

Findings Statement

*Issued Under the New York State Environmental Quality Review Act,
Environmental Conservation Law Section 8-0101, et. seq. ("SEQRA")*

With Respect to:

**"Yorktown Farms Subdivision"
Town of Yorktown
Westchester County, New York**

Adopted: October 29, 2007

This document is a Findings Statement prepared pursuant to and as required by 6 NYCRR Part 617.11 implementing the New York State Environmental Quality Review Act (SEQRA). This Findings Statement draws upon the information in the Town of Yorktown Planning Board record in connection with the Applications for Subdivision Approval, Wetland Permit, and Erosion Control Permit for the proposed Yorktown Farms Subdivision project. The record of the Town Planning Board, the SEQRA Lead Agency, includes the Draft Environmental Impact Statement (DEIS) accepted by the lead agency on March 30, 2005, comments received on the DEIS and associated applications at a duly noticed public hearing held on May 9, 2005, comments received at reconvened public hearings held on June 11 and June 25 2007, and the Final Environmental Impact Statement (FEIS) accepted by the lead agency on September 24, 2007.

In preparing this Findings Statement, the Town of Yorktown Planning Board has given due consideration to the DEIS, FEIS and other documents prepared in conjunction with the SEQRA process. Further, this Findings Statement contains the facts and conclusions in the DEIS and FEIS relied upon by the Planning Board to support its decisions, and considers and balances the relevant environmental impacts with "social, economic and other considerations" which form the basis for its decision (6 NYCRR 617.11(d)).

Pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Yorktown Planning Board, acting as SEQRA Lead Agency, makes the following findings.

Proposed Action:

The proposed Yorktown Farms Subdivision project is located on the south side of US Route 6 at the Yorktown/Somers Town Line, in the Town of Yorktown, Westchester County, New York as further described herein (the "Proposed Action").

In accordance with SEQRA, the following elements of the environmental review process have been undertaken:

- Designation of the Town of Yorktown Planning Board as Lead Agency on April 12, 2002;
- Issuance of a Positive Declaration by the Town of Yorktown Planning Board adopted on June 10, 2002;
- Preparation, public scoping meeting on July 15, 2002 and adoption of a DEIS Scoping Document;

- Preparation and review of a Draft EIS with drafts dated February 12, 2004 and December 8, 2004;
- Acceptance of the Draft EIS by the Lead Agency on March 14, 2005, and subsequent filing of the Draft EIS and a Notice of Completion and Notice of Public Hearing;
- Holding of a Public Hearing on the Draft EIS and associated applications by the Lead Agency on May 9, 2005, at which time the hearing was closed;
- Receipt of public comments on the Draft EIS until June 3, 2005;
- Reopening the Public Hearing on the Draft EIS to review a Supplement to the Draft EIS and associated applications by the Lead Agency on June 11 and June 25, 2007, at which time the hearing was closed;
- Preparation and review of a Final EIS dated July 27, 2007;
- Acceptance of the Final EIS dated September 20, 2007 (which incorporated the Draft EIS) by the Lead Agency on September 24, 2007, and subsequent filing of the Final EIS and a Notice of Completion;
- Affording a public review and written comment period on the Final EIS until October 15, 2007; and,
- Preparation, review and adoption of this Findings Statement by the Lead Agency.

Description of Action:

The Applicant intends to subdivide the Yorktown Farms site (43.17 acres), install the required infrastructure, and develop 22 single-family residential homes in response to a continued need and demand for high quality housing in the Town of Yorktown and northern Westchester County. The proposed action has been reduced (number of lots) from the action proposed in the DEIS, which contained 34 lots and a public recreation component, and now includes a community benefit component entailing extensive off-site sewer improvements that will benefit the surrounding community. Additionally, the Applicant proposes to pay a recreation fee in lieu of setting aside land within the proposed development for recreational purposes (the DEIS plan included a soccer field). These revisions are made pursuant to conditions of the Town Board's February 2007 rezoning of the project site from R1-80 to R1-40.

The Revised Plan

In October 2005 (after the hearing on the DEIS for this project), the Town of Yorktown rezoned the project site from R1-20 to R1-80. Following that action and through extensive consultation with the Town of Yorktown Planning Board, Environmental Conservation Board and Recreation Commission, the Applicant modified its proposal for Yorktown Farms to reduce the density and include off-site improvements for the benefit of households in the surrounding community. A reduction in the number of proposed homes to 28 homes was discussed with the Planning Board prior to the 22-lot proposal that is now proposed. This revised layout, called the "Mitigation Alternative", would allow the applicant to achieve a viable density of development and accomplish its development goals, while offering a substantial community benefit entailing area-

wide sewer improvements that would allow 67 existing properties (66 houses and one church) to connect to the municipal sewer system. The Revised Plan would alleviate concerns of health conditions in the community associated with failures of many of the existing septic systems of area homes.

Another major change that was made to the project subsequent to the public hearing relates to access. At a meeting between the New York State Department of Transportation (NYSDOT) and the Applicant's consultant in July 2005, NYSDOT expressed a strong preference that Route 6 access be permitted only for emergency vehicles to comply with departmental policies related to arterial management. (NYSDOT letters dated June 27, 2005 and November 22, 2006 are in FEIS Appendix A). NYSDOT has reiterated its position that the project should have access via the Curry Street signalized intersection in its letter dated October 5, 2007. The DEIS demonstrated that traffic from the project would not be expected to cause significant adverse impacts on local roads under an alternative that places all project-generated traffic on local roads. In response, the Revised Plan shows primary access from an extension of Gay Ridge Road (which currently terminates at the project site) and an emergency only access to Route 6.

In 2007, the Town of Yorktown responded to the Applicant's community benefit offer by adopting a second rezoning of the project site from R1-80 to R1-40. The 22-lot layout uses the flexibility standards of the Yorktown Town Code to allow for narrower lot widths and smaller lots than would otherwise be permitted in the R1-40 District while providing significant open space in two areas of the property. Primary access is proposed from Gay Ridge Road, with emergency only access from Route 6, pursuant to a condition of the Town's rezoning approval.

Compared to the DEIS plan, the current Revised Plan reduces impacts to wetlands and steep slopes by shifting proposed home sites away from wetlands and wetland buffers. The reduction in density responds to recommendations of the Comprehensive Plan.

A road system is proposed in a curvilinear pattern that follows the natural topography of the property, entering the property at Gay Ridge Road and ending in a cul-de-sac at the south end of the site. The proposed road would have a maximum gradient of eight percent. An additional access, which would be physically restricted to only emergency vehicle access, would connect the internal roadway to Route 6. Individual house lots are laid out within existing open areas of the site (former fields) and such that minimal disturbance to wetlands or wetland buffers is necessary to develop any individual lot.

The proposed plan includes two open space lots that will accommodate the surface stormwater management facilities for the project. Approximately 4.7 acres at the north end of the project adjacent to Route 6 will not be residentially developed, with some 0.9 acre used for stormwater basins, 0.5 acre used for wetland mitigation, and 1.0 acre of wetland to remain undisturbed. At the south end of the project, approximately 5.1 acres of land will not be residentially developed, with some 1.2 acres used for stormwater basins and 1.8 acres of wetland to remain undisturbed. In addition to the proposed open space parcels, on-site roadways and infrastructure will be offered for dedication to the Town of Yorktown. Utility easements are shown on the plans to facilitate Town maintenance access to stormwater infrastructure on private lots.

The Revised Plan responds to recommendations of Town Planning Department staff relating to avoidance of sensitive environmental features (slopes and wetlands). The layout provides greater avoidance of on-site wetlands, and two narrow wetland crossings designed to preserve wetland functions where disturbance cannot be avoided. The Revised Plan designates the entire rear portion of proposed Lot 16 that includes a large portion of New York State Department of Environmental Conservation (NYSDEC) designated wetland to be protected in a conservation easement.

The Revised Plan also responds to concerns of neighboring residents regarding existing off-site drainage problems through installation of a storm drain system along the property line in the southwestern corner of the subject site (behind the Stonewall Court homes). The proposed system will collect surface runoff in several drains before it flows off-site and toward the Stonewall Court homes, and will direct that water to an outlet in the rear of Lot 11 or to the proposed stormwater basin in Yorktown Farms, depending on NYC DEP approval. Collection of this surface water will alleviate, to some extent, infiltration of water into basements of neighboring homes. This is an existing condition that will not be worsened by the proposed project.

The Applicant's Revised Plan also responds to limitations and provisions discussed with and agreed upon by the Yorktown Town Board, as listed in its approval for the rezoning of the Yorktown Farms Subdivision site. The provisions of the rezoning largely respond to the Town's concept for development at the project site within the context of the surrounding developed area. The Town Board rezoning resolution requires construction of the off-site sewer improvements as a condition of approval. The Applicant will sponsor the establishment of the sewer district as stated in the Town Board's Resolution dated February 27, 2007.

Sewer District Improvements

The proposal for the establishment of a no cost sewer district and construction of sanitary sewers is also an element of the revised project scope. The proposed sewer district will consist of the Yorktown Farms 22-Lot subdivision and 67 neighboring properties located on Campbell Court, a portion of Campbell Road, Gay Ridge Road, Jennifer Court, Gomer Street and a portion of Curry Street. The proposed off-site sewer improvements include installation of sewer mains and a pump station that will connect to the existing force main in Route 6. Upon completion, the sewer district will provide service to a total of 88 homes and 1 religious facility.

The sewage from the new Yorktown Farms Sewer District will be treated at the Westchester County Peekskill Sewage Treatment Plant. The Peekskill Sanitary Sewer District is a County district established for the construction and operation and maintenance of the Peekskill Sanitary Sewage Treatment Plant and County intercepting sewers. All properties within the Yorktown Farms Sewer District are within the "benefited area" of the County district, and therefore are paying a County sewer tax.

Proposed Project and Area Context

The proposed project has an overall density of 0.5 units per acre of land. The project would comply with the recommendations set forth in the Town Comprehensive Plan to develop the central and northern sections of the Town, where public sewers exist or are planned, in medium density residential use (2.0 to 4.4 units per acre). The project would be less dense than the existing residential character of developed areas south of US Route 6 in Yorktown.

The entire site is located in a single-family residential zoning district, as are lands to the west and south, although the site is zoned R1-40 pursuant to the Town rezoning approval with conditions. Lands to the west and south are predominantly characterized by residential uses built at a density consistent with the former R1-20 District. Vacant land to the east in the Town of Somers is zoned for single-family residences on lots of either 80,000 square feet or more (abutting northern half of site) or 120,000 square feet or more (abutting southern half of site). The abutting land to the east (in the Town of Somers) is planned for dedicated open space as part of the proposed Windsor Farms residential project. Industrially-zoned land immediately north of US Route 6 is undeveloped and is currently proposed for a three-lot commercial subdivision (Tonndorf Subdivision). A commercial nursery on the north side of Route 6 faces the project site adjacent to the Town line.

Alternatives Considered:

- The New York State Environmental Quality Review Act (SEQRA) calls for a description and evaluation of the range of reasonable alternatives to the proposed action which are feasible, considering the objectives and capabilities of the project applicant. The following six alternatives were included in the Lead Agency's adopted scope for the DEIS and were evaluated therein.
- Cluster Park Alternative (Sketch Plan R4)
- Connection of Gay Ridge Road to Jefferson Court (Sketch Plan R5)
- Connection of Gay Ridge Road to Stonewall Court (Sketch Plan R6)
- Loop Road Option (Sketch Plan R3)
- Connection of Gay Ridge Road to Route 6 (Sketch Plan R2)
- Office/Lab Use (Sketch Plan C-1)

The following four alternatives were added to the DEIS evaluation at the request of the Yorktown Planning Board during the environmental review process.

- Reduced Density Alternative (24-lot conventional layout)
- R1-20 Cluster Alternative
- R1-40 Cluster Alternative
- R1-80 Alternative

An R1-80 Cluster Alternative was prepared following the preparation of the DEIS. The currently proposed Revised Plan (Mitigation Alternative) was evaluated in detail in the FEIS. Tables comparing impacts of these alternative plans with a No Action alternative, the DEIS 34-lot plan, and the FEIS 22-lot Revised Plan are provided in the FEIS.

Required Permits & Approvals:

The agencies identified below have review, direct approval, or permit issuing authority over the proposed action:

Planning Board of the Town of Yorktown (Lead Agency)

- Subdivision Approval
- Town Wetland Permit
- Erosion Control Permit

Town of Yorktown Town Board

- Zone Change to R1-40 (granted)
- Establish Town Sewer District

New York State Department of Environmental Conservation

- SPDES General Permit for Stormwater

Westchester County Department of Health

- Water Connection and Sewer Connection

Westchester County Planning Board

- Section 239 Referral (within 500 feet of Municipal Border & State Road)

New York City Department of Environmental Protection

- Stormwater Management/Sewer Connection/Stream Piping and Diversion

New York State Department of Transportation Region

- Highway Work Permit

U.S. Army Corps of Engineers Division of Regulatory Affairs, Eastern District

- Nationwide Permit # 39 for Wetland Activities

Summary of Findings:

A. Land Use, Zoning and Public Policy

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Land Use, Zoning and Public Policy for the following reasons:

With a gross density of approximately one dwelling per two acres (0.51 du/ac), the Revised Plan would be compatible from a land use perspective with the surrounding development in the Town of Yorktown. The project would have a lower density than the pattern of existing residential development to the south and west, where homes are generally located on lots of one-half acre in size. Approximately 49 percent of the site is proposed to remain undisturbed. Community concerns over the previously proposed active recreation area (soccer field) that was to be located near existing single-family homes have been addressed by eliminating such a public facility from the plan and the Applicant will provide the Recreation Fee to the Town in lieu of parkland. The project continues to include an open space buffer adjacent to Route 6 that would physically separate the subdivision from the traffic corridor.

With regard to zoning and public policy, the DEIS plan followed the R1-20 zoning requirements (applicable at that time) allowing a greater density development and the DEIS concluded that it would be compatible with surrounding uses. A change in the Town's Comprehensive Plan resulted in the site being rezoned to R1-80 in 2005. The Town Board subsequently reviewed several project alternatives and rezoned the site in 2007 to R1-40 to permit the layout currently proposed in light of the Applicant's proposal to provide a substantial benefit to the local community in the form of sewers to 67 lots in the area. The Town Board determined the elimination of 67 aging septic systems, combined with overwhelming community support, justified this rezoning of the project site. The number of proposed houses has been significantly reduced from the DEIS plan, and the R1-40 zoning requires larger lots with more street frontage than proposed in the DEIS. The Revised Plan conforms to the requirements of the R1-40 district, and adequately mitigates any potential adverse environmental impacts.

Regarding public policy, the project would accomplish Comprehensive Plan goals related to open space preservation, while improving quality of life for area residents that will benefit from the proposed sewer improvements. The Revised Plan addresses goals in Westchester County's Master Plan Patterns for Westchester in that it would utilize existing central water and sewer infrastructure, preserve significant land resources (particularly the wetlands on the site), and locate new development adjacent to existing development where connection to the existing transportation network is possible. Like the DEIS plan, the Revised Plan is below the maximum residential density recommended by Patterns for the site, as a Medium Density Suburban area that would blend physical development with the natural environment, with its primary character being residential. With central water supply and sewer service available in the area, the proposed project would channel development to an area where infrastructure can support growth.

B. Soils and Topography

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Soils and Topography for the following reasons:

Soils

Grading of soils is required for the construction of roads, individual home sites, and the stormwater management basins. The total area of grading or site disturbance is estimated to be 22.08 acres, or 51 percent of the site. Impacts to soils associated with project development are temporary and relate to soil erosion hazards and construction limitations due to wetness, slope and depth to bedrock. Approximately 3.7 acres of soils will be covered with impervious surfaces. Virtually all of the disturbed area that does not become impervious will be graded, seeded and landscaped.

Mitigation measures to limit construction impacts due to erosion include the use of Best Management Practices (BMPs) and measures described in the site specific Soil Erosion and Sediment Control Plan written for the project. Most project disturbance will occur on slopes of less than 15 percent. Erosion controls and slope protection will be specified in accordance with the New York Standards and Specifications for Erosion and Sediment Control, April 2005. Proper design and implementation of these measures, along with consistent and frequent inspections, will minimize soil erosion impacts. The erosion and sediment control component of the Yorktown Farms Stormwater Pollution Prevention Plan (SWPPP) complies with NYSDEC, New York City Department of Environmental Protection (NYCDEP), and Town of Yorktown regulations Chapter 248 of the Town Code and specifies practices that are common for this type of development. The SWPPP includes structural and non structural practices, a detailed construction sequence, and soil disturbance limits, that combined are designed to control erosion and prevent sedimentation during development of the property and provide for stabilization after completion.

Slopes

The majority of grading for the proposed project will occur in areas with slopes of less than 10 percent. Impacts to steep slopes of 15 percent or greater are mostly limited to the access from Route 6, the stormwater basins along the eastern edge of the site, installation of the sewer line along the eastern edge of the site, and grading for proposed homes along the eastern edge of the site. The number of home sites proposed in the Revised Plan in the vicinity of the eastern property line has been reduced from 10 homes in the DEIS plan to 8, resulting in a reduction in the amount of grading and filling required on steep slopes. Exposing soils on steep slopes during construction increases the potential for erosion in the short term. This potential impact will be mitigated by adherence to the site specific Soil Erosion and Sediment Control Plan. Following construction, soil erosion from the property is expected to be minimal since developed areas will be stabilized with lawns and landscaping, and stormwater management features will be fully functional.

Geology

There are three areas of potential blasting located on the northern portion of the site. Quantities of rock excavation cannot be determined from available information but subsurface investigations will be conducted to confirm the actual depths to bedrock prior to application to the Town for a blasting permit. In some areas where rock is encountered, ripping bedrock may be possible rather than blasting. Due to the nature of the bedrock, it is anticipated that no significant disturbance to bedrock geology will result from the necessary rock removal for this project. Any blasting will be carried out in accordance with the blasting mitigation plan outlined in the DEIS.

In addition to on-site soil disturbances, facilities associated with the off-site sewer district improvements will necessitate disturbance on approximately 2,133 linear feet of trench excavation for the proposed off-site gravity sewer mains and manholes. The proposed off-site sewer pipes will primarily be located in existing roadways (Gay Ridge Road, and portions of Gomer Street and Curry Street), where construction disturbance will entail excavation of trenches, pipe installation, back filling, and resurfacing with asphalt. The proposed pump station will be constructed on property at the southwest corner of the Curry Street / Route 6 intersection.

C. Vegetation and Wildlife

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Vegetation and Wildlife for the following reasons:

Vegetation

This project will result in the alteration of the vegetative character of the disturbed portions of this property, and the elimination of vegetation from those areas that will become impervious surfaces. Up to 11.6 acres of upland forest vegetation and 10.2 acres of open meadow will be removed as a result of the proposed project. A total of 22.1 acres of the site will be affected as a result of clearing and grading necessary for the creation of the subdivision. Of the 1,585 surveyed trees on the site, 47 trees were identified as being 24 inches in diameter or greater. Of the 47 trees, up to 33 may be preserved under the Revised Plan.

Total site disturbance has been reduced by 2.5 acres from the DEIS layout. Portions of second growth woods, old field meadow and shrub-scrub wetland in the central portion of the site that would have been impacted for grading in the DEIS plan will not be impacted as a result of construction of the Revised Plan.

Wildlife

Based on aerial photography, the project site appears to have been used for agricultural purposes through at least 1960. At that time, approximately 90 percent of the site was mowed or used as pasture, with the exception of the wet and more steeply sloped area in the southeast corner of the site. Habitat types have been identified as forested uplands, forested wetland, scrub-shrub

wetland, old field, hedgerows and stone walls. A variety of small terrestrial animals and birds were sighted on the project site during the course of site evaluations for wildlife and habitat potential.

The project site was reviewed for potential use by a number of rare, endangered or protected species. According to NYSDEC correspondence dated October 4, 2007, there is one known rare or endangered wildlife species known to inhabit the site or nearby areas. Due to the existence of old field habitat and isolated wetland areas, habitat potential for the species listed by the NYSDEC as endangered or threatened was analyzed. The applicant provided an addendum to the Biological Survey Report dated October 11, 2007 re-evaluating the presence of the bog turtle on the site and found that the project site does not contain the habitat needed to support bog turtles. As a result, the applicant determined there are no rare or endangered wildlife species known to inhabit the site or nearby areas and therefore no impacts to such species would result from the proposed project.

Upland vegetation will be removed as a result of the proposed project, which will impact some of the wildlife habitat on this site. A total of 22.1 acres of the site will be affected as a result of clearing necessary for the creation of the subdivision, including portions of woodland and meadow wildlife habitat, and stonewalls. Proposed construction will convert approximately 3.7 acres into impervious surfaces for roads, driveways and buildings. Wooded and un-maintained meadow areas will encompass 21.14 acres following development, or over 49 percent of the site. The Revised Plan depicts (by shading) the areas of clearing anticipated to develop the lots with sufficient area for resident use typical for a single-family development.

The largest potential impact to the ecology of this site is the elimination of a large portion of the edge habitat that exists at the interface between the fields and tree line. Predatory species use this area for hunting, and prey species use it as an opportunity to find new food sources in close proximity to cover. These impacts are typical where previously farmed land is developed and are not in any way unique to this property. Corridors of undisturbed vegetation can be preserved along the edges of the site and through the center of the property, along with larger blocks of habitat within and adjacent to existing wetlands on the site. The Revised Plan will result in less disturbance of wooded land and old field/meadow, and the removal of fewer trees, than the DEIS layout, thereby reducing disturbance of existing habitat on the site.

D. Water Resources and Wetlands

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Water Resources for the following reasons:

Surface Water & Ground Water

The project will utilize municipal water and will not drill wells into the local bedrock aquifer for potable water purposes. Sewage will be disposed of in a municipal system.

The project will result in approximately 3.7 acres of impervious surface added to the project site. This represents approximately 8.5 percent of the site acreage. As a worst case estimate, the project may reduce groundwater recharge by 8.5 percent or by 1,818 gpd. The proposed stormwater management systems are designed to collect stormwater from roads, driveways and roofs and maintain or reduce stormwater flow volumes from the site. Therefore, the majority of stormwater collected from impervious surfaces will be routed to stormwater detention basins, swales and other stormwater management features, and either reenter existing on-site surface water bodies and wetlands or percolate into the soil, similar to pre-construction conditions. A small percentage of on-site rainfall will evaporate from proposed roadways, driveways, and rooftops. Therefore, project related impacts to groundwater resources are expected to be minimal.

A portion of the site is within the New York City watershed. Construction activities within the watershed are subject to New York City Watershed Rules and Regulations. The stormwater management plan for this project is designed such that the development will not significantly impact receiving waters or wetlands hydrologically or by excess pollutant loading.

Under the stormwater management plan, future stormwater rates will be maintained at, or reduced below, present levels for all evaluated storm events at all drainage area design points where stormwater exits the property. This is done through either the diversion of water, or the routing of water through retention basins. Thus, there will be no adverse impacts related to downstream flooding. The stormwater management plan will be subject to review by NYSDEC and NYCDEP.

The offsite sewer improvements proposed would result in 67 properties in the neighborhood being connected to the municipal sewer system, ending their reliance on existing septic systems that would otherwise have the potential to impact groundwater quality. Many of the surrounding community homes have voiced concerns of failing septic systems. This transition to municipal sewers is not expected to result in significant adverse groundwater impact nor significantly affect groundwater recharge.

Wetlands and Wetland Buffers

The Revised Plan includes no house sites in any regulated wetland or wetland buffer. The DEIS demonstrated that most of the alternative plans for this site would necessitate two wetland crossings for road and utility access, one crossing of the non-NYSDEC regulated (Town regulated) wetland B/C and one crossing of NYSDEC wetland A. All but one alternative plan (an office use) provided a connection to the dead end stub of Gay Ridge Road, a request that was made by the Planning Board in its considerations for prudent planning. Concerns about the impacts of the wetland crossings were raised during the SEQR review (although there were no comments received from NYSDEC on the DEIS) and the FEIS presented more detailed information about the proposed crossings in terms of their construction and extent. The DEIS and FEIS presented substantiation that neither the function nor value of these wetlands would be significantly denigrated by such crossings. During review of the project plans and alternative plans by the Town Board with regard to rezoning the property and the substantial benefit to the local community offered by the Applicant for extensive off-site sewer improvements, that board

concluded in its rezoning approval that access to Route 6 shall be for emergency access only, thereby necessitating primary access from Gay Ridge Road via wetland crossings. This access was supported by significant public input during a lengthy public review of the various plan alternatives. Gay Ridge Road is the preferred point of project access by the Town and by the New York State Department of Transportation (NYSDOT).

The area of disturbance to the Town regulated wetland is 0.06 acre for a road and utility crossing. Approximately 0.19 acre of wetland disturbance to NYSDEC Wetland A-4 is necessary to make the Gay Ridge Road connection. The proposed disturbances of the Town and NYSDEC wetlands are limited to that which is necessary to gain access to the site. Site access alternatives presented in the DEIS and additional alternatives studied in response to comments on the DEIS plans, and in coordination with the Town Planning Department, Town Board, and NYSDOT, have shown that the most reasonable and safe alternative location for the project access road would not avoid crossing the wetlands in two locations on the site, all things considered. Gay Ridge Road is the desired point of project access by the Town and by NYSDOT. No alternative location for access to a local street is available to the Applicant. There are no other encroachments into these wetlands proposed.

The two crossings have been designed so that existing flows in the wetlands will be maintained and so that the current functions of the wetlands will be preserved. The road crossings that are proposed would be constructed with a porous base so that surface water flow would be maintained in the wetlands, and so that the current functions of the wetlands would be preserved. The wetland crossings detailed on the engineering plans submitted are proposed to include a large sized culvert designed to accommodate the primary drainage channel in the wetland and several smaller pipes to allow small animals to pass through. The sides of the road section would be constructed of stone-filled gabions for structural support, while minimizing the width of the fill section. Gabions can be installed with minimal construction excavation. No wetland encroachment other than that proposed with the two accesses to the site is proposed.

The Planning Board finds that the Revised Plan minimizes wetland impacts to the greatest extent practicable, reduces wetland impacts from the DEIS plan, and complies with the primary impact avoidance goals of the Freshwater Wetlands provisions of the Town of Yorktown Code. The FEIS provides comparisons of specific reductions in wetland and buffer area disturbances between the DEIS plan and the Revised Plan.

Wetland creation is proposed as mitigation for the wetland impacts. The proposed wetland mitigation area is identified on the Revised Plan at the north end of the property where it would be hydrologically connected with an established wetland area. The submitted Wetland Mitigation Plan depicts the conceptual design of the wetland mitigation area proposed.

Wetland buffer encroachment for construction of the proposed residences has been avoided to the maximum extent practical in the project. A portion of the stormwater basins at the north end of the site, a portion of the Route 6 access road, and the roadway crossings will encroach upon wetland buffers. Overall, the proposed project is not expected to result in a significant adverse impact of the functions of the wetland buffers.

E. Air Resources

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Air Resources for the following reasons:

Air Quality

Construction-related air quality impacts from the proposed project include fugitive dust and particulate matter from construction operations and emissions from construction equipment and vehicles. These are short-term effects. The primary sources of air emissions from the developed project include resident vehicles, gasoline-powered equipment, and heating systems. Given the moderately low project density, the low projected volume of traffic, the limited areas of lawn to be mowed, the installation of new and efficient heating systems, and the extent of undisturbed vegetation proposed, there will be no source of air pollutants that could result in any exceedance of any ambient air quality thresholds in the developed project. The air emissions generated by the proposed single-family residences will be similar to those generated by other residences in area neighborhoods. Furthermore, no sensitive receptors such as a school, hospital, or senior living facility exist in the immediate vicinity of the project site. Thus, no significant short-term or long-term air quality impacts are expected to result from the proposed development.

Noise

Local daytime ambient noise levels will increase in the project area during construction of the project. Construction activities and the operation of construction equipment are an expected and required consequence of site construction, and cannot be avoided. Thus, some temporary noise impacts will result during the construction period and will cease upon completion of the project. It is anticipated that nearby residences on surrounding local roads would experience temporary elevated noise levels at occasional periods during the construction of the proposed subdivision. The greatest noise from construction traffic is expected to occur at the beginning of the construction as grading and tree clearing occur.

Blasting may be necessary around the area of the site access from Route 6 and the detention basin near the northwestern corner of the site. Subsurface investigations will be conducted prior to construction to confirm the actual depths to bedrock. If bedrock is found, other construction methods will be evaluated, such as cutting, ripping, or chipping, that can be used in lieu of blasting. Any potential blasting that is required would be done in full conformance with New York State Code, the Town of Yorktown Blasting and Explosives regulations Chapter 124 of the Town Code, and the project-specific Blasting Specifications provided in DEIS Appendix H. Blasting operations would be conducted under the direct control and supervision of competent and licensed persons. The blasting contractor performing the work would be fully insured in accordance with Chapter 124. Once any required blasting sites have been identified, a general blasting schedule would be developed and a blasting permit obtained from the Building Inspector covering the specific blasting operation. Blasting would not be conducted between the hours of

5:00 PM and 8:00 AM, nor on Sundays, in accordance with Chapter 124.

No significant adverse noise impacts are anticipated as a result of the proposed project. After construction and occupancy of the proposed residences, noise levels can be expected to be similar to the surrounding developed areas, as the subject site will contain a residential use similar to that found in many sections of the surrounding area.

F. Traffic

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Traffic for the following reasons:

The Revised Plan is projected to generate 25 AM and 27 PM peak hour trips. The DEIS traffic analysis demonstrated that the 33 AM and 41 PM peak hour trips anticipated from the DEIS layout with 34 homes would not result in significant adverse impacts to the surrounding roadway network. Under Build conditions with the proposed project, levels of service at all study intersections would remain unchanged in comparison to the No-Build condition except that Gay Ridge Road declines from level of service A to level of service B in the a.m. peak hour. This is not a significant impact.

Connection to the stub end of Gay Ridge Road is proposed as the sole point of residential access, with Route 6 access limited to emergency traffic only. This provision has been made to comply with the conditions of the Town Board's rezoning of the project site, and to comply with the arterial management policies of the New York State Department of Transportation (NYSDOT). NYSDOT has indicated that it does not support site access from Route 6, other than for emergency access only. The DEIS analysis determined that having all residential traffic access the site via Gay Ridge Road and Curry Street would not result in significant adverse traffic impacts.

A typical road section that meets the requirements of the Town of Yorktown for a Town road is proposed. The emergency-only access road is proposed to be 20 feet wide and match the typical detail in all other respects. Details of the intersection of the access road with Route 6 are subject to the requirements of NYSDOT and its issuance of a Highway Work Permit.

A possible future right-of-way to the south that was indicated in the DEIS has been eliminated from the Revised Plan pursuant to the Town Board's rezoning resolution. While this will preclude any future access to the south, the proposed access solution is expected to be fully adequate for both residential and emergency access.

G. Community Services and Facilities

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Community Services and Facilities for the following reasons:

Schools

A total of 26 school-age children are projected to reside in the Yorktown Farms subdivision that would be served by the Lakeland Central School District. This estimate is based on a multiplier found to be appropriate by the District Superintendent of Schools. Much of the cost to the School District resulting from the projected increase in enrollment would be offset by projected annual school tax revenues from the project, with the net cost to the District estimated to be \$61,727 according to Table 3.15-2. The 26 additional students would be expected to be absorbed into the District without significant adverse impact.

Recreational Facilities

The proposed project will add a projected 80 persons to Yorktown's population and will incrementally increase local demand for recreation facilities and open space. The DEIS concluded that the aggregate area of recreational open space needed to serve the originally projected population of 123 new residents would have no significant adverse effects on recreational or open space resources. The Applicant's proposal includes contributing a recreation fee to enable the Town to construct an appropriate recreational amenity elsewhere in the Town in lieu of providing land for recreation within the proposed development.

Police Protection/Fire/Emergency Medical Services

Based on correspondence from the Yorktown Chief of Police, the Town Board plans to expand the number of police officers by one each year until the department has hired six more officers in response to anticipated needs. These officers would be available for patrol duties to respond to calls for services, including approximately four calls per month projected to result from the proposed project.

The proposed Yorktown Farms subdivision is projected to generate annual tax revenues to the Lake Mohegan Fire District of approximately \$17,115, which will provide capital to the District to allow for increased appropriations for purchase of additional fire equipment.

The reduced number of residences and elimination of the soccer field in the Revised Plan would result in lower demand for police, fire protection, and emergency medical services, none of which were projected to experience significant additional demand as a result of the DEIS proposed action with 34 lots.

Solid Waste Disposal

The Yorktown Farms subdivision was projected to generate approximately 34 tons of solid waste annually for the DEIS plan, which represents approximately 0.06 percent of the domestic solid waste currently managed by the Town. Thus, no significant impact to solid waste disposal services is anticipated.

Utilities: Water Supply and Sanitary Sewer

The 34-unit project proposed in the DEIS was projected to require 12,300 gallons of potable water per day, representing approximately 0.30 percent of the daily water demand to the Consolidated Water District. The reduction in units to 22 will result in a commensurate reduction in water demand. There will be adequate capacity available to meet the water demand of this project, and therefore, no adverse impact to the municipal water supply is expected. No water supply or pressure problems are expected during construction.

The 34-unit project proposed in the DEIS was projected to generate approximately 11,070 gallons of sewage per day. The reduction in units to 22 will result in a commensurate reduction in sewer demand. There will be adequate capacity available to meet the sewer demand of this project, and therefore, no adverse impact to the municipal sewer system is expected. The project includes a substantial benefit to sanitary sewage infrastructure. The Applicant proposes to install the necessary sewer lines and a pump station to allow the hook-up of 67 existing properties to the municipal sewer system, in addition to Yorktown Farms. This substantial benefit to the local area will facilitate the use of public utility systems and abandonment of individual septic systems in the area.

All new water main and sewage system improvements and appurtenances will be installed at no cost to the respective District. All work will be done in accordance with the standards and specifications of the Town of Yorktown and the Westchester County Department of Health. The proposed subdivision would generate appropriate tax revenues for the Westchester County Peekskill Sewage Treatment Plant (\$12,309) and the Consolidated Water District (\$12,077) that will offset operating costs. No significant adverse impacts to water and sewer utilities are anticipated.

H. Cultural Resources

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Cultural Resources for the following reasons:

Visual Resources

A visual resources field survey was conducted in the project area in December 2003 to identify locations in the vicinity where the project site may be visible from roads and properties with public access. No aesthetic resources (historic resources or scenic resources) have been designated by the Town in the immediate project area. No public facility was identified within the potential viewshed of the project site. No natural areas of significant scenic value that would be sensitive to changes in the visual environment were identified within the site viewshed, and no structures of significant architectural design were identified in the immediate vicinity of the project.

Construction of the project as proposed will remove approximately 22.1 acres of existing woods and old fields on the site and replace it with house lots and roads, thus creating a change to the visual character of the site. Following construction of the proposed subdivision, views of the site from US Route 6 and from the identified view points west of the property will change to a more developed setting, similar in character and density to housing development in the Curry Street area and other developed areas in the site vicinity. The visibility of this development is anticipated to be limited by topography to the proposed house lots closest to the viewer, whether on US Route 6 or on the local roads to the west.

No views from significant aesthetic resources have been identified that would be adversely affected by this project. The suburban character of the site area will be maintained by preserving vegetation at the perimeter of the site and in large contiguous areas in portions of the property including wetlands and wetland buffers. The proposed development will be visually compatible with surrounding residential and undeveloped land.

Historic and Archeological Resources

There are no structures of significant architectural design identified or designated in the immediate site vicinity. Information provided by NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and the New York State Museum indicates that no historic and/or prehistoric sites listed on, eligible for, or under consideration for the State or National Registers of Historic Places are located on or in the vicinity of the project area. Therefore, no adverse impacts to historic and archeological resources have been identified for the proposed project.

I. Socioeconomics

The Town of Yorktown Planning Board finds, upon due consideration of the Draft and Final EIS, and information derived from other documents, public hearings and Planning Board meetings during the course of this SEQRA review, that the project will not significantly impact Socioeconomics for the following reasons:

Socioeconomic - Demographics

The Yorktown Farms subdivision is projected to add 80 persons to the Town's population, including 26 school age children. The addition of 80 persons to the Town's total population represents a 0.22 percent increase over the 2000 recorded population. Thus, no significant population impact is anticipated.

Socioeconomics - Fiscal

An increase in the current tax revenues by approximately 24 times will be generated by the project for the following tax districts based on the increase in assessed value of the project site: Westchester County, the Town of Yorktown, Lake Mohegan Fire District, Westchester County Refuse, Westchester County Peekskill Sanitary Sewer District, Advanced Life Support District/Emergency Medical Services, Yorktown Consolidated Water, and Lakeland School District.

Based on the estimated costs to the Town and School District generated by 22 new single-family homes, there will be minor net fiscal deficits for the Town and School District resulting from the Yorktown Farms Subdivision Revised Plan. Calculations in the FEIS project annual revenue of \$41,770, less projected annual cost of \$68,880, yields a deficit to the Town of \$27,110. The projected annual revenue of \$296,985, less projected annual cost of \$358,712, yields a deficit to the School District of \$61,727. These calculations do not account for the area-wide sewer improvements that will save local taxpayers approximately \$1 million in infrastructure expenses. Overall, no significant adverse effects on the Town's tax base are anticipated as a result of the Revised Plan.

Conclusions:

The Planning Board finds and certifies that:

- The Planning Board has given due consideration to the Draft and Final EIS, and information derived from other documents and public hearings and Planning Board meetings during the course of this SEQRA review process;
- This Findings Statement has been prepared pursuant to and as required by 6 NYCRR Part 617;
- Consistent with social, economic and other essential considerations of the proposed action, the No Action condition and other reasonable alternatives, the proposed action assessed in the Draft EIS and Final EIS, in conjunction with mitigation measures specified in the Draft EIS, Final EIS and this Findings Statement, is an action that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and,
- Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental review process will be avoided or minimized by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the Draft EIS, Final EIS, and this Findings Statement.

Town of Yorktown Planning Board
1974 Commerce Street, Yorktown Heights, NY 10598
Telephone: (914) 962-6565

David Klaus

Signature of Responsible Official	Name of Responsible Official
Planning Board Chairman	
Title of Responsible Official	Date
