SERVICES: The Town of Newburgh Volunteer Ambulance Corps (TONVAC) provides emergency medical services in the community. They are backed up by Mobile Life on nights and weekends if TONVAC does not have adequate manpower to respond. The project’s 473 residents will result in the potential added demand for 0.06 health care professional and 0.02 vehicles.

EMERGENCY MEDICAL SERVICES MITIGATION: The proposed project is not expected to have a measurable impact on emergency services and no additional mitigation measures are proposed.

SCHOOL DISTRICT: The Polo Club will be served by the City of Newburgh Enlarged Central School District. The project is expected to generate 37 new students to the Newburgh City Enlarged School District.

SCHOOL DISTRICT MITIGATION: It is anticipated that it will cost taxpayers an additional \$347,741 annually to educate the estimated 37 new students. Total school tax revenue projected to be generated by the project annually is \$983,459, creating a net revenue of \$635,718. As school buses are not allowed to enter the site, the applicant will construct a gazebo in the southwest portion of the site, near NYS Route 300, to provide shelter and a safe place for students to wait for the school bus. The gated paved emergency access road will make getting to the school bus easy for pedestrians and parking in the clubhouse parking area will provide a safe location for

parents to drop off/pick up students.

F. CULTURAL RESOURCES

As part of the previous application, a cultural resource study was conducted on the site. The Phase I Survey indicated that no significant artifacts or projectile points were found.

CULTURAL RESOURCE MITIGATION

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By letter dated February 4, 2008, the New York State Office of Parks, Recreation and Historic Preservation concluded that the proposed project will have no impact upon cultural resources on site. Accordingly, no mitigation is required.

G. VISUAL RESOURCE

The project parcel is primarily visible from NYS Route 300.

VISUAL RESOURCE MITIGATION

Visual impacts associated with the proposed development will be mitigated through the following measures: existing vegetation will be preserved to the maximum extent practical up to the limits of clearing and open space areas will be protected and maintained; a landscaping plan is proposed to mitigate impacts along NYS Route 300. Fencing will be provided along sections of the northern and southern property boundaries to mitigate visual impacts and improve safety. The landscaping plan identifies the types, locations, and sizes of the proposed plantings.

H. GEOLOGICAL AND SOIL RESOURCES

As part of the previous application, a subsurface investigation was conducted by the applicant's engineers to determine the amount of bedrock on site. The applicant anticipates that blasting will be necessary.

GEOLOGICAL AND SOIL MITIGATION

Any blasting will be carried out in accordance with all local and state permits and protocols. All blasting work will be carried out by a New York State licensed blasting contractor using limited charges to avoid off-site damage. The blasting contractor must be fully insured and will take full responsibility for remedying any damage caused by blasting at the site. A grading plan has been developed that minimizes soil disturbance to the greatest extent practicable. All topsoil will be stripped and stockpiled for use later onsite. Cut soils generated by the project will be reused onsite as fill to the greatest extent practicable. Any soil material that is hauled offsite will be disposed of in an acceptable manner.

To minimize the potential for soil erosion, preventative measures will be implemented in conformance with the NYSDEC standards. Control measures will be implemented to prevent erosion and sedimentation as much as possible. Stormwater runoff (from the site) will be controlled and treated to remove sediment prior to discharge. Disturbed areas will be stabilized either temporarily or permanently in a timely manner. Construction on steep slopes has been avoided to the greatest extent possible and therefore excessive soil erosion is not expected to be an impact.

I. VEGETATION AND HABITAT

Construction of the project will result in the loss of some vegetation and resultant wildlife habitat. A complete environmental and ecological review of the site was conducted as part of the previous application for the purpose of documenting and inventorying existing vegetation, habitat, cover types, plant and wildlife species.

VEGETATION AND HABITAT MITIGATION

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To minimize the impacts associated with the construction of the project, the following mitigation measures are incorporated into the plan: all areas to be preserved shall be clearly marked and protected by dripline fences prior to construction; supplemental plantings will include

a mixture of species so that the landscaped areas created by the proposed development can be used for forage. Trees and shrubs will be selected to provide both food and nesting sites for squirrels and avian species. * Add Bat species protection & tree clearing language.

J. CERTIFICATION OF FINDINGS

Having considered the Draft and Final SEIS, and having considered the written facts and conclusions and specific findings contained herein as well as the original findings incorporated by reference herein, all relied upon to meet the requirements in the of 6 N.Y.C.R.R. Part 617, this Amended Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

Dated: DATE

Town of Newburgh Planning Board
Newburgh Town Hall
308 Gardnertown Road
Newburgh, NY 12550

By: John P. Ewasutyn, Planning Board Chairman
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Involved Agencies:

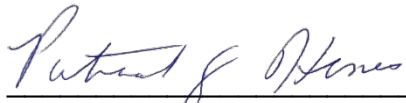
Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550
Town of Newburgh Town Board
1496 Route 300
Newburgh, New York 12550
Orange County Health Department
124 Main Street
Goshen, New York 10924
Orange County Planning Department
124 Main Street
Goshen, New York 10924
New York State Dept. of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
New York State Dept. of Transportation
Region 8 Office – 4 Burnett Blvd.
Poughkeepsie, New York 12603
New York State Dept. of Transportation
112 Dickson Street
Newburgh, New York 12550

Interested Agencies/Parties:

Town of Newburgh Volunteer Ambulance Corps
Attn: Sue Ostrander, President
97 South Plank Road
Newburgh, New York 12250
Cronomer Valley Fire District
296 North Plank Road
Newburgh, New York 12550
City of Newburgh
83 Broadway
Newburgh, NY 12550
City of Newburgh Enlarged School District
124 Grand Street
Newburgh, NY 12550
NYS Office of Parks, Recreation and Historic Preservation
PO Box 189 – Peebles Island
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Town of Newburgh
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Newburgh, New York 12550
Ross Winglovitz, P.E.
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Montgomery, NY 12549

Respectfully submitted,

**McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.**



Patrick J. Hines
Principal

**TOWN OF NEWBURGH PLANNING BOARD
SEQR LEAD AGENCY FINDINGS STATEMENT
FOR
THE POLO CLUB**

State Environmental Quality Review Act

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Location: The proposed development is located on the east side of NYS Route 300, north of Gardnertown Farms Road and south of Jeanne Drive in the Town of Newburgh.

Lead Agency: Town of Newburgh Planning Board, 21 Hudson Valley Professional Plaza, Newburgh, New York 12528, Contact: John Ewasutyn, Chairman (845) 564-7804

SEQRA Classification: Type 1

Date Final SEIS Adopted:

Date Findings Statement Adopted:

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WHEREAS Spruce Creek, LLC (hereinafter “the applicant” or “the project sponsor”) has requested site plan approval from the Town of Newburgh Planning Board (hereinafter “the Planning Board” or “the Board”) to construct 242 garden apartments and a recreational complex with access to NYS Route 300. Of the 242 garden apartments, 215 will be available for rent to the general public and 27 will be restricted for rent to senior citizens, defined by the Town of Newburgh Code as individuals over the age of 55. The project will be served by the Town of Newburgh water system and the applicant is proposing to construct a private wastewater treatment plant. All roads, sidewalks, utilities, stormwater management facilities, open space and recreational facilities will be owned and maintained by the owner of the apartment complex; and

LOCATION AND ZONING DESIGNATIONS OF SITE

WHEREAS the site is located in the Town of Newburgh, north of Gardnertown Farms Road, south of Jeanne Drive and on the east side of NYS Route 300. The project site includes two parcels of land (Section 39, Block 1, Lots 1 and 2.12) in the Town of Newburgh, Orange County, New York, totaling 36.23 acres of land and is located in the R-3 zoning district. The applicant is seeking a density bonus from the Town of Newburgh Town Board (hereinafter “Town Board”) under Sec. 185-48B(4) which allows for up to an additional 80 units, one third of which must be restricted to use by senior citizens over the age of 55 years. All buildings and structures proposed on the site will conform to the Town’s Zoning Code and will comply with all regulations which are in effect at the time of final approval; and

FILING OF APPLICATION

WHEREAS the applicant filed its original application for site plan approval on February 6, 2006 requesting permission to build 126 townhomes. Draft and Final Environmental Impact Statements were prepared and after review, the Board granted preliminary approval on September 4, 2008. In 2009, the project was amended to include a total of 138 townhomes and an amended Findings Statement was adopted on September 1, 2011 at which time the project also received preliminary approval for 138 townhouses.

In 2018, the applicant filed an application seeking to amend the site plan to a garden apartment complex. On May 6, 2019, on referral from the Planning Board, the applicant submitted a letter to the Town Board seeking a density bonus to include senior units as permitted by the Town Code in the R-3 District. On June 24, 2019, the Town Board voted to send a letter to the Planning Board instructing them to move forward with the review of the Polo Club project with the senior units included. The Town Board vote on the density bonus until the Planning Board has completed its SEQRA review.

COORDINATED REVIEW

WHEREAS on December 20, 2019, the Planning Board recirculated its intent for designation of Lead Agency to all interested and involved agencies including Town of Newburgh Planning Board, Town of Newburgh Town Board, Town of Newburgh Volunteer Ambulance Corps., Cronomer Valley Fire Department, City of Newburgh, City of Newburgh Enlarged School District, Orange County Health Department, Orange County Planning Department, NYS Office of Parks, Recreation and Historic Preservation, NYS Department of Environmental Conservation and the New York State Department of Transportation; and

LEAD AGENCY DECLARATION, POSITIVE DECLARATION AND SCOPING

WHEREAS, receiving no objections, the Planning Board adopted a resolution declaring itself Lead Agency and acting in that capacity, determined the action to be a Type I action under the New York State Environmental Quality Review Act (“SEQRA”) and instructed the applicant to prepare a Supplemental Draft Environmental Impact Statement (“SDEIS). On July 26, 2019, the Planning Board by resolution adopted a Scoping Document for the SDEIS; and

SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT, PUBLIC HEARING DATES AND COMMENT PERIOD

WHEREAS, on March 3, 2020, the applicant submitted the SDEIS to the Planning Board and after review, comment and revision, the it was deemed complete on June 18, 2020. The SDEIS was distributed to all interested and involved agencies and copies were placed at the Town of Newburgh Town Hall and the Newburgh Free Library for the public’s review. Electronic copies were made available online at www.townofnewburgh.org and www.engineeringpropertiespc.com. On August 6, 2020, in accordance with the Governor’s Executive Orders issued in response to the COVID-19 pandemic, the Planning Board held a public hearing via Zoom during which the public was given an opportunity to ask questions and provide comment on the site plan and the SDEIS. At the conclusion of the public hearing, it was determined that given the recent power outages from a tropical storm, the public hearing was to be held open until the August 20, 2020 Planning

Board meeting. At the August 20th meeting, the public was given an additional opportunity to ask questions and provide comment on the site plan and the SDEIS. At the conclusion of that hearing, the public hearing was closed but the comment period remained open until 10 after the posting of the minutes for both public hearings. At its September 17, 2020 meeting, the Planning Board voted to close the public comment period and directed the applicant to prepare a Final Supplemental Environmental Impact Statement (“FSEIS”); and

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT AND FILING DATE

WHEREAS, on October 15, 2020, an FSEIS was submitted to the Planning Board and after review, comment and revision, the Board, by resolution, accepted the FSEIS as complete and ready for review at its December 17, 2020 meeting. The FSEIS was then circulated to all interested and involved agencies on January ____, 2021.

WHEREAS the Lead Agency has given due and thorough consideration to the Supplemental Draft Environmental Impact Statement and the Final Supplemental Impact Statement, the transcripts of the public hearings held on August 6th and August 20th, 2020, the project application, all comments submitted by its professional consultants, all submitted plans and other information submitted by the applicant and its representatives, and other written and oral comments made by the public and involved agencies and considered the potentially significant environmental impacts that may be expected from the requested permits and approvals. These findings show that the Lead Agency has considered and addressed each significant are of the plan’s potential environmental impacts.

NOW THEREFORE BE IT DETERMINED that the Lead Agency finds that all requirements of NYCRR Part 617 have been met, and further makes the following findings:

STATEMENT OF FACTS AND BASIS FOR CONCLUSION

PROJECT DESCRIPTION

- 242 garden apartments site plan;
- Serviced by public water and a private wastewater treatment plant;
- Recreational facilities;
- Access from NYS Route 300; and
- Extensive Landscaping

The project consists of 242 garden apartments, 215 of which will be available for rent by the general public and 27 will be restricted to senior citizens over the age of 55 years. Access to the site is provided via a boulevard entrance from NYS Route 300, north of Gardnertown Farm Road. Each lane of the boulevard entrance will be 14 feet wide. An emergency access is proposed via a gated paved road located from NYS Route 300 near the southern property line.

There will be one primary internal loop road providing circulation through the project site. This loop road is connected to both the boulevard entrance and emergency access road. The internal roads are proposed to be 26 feet wide, two lane roadways. All roads will be privately maintained.

Pedestrian access through the site will be provided via 5 feet wide sidewalks and crosswalks, that will connect pedestrians to NYS Route 300.

The site plan includes a total of 584 parking spaces: 404 spaces provided in front of or adjacent to each of the apartment buildings, 130 garage parking and 50 spaces at the clubhouse, which includes two restricted for handicap use. An additional 20 handicapped parking spaces are provided at various locations throughout the site.

Recreational facilities will include a clubhouse with a pool, deck and fire pits; a dog run; playground and a bus stop gazebo. The Clubhouse will include the Leasing Office, exercise facilities, a multi-purpose room, kitchen and restrooms. In the rear of the clubhouse will be a fenced-in pool area and two firepits. The dog run will be a fenced area that will include a water spigot and waste stations with bags and a trash receptable.

Wastewater will be treated on-site at a private wastewater treatment plant to be constructed in the southeastern portion of the site. The sewage treatment plant will be designed and constructed to meet the all applicable state and local regulations. The plant will include tertiary treatment, ultraviolet radiation, aeration and a backup generator. The plant will be privately owned all financial obligations for the sewer treatment plant will be the responsibility of the apartment complex owner and/or its mortgagee.

To provide a visually attractive community, the Polo Club will be extensively landscaped throughout. Supplemental plantings and fencing will provide a visual buffer between the site and adjacent landowners on Jeanne Drive and Gardnertown Farms, where necessary.

Construction will be conducted in 3 phases (Phases 1A, 1B, 2A, 2B and 3) and is expected to take one to two years to complete.

DEVELOPERS AGREEMENT

The applicant will ~~be required to work with the Town to~~ prepare and enter into a Developers Agreement with the Town Board to provide for the timing of and enforcement mechanism for the mitigation and other provisions contained herein.

A. SURFACE WATER

Construction of the Polo Club's main access roads, as well as site grading will result in approximately 0.27 acres of permanent ACOE jurisdictional wetland disturbance. In the event that the applicant is not able to secure an access agreement to enter the northeast corner of the property from the adjacent parcel, it will apply to the ACOE for a 0.05 acre temporary 12' wide crossing to construct the required wetlands mitigation. As the project site is currently vacant with no drainage system for stormwater, the proposed grading and impervious surfaces will potentially alter drainage patterns on the site.

SURFACE WATER MITIGATION

The preservation of open space and minimal disturbance to the ACOE wetlands and stream corridor will limit the magnitude of any impacts primarily by avoidance.

To mitigate the proposed permanent disturbance of 0.27 acres to the wetlands, the applicant is proposing to construct approximately 0.54 acres (2 times the proposed disturbance) of ACOE non-jurisdictional wetlands.

A Stormwater Pollution Prevention Plan and Soil Erosion Control Plan are proposed to mitigate the potential impacts associated with stormwater runoff, such as water quality degradation and quantity increase. Stormwater runoff will be directed to five stormwater management ponds that will be constructed to mitigate the post development increases in peak stormwater runoff and stormwater quality.

All construction activities involving one acre or more of land disturbance must obtain a SPDES General Permit (GP-20-001) for stormwater discharge from construction activities. In order to obtain coverage under the General discharge from construction activities, the applicant must file a Notice of Intent (NOI) with the NYSDEC, based on the SWPPP, certified by a licensed engineer, before commencing construction.

The construction phasing plan proposes the disturbance of up to 7.821 acres at one time to balance cuts and fills. Additional mitigation measures will be incorporated to minimize the potential impacts associated with the request for the waiver of the 5-acre disturbance limit from the local MS4. These additional measures are included in the SWPPP including additional inspections and reduction of allowable timeframes required for the stabilization of disturbed areas.

B. TRANSPORTATION

A traffic study was conducted to evaluate the potential impacts of the proposed project on the surrounding roadways. The study examined five intersections within the vicinity of the project to evaluate the current conditions and the potential traffic impact of the project: NYS Route 300 and NYS Route 32; NYS Route 300 and Magnet School Driveway; NYS Route 300 and Plattekill Turnpike; NYS Route 300 and Gardnertown Road; and NYS Route 300 and Route 52. NYS Route 300 and the proposed site access was also examined. A Design Year of 2022 was utilized in order to evaluate future traffic conditions. In addition, traffic for other specific potential or approved developments in the area were estimated and then added to the projected traffic volumes to obtain the Year 2022 No Build Traffic Volumes. The traffic study yielded the following capacity analysis of the studied intersections:

- NYS Route 300 and NYS Route 32: The intersection currently operates at an overall Level of Service (“LOS”) “D” during the AM Peak and an overall LOS “C” during the PM Peak. These levels are projected to remain the same under the 2022 No Build and Build traffic volumes.
- NYS Route 300 and Gardnertown Magnet School Driveway: The intersection currently operates at an LOS “B” or better during the AM and PM peak. The intersection is expected to operate at a LOS “B” or better during the AM Peak and at an LOS “C” during the PM Peak.
- NYS Route 300 and Plattekill Turnpike: The intersection currently operates at an LOS “B” or better during the AM and PM peak. The intersection is expected to operate at a LOS “B” or better during the AM Peak and at an LOS “C” during the PM Peak.

- NYS Route 300 and Gardnertown Road: The intersection currently operates at a LOS “B” or better during the AM Peak and a LOS of “C” during the PM Peak. Under the 2022 No Build Traffic Volumes, the intersection will operate at a LOS “B” during the AM and PM peak, but certain movements would experience a LOS “F”. Under the 2022 Build Traffic Volumes, the AM Peak would continue as a LOS “B” and the PM Peak at a LOS “F”.
- NYS Route 300 and Route 52: The intersection currently operates at a LOS “C” during the AM and a LOS “D” during the PM Peak. Under the 2022 No Build traffic volumes this intersection is expected to operate at an overall LOS of “D” during the AM Peak and a LOS “F” during the PM Peak. Under the 2022 Build Traffic analysis, the intersection is expected to operate at the same levels as the 2022 No Build traffic analysis.
- NYS Route 300 and Proposed Site Access: The 2022 Build capacity analysis indicate that the access road and approach to the intersection is expected to operate at a LOS “D” during the AM Peak and a LOS “F” during the PM Peak.

TRANSPORTATION MITIGATION:

TRAFFIC: Given that the required traffic improvements are already necessitated by the existing traffic and/or other proposed developments, excluding the Polo Club, the applicant is proposing to pay its fair share of the necessary traffic improvements which include the following: providing northbound and southbound turn lanes on NYS Route 300 at Gardnertown Road (approximately 100’ turning lane southbound and 200’ turning lane northbound) and a westbound right turn lane on Gardnertown Road. [The applicant will also provide signal backplates at the NY-32, Gardnertown Road and NY-52 intersections along Route 300, subject to the capacity of the poles to accommodate the additional loads.](#) After conditional final approval, the applicant will meet with the Town of Newburgh to determine its fair share contribution towards these improvements. [These requirements will be included in the required Developers Agreement.](#) As part of its fair share contribution, the applicant has agreed to provide modems and transfer switches at the NYS Route 300/Gardnertown Road intersections and the NYS Route 300/ Route 52 intersection. [The applicant has also agreed to pay a fair share contribution toward future improvements at the Route 300/Route 52 intersection to alleviate capacity constraints.](#) In addition, the applicant will provide a survey of the NYS Route 300/Gardnertown intersection and a concept plan for the improvements identified above. The Town shall credit the applicant for all costs expended towards the modems, transfer switches, surveying and concept plan in calculating the applicant’s fair share contribution.

ACCESS: Due to high traffic volumes along NYS Route 300, the applicant will construct a separate left turn lane at the access intersection to accommodate vehicles turning left into the development. The final design will be as per NYSDOT design standards. In addition, to improve operation at the proposed site access, the addition of a northbound right turn lane on NYS Route 300 will be constructed. Some vegetation will be cleared to maximize sight distances along the site frontage in the areas immediately north and south of the main and emergency entrances. Approximately 270 linear feet of clearing will be required for the main entrance and 210 feet of clearing will be required for the emergency entrance. Existing vegetation outside the required sight distance triangles will remain as a buffer to Route 300 and additional landscaping screening

will be installed behind each proposed building in accordance with the landscaping plan. Finally, the applicant will install a “stop” sign from the proposed access drive to the Polo Club to NYS Route 300.

CONSTRUCTION: Construction vehicles will enter the site from NYS Route 300.

C. UTILITIES

POTABLE WATER: The project is located in the Town of Newburgh Consolidated Water District and will be serviced by municipal water. The Consolidated Water District is supplied with water from the NYS Delaware Aqueduct station 5A tap, located near the Town of Marlborough. Raw water from the Aqueduct is filtered and chlorinated by the Town of Newburgh in a water filter plant located on the Aqueduct tap. Due to the available chlorine contact time, the total water capacity from the Delaware Aqueduct is limited to a raw water taking of 3.1 million gallons per day (MGD). In addition, the filter plant at the Chadwick Lake Reservoir has the ability to treat 3.2 MGD. Based on the above information, it appears that the Town of Newburgh water supply is capable of providing a potable water source of 6.3 MGD. The applicant proposes to connect to the public water supply through the existing 16” diameter water main located along the east side of NYS Route 300. The on site water distribution system will begin at a connection to the existing water main on the west side of the site at NYS Route 300, continue through the site and loop back close to the point of connection. The project will require an average of 37,150 gallons of water per day.

POTABLE WATER MITIGATION: The water supply is sufficient to service the project, however, water saving fixtures and appliances will be utilized to reduce water demand. The landscaping design will incorporate plants and materials that require less water to survive. Furthermore, to provide adequate health and safety measures, all new mains, hydrants and valves will be designed and constructed in accordance with the requirements of the Town of Newburgh and the NYSDOH. [Orange County Health Department Water Main Extension approval will be required.](#)

SANITARY SERVICES

The Polo Club is projected to produce approximately 37,150 gallons of sewage per day.

SANITARY SERVICES MITIGATION

The applicant will construct approximately 3,385 linear feet of 8” PVC SDR-35 sewer main and 21 sewer manholes. The site will flow by gravity to an on-site sewer treatment plant located in the south east corner of the site where the wastewater will be treated at a new facility and will discharge the wastewater to the onsite stream that flows north-south through the site. The sewage treatment plant will be designed and constructed to meet all applicable state and local regulations including the Ten States Standard. The plant will include tertiary treatment, ultraviolet radiation, aeration and a backup generator. The plant will be privately owned by a single owner and all financial obligations for the sewer treatment plant will be the responsibility of the apartment complex owner and/or its mortgagee. [NYSDEC State Pollution Discharge Elimination System Permit, Sewer Treatment Plant Plan Approval and Sewer Main Extension Approval will be required.](#)

GAS AND ELECTRIC

The project will be serviced by gas and electric which will result in a loss of natural resources.

GAS AND ELECTRIC MITIGATION

To mitigate these impacts, the project will utilize energy conserving practices including but not limited to insulating all buildings to conserve heat and utilizing energy saving appliances.

SOLID WASTE

The project will generate solid waste which will be collected at eight enclosed dumpster areas located around the site.

SOLID WASTE

Solid waste will be picked up by a private contractor at the eight dumpster areas which will be enclosed by fencing. Recycling will reduce the amount of on-site solid waste transported to landfills. Residents will be required to separate the glass, aluminum, plastic and paper from ordinary trash and the recycling materials will be collected separately.

D. AGRICULTURE

The rear portion of the proposed project, tax lot 39-1-2.12 is identified as part of the Orange County Agricultural District #1. The project shares its southern property line with Gardnertown Farms, an equestrian facility, which is an agricultural use under NYS law.

AGRICULTURE MITIGATION

There are no anticipated adverse impacts to the agricultural use on Gardnertown Farm. , however, there is a potential visual impact to the Denker residence as the home is built close to the property line. The applicant has agreed to install fencing and supplemental landscaping in the area near the Denker residence. In addition, to protect Gardnertown Farms from nuisance claims, all prospective tenants for apartments will be advised of the adjacent agricultural use and all leases will contain such notification. To further protect the identify of Gardnertown Farms, the applicant will commit that the garden apartment complex will not be named or marketed as “the Polo Club” during or post-construction.

E. ECONOMIC AND COMMUNITY SERVICES

ECONOMIC

The anticipated market value of the apartment complex is estimated at \$42 million with an assessed value of \$13.5 million. The project will include 27 apartments that are restricted to senior citizens, over the age of 55 years. Rents for the senior units are anticipated to be approximately \$1,600 to \$1,800 per month and the remaining apartments will be offered at rents ranging from \$1,700 to \$2,100 per month.

ECONOMIC MITIGATION

The project will generate approximately \$1.5 million annually in tax revenue for the various taxing entities which can be used to offset any increased services required by the project.

COMMUNITY SERVICES:

The project is anticipated to generate approximately 473 new residents of which 37 are expected to be school-age children.

POLICE: The anticipated increase in population is expected to generate a need for 0.95 additional police personnel and 0.28 police vehicles. This represents an incremental increase in demand on existing services and not a demand for new services in the area.

POLICE MITIGATION: It is not anticipated that the proposed project would place a significant demand on police services. Projected *tax* revenue to the Town of Newburgh, amounting to \$130,588, could be used to offset the additional demand placed on these services and no additional mitigation measures are proposed.

FIRE: The project is located in the Cronomer Valley Fire District and is served by the Cronomer Valley Fire Department, a volunteer fire department. The Cronomer Valley Fire Department has approximately 10 – 15 members respond to calls for service and therefore complies with the National Fire Protection Association 1720 guidelines.

FIRE MITIGATION: The Fire Department will receive approximately \$62,486 in tax revenue annually from the project that can be used to augment the Department’s capabilities as necessary and no additional mitigation measures are proposed.

EMERGENCY MEDICAL SERVICES: The Town of Newburgh Volunteer Ambulance Corps (TONVAC) provides emergency medical services in the community. They are backed up byt Mobile Life on nights and weekends if TONVAC does not have adequate manpower to respond. The projects 473 residents will result in the potential added demand for 0.06 health care professional and 0.02 vehicles.

EMERGENCY MEDICAL SERVICES MITIGATION: The proposed project is not expected to have a measurable impact on emergency services and no additional mitigation measures are proposed.

SCHOOL DISTRICT: The Polo Club will be served by the City of Newburgh Enlarged Central School District. The project is expected to generate 37 new students to the Newburgh City Enlarged School District.

SCHOOL DISTRICT MITIGATION: It is anticipated that it will cost taxpayers an additional \$347,741 annually to educate the estimated 37 new students. Total school tax revenue projected to be generated by the project annually is \$983,459, creating a net revenue of \$635,718. As school buses are not allowed to enter the site, the applicant will construct a gazebo in the southwest portion of the site, near NYS Route 300, to provide shelter and a safe place for students to wait for the school bus. The gated paved emergency access road will make getting to the school bus easy for pedestrians and parking in the clubhouse parking area will provide a safe location for parents to drop off/pick up students.

F. CULTURAL RESOURCES

As part of the previous application, a cultural resource study was conducted on the site. The Phase I Survey indicated that no significant artifacts or projectile points were found.

CULTURAL RESOURCE MITIGATION

By letter dated February 4, 2008, the New York State Office of Parks, Recreation and Historic Preservation concluded that the proposed project will have no impact upon cultural resources on site. Accordingly, no mitigation is required.

G. VISUAL RESOURCE

The project parcel is primarily visible from NYS Route 300.

VISUAL RESOURCE MITIGATION

Visual impacts associated with the proposed development will be mitigated through the following measures: existing vegetation will be preserved to the maximum extent practicable up to the limits of clearing and open space areas will be protected and maintained; a landscaping plan is proposed to mitigate impacts along NYS Route 300. Fencing will be provided along sections of the northern and southern property boundaries to mitigate visual impacts and improve safety. The landscaping plan identifies the types, locations and sizes of the proposed plantings.

H. GEOLOGICAL AND SOIL RESOURCES

As part of the previous application, a subsurface investigation was conducted by the applicant's engineers to determine the amount of bedrock on site. The applicant anticipates that blasting will be necessary.

GEOLOGICAL AND SOIL MITIGATION

Any blasting will be carried out in accordance with all local and state permits and protocols. All blasting work will be carried out by a New York State licensed blasting contractor using limited charges to avoid off-site damage. The blasting contractor must be fully insured and will take full responsibility for remedying any damage caused by blasting at the site.

A grading plan has been developed that minimizes soil disturbance to the greatest extent practicable. All topsoil will be stripped and stockpiled for use later onsite. Cut soils generated by the project will be reused onsite as fill to the greatest extent practicable. Any soil material that is hauled offsite will be disposed of in an acceptable manner.

To minimize the potential for soil erosion, preventative measures will be implemented in conformance with the NYSDEC standards. Control measures will be implemented to prevent erosion and sedimentation as much as possible. Stormwater runoff (from the site) will be controlled and treated to remove sediment prior to discharge. Disturbed areas will be stabilized either temporarily or permanently in a timely manner. Construction on steep slopes has been avoided to the greatest extent possible and therefore excessive soil erosion is not expected to be an impact.

I. VEGETATION AND HABITAT

Construction of the project will result in the loss of some vegetation and resultant wildlife habitat. A complete environmental and ecological review of the site was conducted as part of the

previous application for the purpose of documenting and inventorying existing vegetation, habitat, cover types, plant and wildlife species.

VEGETATION AND HABITAT MITIGATION

To minimize the impacts associated with the construction of the project, the following mitigation measures are incorporated into the plan: all areas to be saved shall be clearly marked and protected by dripline fences prior to construction; supplemental plantings will include a mixture of species so that the landscaped areas created by the proposed development can be used for forage. Trees and shrubs will be selected to provide both food and nesting sites for squirrels and avian species. To minimize potential impact to endangered bat species know to be in the area, trees within the area of development will only be removed during bat hibernation, specifically between October 1st and April 1st.

J. CERTIFICATION OF FINDINGS

Having considered the Draft and Final SEIS and having considered the written facts and conclusions and specific findings contained herein as well as the original findings incorporated by reference herein, all relied upon to meet the requirements in 6 N.Y.C.R.R. Part 617, this Amended Statement of Findings certifies that :

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

Dated:

Town of Newburgh Planning Board
21 Hudson Valley Professional Plaza
Newburgh, New York 12550

By: John P. Ewasutyn, Planning Board Chairman

Involved Agencies:

Town of Newburgh Planning Board
21 Hudson Valley Professional Plaza
Newburgh, New York 12550

Town of Newburgh Town Board
1496 Route 300
Newburgh, New York

Orange County Health Department
124 Main Street
Goshen, New York 10924

New York State Dept. of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561

New York State Dept. of Transportation
Region 8 Office – 4 Burnett Blvd.
Poughkeepsie, New York 12603

New York State Dept. of Transportation
112 Dickson Street
Newburgh, New York 12550

Interested Agencies/Parties:

Town of Newburgh Volunteer Ambulance Corps
Attn: Sue Ostrander, President
97 South Plank Road
Newburgh, New York 12550

Cronomer Valley Fire District
296 North Plank Road
Newburgh, New York 12550

City of Newburgh
83 Broadway
Newburgh, New York 12550

City of Newburgh Enlarged School District
124 Grand Street
Newburgh, NY 12550

NYS Office of Parks, Recreation and Historic Preservation
PO Box 189 Pebbles Island
Waterford, NY 12188

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625 Broadway, 4th Floor
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