

# Cloewood Final Environmental Impact Statement

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## 10.0 Project Summary, Potential Impacts, and DEIS Revisions

### 10.0.1 Project Summary

As proposed by the Project Sponsor, also referred to as the Applicant, the Cloewood Project would be a clustered residential development of 600 single-family lots/homes (the “Project”) on approximately 708.2 acres of land (the “Project Site”) located on the east side of NYS Route 208 and Clove Road (a/k/a Orange County Route 27) within the Village of South Blooming Grove (the “Village”) Orange County, New York. The Project Site is identified as Tax Map Section 208, Block 1, Lots 2 and 3. The Project would include 506 market rate housing units and 94 affordable housing units, and would conform to the Village’s current Zoning Code and all other land use regulations and no rezoning, zoning changes, waivers or variances would be required.

The Project’s Final Environmental Impact Statement (“FEIS”) has been prepared by the co-lead agencies in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617), as well as in accordance with the Co-Lead Agencies’ Scoping Document. The FEIS has also taken into consideration all comments received on the Project’s Draft Environmental Impact Statement (“DEIS”). The DEIS as revised along with its Addendum was accepted and deemed complete by both the Village Board and Planning Board (Co-Lead Agencies) by duly adopted resolutions. Specifically, by resolution adopted on March 5, 2020, the Village Planning Board determined to accept the DEIS as complete and by resolution adopted on March 16, 2020, the Village Board of Trustees determined to accept the DEIS as complete (see Attachment 141 in Section 10.2 of the FEIS). This FEIS is available for public review at Village Hall and online at [www.cpceis.com](http://www.cpceis.com).

The FEIS discusses the measures built into the Project to prevent it from generating significant adverse environmental impacts, or to mitigate such impacts. The Project’s design and compliance with applicable Federal, State, County and Village codes, rules, regulations and standards would mitigate any potential impacts to the point where they would not be defined as significant.

According to the Sponsor, the Project would meet and partially satisfy current and reasonably foreseeable unmet local and regional housing demands and needs, including those for affordable housing. The Project Site currently consists of predominantly vacant land, with the exception of approximately 56 vacant structures associated with the former Lake Anne Country Club, which would be razed as part of the Project.

The Project meets the current zoning regulations with respect to density, no variance or waivers are needed. The Site Plan Cover Sheet in Section 10.4 details the Project’s density, open space and development area calculations, which comply with current zoning requirements.

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The overall plan of the Project would involve the development of 600 residential lots/homes clustered on 347 acres of the Project Site (247.3 acres would be permanently disturbed, 4.7 acres would be temporary disturbed and 95 acres would be undisturbed) and the preservation of 50% of the Project Site as open space which would include 8.5% of the Project Site (60± acres) as Village parkland to be available for public use, 10% of the Project Site (70± acres) as active recreation area, and 209 acres with deed restrictions for the preservation of timber rattlesnake habitat areas. Approximately 22 acres of the Project Site would be reserved with no current plans for its development (see Figure 1001 above, which is an insert from the Project's revised Site Plan Cover Sheet found in Section 10.4).

The proposed active recreation areas would include six community playground areas, four active community recreation structures and facilities which would include uses allowable by the Village Code, some of which may be community wellness centers, and community rooms. The Project is consistent with the policies and goals of the Village as well as regional planning principals. The Project would be substantially less dense than the previously developed residential communities in the Village and in the Scoping Document's primary and secondary study areas. The Project would not have the potential to generate any significant adverse impacts related to land use, zoning and public policy in the primary and secondary study areas and no mitigation would be required.

Access to the Project Site would be from NYS Route 208 and from Clove Road. Two additional connections for vehicular access to the Project Site would be provided southwest of the Project Site for purposes of minimizing the use of NYS Route 208, in accordance with the interconnectivity provisions of the Village Zoning Code. The Project would contain thirteen internal roadways, of which four would be classified as collector roads and feature 30-foot wide roadways and 60-foot wide right of ways, and the remaining nine interior roads would be classified as local/minor roadways and feature 24-foot wide roadways and 50-foot wide right of ways. In addition, six community bus stops with shelters would be provided.

The Project would include a water supply system, comprised of six on-site water wells, new distribution piping, fire hydrants and a water storage tank. A water withdrawal permit is being sought from the NYSDEC, upon the Project receiving the permit, it could be transferred to the Village, upon the Village agreeing to accept the wells and water system. The Project's six wells have the capacity to generate 785,520 gallons of water per day when the best well is included and 550,800 gallons of water per day with the best well excluded. An average daily water demand for the Project's 600 four-bedroom residential single-family dwelling units has been calculated based on the State Standard of 110 gallons per day (gpd) per bedroom, totaling an overall demand of 264,000 gpd or 183.33 gallons per minute (gpm).

The water demand for the associated community wellness centers (10 gpd minus 20% for water saving fixtures = 8 gpd x 600) would total 4,800 gpd (or 3.33 gpm). In regard to the community

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facilities, there would be four buildings (150 homes per building x 2 users from each home = 1,200 people/users x 5 gpd = 6,000 gpd minus 20% for water saving fixtures) and the water demand would also total 4,800 gpd (or 3.33 gpm). After subtracting the 4,800 gpd from the remaining supply, there would still be a surplus of 3,600 gallons of water per day. Accordingly, the Project's wells would have sufficient capacity to support the water demand of 273,600 gpd (or 190 gpm) for 600 four-bedroom single-family dwelling units, community wellness centers and associated community facilities. The Project's wells, without the best well in service, would be able to supply more than twice the average water demand in accordance with NYSDOH water supply system requirements.

The Project's sewage would be treated at a new, on-site wastewater treatment plant ("WWTP") that would discharge sewage to an existing on-site tributary to Satterly Creek. A new gravity collection system comprised of sewer mains and manholes, together with a proposed sewer pump station, would convey raw sewage to the WWTP. The WWTP was designed to accommodate a capacity of approximately 280,000 gpd, which would be sufficient capacity for the Project's demand of 273,600 gpd, the details of which are outlined in Appendix I of the DEIS. The Project Applicant would work with Village to pick the management approach with which they are most comfortable with and which is most beneficial in regard to wastewater management.

Stormwater management ponds and other related appurtenances would accomplish the Project's stormwater management objectives, which would be accomplished via an open and closed storm drain infrastructure consisting roof leaders, splash blocks, rain-gardens, drainage swales, catch basins, pipes, culverts, bio-retention areas, and stormwater detention ponds. Run-off reduction practices would be implemented in an effort to retain stormwater run-off at its source with the primary run-off reduction practice used on the Project being rain gardens on individual lots, where practical, or bio-retention practices for larger impervious areas. Impervious area reduction will be accomplished by the planting of trees in the areas adjacent to buildings and roadways.

### **10.0.2 Potential Impacts**

Following is a summary of the potential impacts and mitigation, if any, in regard to the resource areas defined by the Village's Scoping Document for the Project. These resource areas were evaluated in detail in their respective sections in the DEIS.

Land Use, Zoning, and Public Policy: The Project has been designed in accordance with the Village's zoning code and would not require any waivers, variances, modifications or zoning changes. The Project's land use is consistent with surrounding land uses in the Village and public policies in the region. Accordingly, the Project would not have the potential to generate any significant adverse impacts on land use, zoning and public policy, and no mitigation would be required.

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Socioeconomics: The Project would not result in any significant adverse impacts upon socioeconomics, including those related to population and housing, employment and economics, real property taxes, and other taxes and fees. The additional tax revenue generated by the Project would both offset the projected costs of services used by residents of the Project and would generate a positive net financial benefit for the Village, Town, County, School District and their taxpayers. The associated increase in population would alter the Village's decade long trend of shrinking population and its related adverse consequences to the tax base, provision of community services, and support for local businesses. The Project would generate increased demand for goods and services provided by local businesses, thereby bolstering the local economy and generating both long term and short term employment, including construction jobs. Accordingly, the Project would not have the potential to generate any significant adverse impacts on socioeconomics and no mitigation would be required.

Community Facilities and Services: The Project would not have the potential to generate any significant adverse impacts on the provision of community facilities and services, including police and fire protection, ambulance services, schools and libraries, and hospitals and other health care facilities. To the extent the Project would create additional demand for community services, they would be administered by existing providers who would add additional staff and resources as needed. The Project's population has the potential to provide additional volunteers for fire prevention and ambulance service sufficient to offset any additional demand. The increased tax revenue from the Project would more than offset the increased costs for community services needed by Project residents. There is no identified need for capital expenditures to build new community facility buildings arising from increased demand caused by the Project. Therefore, the Project would not have the potential to generate any significant adverse impacts on community facilities and services, and no mitigation would be required.

Community Character: The Project would be at a significantly lower density of development and preserve significantly more open space than all prior residential developments in the Village as detailed in the analysis found in Section 3.4 of the DEIS. The Project would also include the dedication of approximately 60 acres to the Village for public parkland. Thus, the Project would not only be consistent with the Village's community character, but it would improve that character as well, and would implement the vision for the community character of the Project Site as set by the Village Board when it adopted the Village's Zoning Code, with which the Project complies.

The Project's consistency with the Village's Zoning Code without the need for variances is the best indicator of consistency with the community character. The Project would also be consistent with the character of the communities in the Primary Study Area and would also assist in stabilizing the Village's population decline so the Village would be more consistent with the character of the communities in the other villages in the Primary and Secondary Study Areas as well as those in the region's Priority Growth Areas within Orange County. Thus, the Project would

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not have the potential to generate any significant adverse impacts upon community character, and no mitigation would be required.

Historic and Cultural Resources: The Project would include a buffer around the Round Hill Cemetery, which is located on a separate tax lot and is not part of the Project Site. Additionally, the Project would include a buffer around the M.H. Howell Farm and Clove Road Precontact Site in order to preclude any potential impacts on these areas. The Project would include an avoidance and preservation plan for the Schunnemunk Precontact Site that would protect this site from any potential adverse Project impacts. Therefore, the Project would have no significant adverse impacts upon historic and cultural resources, and no further mitigation would be necessary.

Vegetation and Wildlife: An analysis of natural resources and biodiversity was conducted for the Project Site. The Endangered and Threatened Species Report and Evaluation is found in Appendix C and summarized in Section 3.6 of DEIS and updated information is found in Section 10.3 of the FEIS. All of the field reviews that are relevant to threatened, endangered, or rare species were conducted during the appropriate time periods when each species was most visible and/or encounters most likely.

The majority of the Project's development would take place on previously disturbed lands not defined as pristine forested area. The Project would preserve approximately 50% of the Project Site as open space, with forested areas suitable for use as habitat by wildlife, including approximately 270 acres (209 acres on-site and 61 acres off-site on an adjacent parcel owned by the Applicant in the Town) proposed to be deed-restricted as part of the Project for the preservation of timber rattlesnake habitat areas as part of the Project's Incidental Taking Permit.

The Project would not adversely impact any bird or aquatic species. Additionally, the Project would include the Mitigation Plan in regard to the Timber Rattlesnake which sets forth measures to be implemented to reduce potential impacts during and after construction including Education and Encounter Plan, Sighting Protocol, and a Snake Monitor. In addition, the Project's construction plans would protect against harm to endangered or threatened bat species by limiting tree clearing activities to the period between November 1 and March 31 of a given calendar year, when bats are hibernating in caves and not found in trees. The Project would not result in significant adverse impacts upon vegetation and wildlife and no further mitigation would be necessary other than what is built into the Project.

Geology, Soils, and Topography: The Project would not impact any soils of agricultural significance, and its excavation, building construction and underground utilities would be designed to comply with the recommendations detailed in the Geotechnical Report in Appendix D of the DEIS and with applicable Village Code. The Project's temporary and permanent erosion and sedimentation control plan would be followed in accordance with applicable NYS requirements.

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The protections designed into the Project and implemented during construction would preclude the Project from generating any significant adverse impacts to geology, soils and topography and therefore no mitigation would be necessary.

Surface Waters and Wetlands: The Project Site's 708.2 acres of land include a total of 37.48 acres of wetlands, watercourses and surface waters. Drainage, generally, is into the stream which flows through and across the Project Site into Satterly Creek, which flows into the Otterkill and Moodna Creek. Moodna Creek is a significant tributary of the Hudson River.

A stormwater pollution prevention plan ("SWPPP") has been prepared to minimize potential impacts to the watershed from the Project. The Project would also implement a stormwater management system that includes a combination of infrastructure improvements and stormwater management best practices to ensure the rate of stormwater leaving the Project Site does not increase and the quality of effluent from the facilities does not degrade the quality of receiving watercourses. The Project would implement the erosion and sediment control measures detailed in its revised SWPPP found in Section 10.5 of the FEIS to prevent the Project from generating significant adverse impacts to surface waters and wetlands.

The Project would include a wastewater treatment facility capable of meeting effluent standards that ensure there would be no degradation to the unnamed tributary of Satterly Creek to which it would discharge. This facility would address the wastewater treatment needs of the Project while protecting surface water quality. Accordingly, the Project would not have the potential to generate significant adverse impacts upon surface waters and wetlands, as well as those related to stormwater and wastewater treatment, and mitigation would not be required.

Groundwater: A 72-Hour Water Well Pumping Test was conducted for the Project in order to demonstrate the water yield of the Project's wells. The Pumping Test was conducted on wells C-6, C-12, C-14, C-16, and C-23, which were pumped concurrently for 132 hours (60 hours more than the 72-hour regulatory requirement) and demonstrated pumping rates of 45 gpm, 40.5 gpm, 157 gpm, 50 gpm, and 90 gpm, respectively, for a combined yield from the five wells of 382.5 gpm or 550,800 gpd. An individual pumping test was conducted on Well C-21, the best well, for 72.5 hours. This well alone demonstrated a pumping rate of an additional 163 gpm or 234,720 gpd. The total combined yield of the 6 wells demonstrated a rate of 545.5 gpm or 785,520 gpd.

An average daily water demand for the Project's 600 four-bedroom residential single-family dwelling units has been calculated based on the State Standard of 110 gallons per day (gpd) per bedroom, totaling an overall demand of 264,000 gpd or 183.33 gallons per minute (gpm). The water demand for the associated community wellness centers (10 gpd minus 20% for water saving fixtures = 8 gpd x 600) would total 4,800 gpd (or 3.33 gpm). In regard to the community facilities, there would be four buildings (150 homes per building x 2 users from each home = 1,200

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people/users x 5 gpd = 6,000 gpd minus 20% for water saving fixtures) and the water demand would also total 4,800 gpd (or 3.33 gpm). After subtracting this 4,800 gpd from the remaining supply, there would still be a surplus of 3,600 gallons of water per day. Accordingly, the Project's wells would have sufficient capacity to support the water demand of 273,600 gpd (or 190 gpm) for 600 four-bedroom single-family dwelling units, associated community wellness centers and community facilities. The Project's wells, with the best well out of service, would be able to supply more than twice the average water demand in accordance with NYSDOH water supply system requirements.

No significant adverse impact or changes in hydrology, surface, or groundwater quality/availability would be generated by the Project. In addition, testing confirmed no water quality concerns and a drought assessment confirmed the Project's wells would have sufficient water even in a 1960s drought scenario. The Project's design and construction would include stormwater management facilities and incorporate best practices. Because, as designed, the Project would not have the potential to generate significant impacts, no mitigation would be necessary.

Water and Sewer Infrastructure: The short-term construction impacts caused by drilling the wells were completely mitigated by incorporating erosion and sediment controls. Accordingly, no further mitigation is necessary in this regard. The Project's wastewater collection and treatment systems, as well as the stormwater management components of the Project, would not have the potential to generate any significant adverse impacts as confirmed in the analysis of wastewater treatment and collection design alternatives and studies of stream wastewater assimilative capacity. The selected wastewater collection and treatment system would meet NYSDEC effluent limits, and ensure protection of stream quality. Any potential significant adverse short-term impacts stemming from construction of the WWTP and collection system would be adequately prevented by incorporating the erosion and sediment controls. Therefore, no mitigation would be necessary.

Solid Waste: The Project would utilize the existing solid waste management and recycling practices of the Village, Town and County. The ample existing capacity of the landfills utilized by County haulers, combined with the minimal impact to local roadways with the addition of a few sanitation routes, confirms that the Project would not cause a substantial increase in solid waste production and no local waste management capacity would be overburdened by the Project. Moreover, the cost for the handling and disposal of municipal solid wastes and recyclables is paid for through the annual Town/Village tax levy and the Project's property taxes would cover such costs. Accordingly, the Project would not result in any significant adverse impacts related to solid waste and no mitigation would be necessary.

Transportation: The Project would include all necessary roadway improvements for its two access points, one located on NYS Route 208 and a second on Clove Road (a/k/a County Route 27),

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which would be developed in coordination with the NYSDOT and OCDPW. As indicated in the traffic analysis, several intersections in the vicinity of the Project now require improvements independent of the Project, such as the NYS Route 208 and Clove Road intersection. The Project Owner would commit to paying a fair share contribution of the cost to make these improvements should they be undertaken by the governmental agencies with jurisdiction.

The Project has been designed with an extensive sidewalk and trail system to accommodate the future peak pedestrian trips that would be generated by the Project. The Village of South Blooming Grove is in the process of advancing the Master Plan improvements to accommodate future pedestrian and traffic improvements along the NYS Route 208 corridor. As individual developments are progressing through the planning process, the Village will be ensuring that the necessary right-of-ways will be obtained and as developments progress, the Village will be able to implement certain lane widening, signal, and pedestrian improvements. As part of the Project, in addition to the access related improvements, the Applicant will work together with the Village on any additional land dedications that may be required for improvements, including future corridor upgrades. Because of the Project's proposed improvements and traffic monitoring, the Project would not have the potential to generate any significant traffic impacts and no further mitigation would be required.

Noise Impacts: The Project would not have the potential to generate any significant adverse noise impacts. The significant vegetation which is between the Project's development areas and any off-site noise receptors would act as a buffer and substantially reduce any Project noise that could be heard off-site. The slight noise that may be increased at neighboring residential properties located within 50 feet of the Project Site's proposed entrances on Clove Road and on NYS Route 208, would be barely perceptible and would not constitute a significant adverse impact, as it would be an increase of less than 2.0 dBA, and therefore, no mitigation would be required.

Air Quality Impacts: Heat and electric supply to the residential units, as well as traffic ingress and egress to and from the Project, would not produce greenhouse gas emissions in significant enough quantities to constitute a significant adverse air quality impact. The Project's greenhouse gas emissions would be commensurate with those generated by typical residential development and use. The Project would not have the potential to generate any significant adverse impacts upon air quality, including those upon local sensitive receptors; and therefore, no mitigation would be required.

Visual Impacts and Aesthetics: The Project's visual assessment and balloon testing was conducted in accordance with the Village Scoping Document and input from the Village's professionals. The visual assessment and balloon testing confirmed that the Project would not have the potential to generate any significant adverse environmental impacts related to visual impacts and aesthetics. The Project would include demolition of multiple deteriorating structures and property cleanup, as

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well as the construction of attractive entrances and adherence to the design requirements for new construction set in the Village Zoning Code. The Project would greatly improve the visual and aesthetic condition of the Project Site. Therefore, the Project would not have the potential to generate any significant adverse impacts upon visual resources and aesthetics and no mitigation would be necessary.

Hazardous Materials: Approximately 1.7 acres, or 0.25% (a small portion of the 708.2-acre property) was utilized as an illegal dump by the Project Site's previous owners. The Phase I and Phase II Environmental Site assessments identified all areas in which dumping occurred and examined the material and soil in the areas of prior dumping. NYSDEC was consulted regarding proper removal and disposal. No hazardous wastes were found and the dumped material was removed. An abandoned fuel tank was also decommissioned, removed and disposed of in accordance with NYSDEC requirements. The materials from the former illegal dump have been removed and properly disposed of as per NYSDEC regulations to prevent contact and contamination. Subsequent sampling of the soils in the area where illegal dumping had previously occurred has revealed no contamination. The remedial actions confirmed that none of the spills have any significant impacts remaining.

A letter from NYSDEC included in Appendix M of the DEIS confirmed that no adverse contaminants exist on the Project Site and that the Project would not have the potential to generate any significant adverse hazardous materials impacts. Accordingly, the Project would not have the potential to generate any significant adverse impacts regarding hazardous materials, and no mitigation would be required.

Construction Impacts: The Project would implement the recommendations found in the Geotechnical Report in Appendix D of the DEIS and the erosion and sediment control plan found in the revised SWPPP in Section 10.5 of the FEIS and in the revised plan sheets in Section 10.4 of the FEIS. Accordingly, no significant adverse impacts upon geology, soils and topography would result from Project construction and no mitigation would be necessary.

Stormwater quantity management, run-off reduction practices, stormwater quality control measures and erosion control measures have been designed and would be implemented in conformance with NYS SPDES Permit GP-0-15-002 requirements as provided in the revised SWPPP in Section 10.5 of the FEIS. The specific best management practices would be implemented based on standardized criteria as set forth in the NYS Stormwater Design Manual and the NYS Standards for Erosion and Sediment Control. Accordingly, there would be no significant adverse impacts to water resources as a result of the Project's construction and no mitigation would be necessary.

The Project's construction traffic would be limited and there would not be an additional

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construction entrance to the Project Site on Clove Road. Triaxle dump truck trips would be limited to three days, construction deliveries would be limited as required by the Village Zoning Code, the number of trips related to construction workers would be less than the number of trips when the Project Site was utilized as the Lake Anne Country Club and golf course, and the Project Site would not involve the removal of material off-site.

Projected construction worker trips would occur prior to the Peak AM and PM Highway Hour on NYS Route 208 and therefore would not have the potential to generate any significant adverse impacts on traffic. As part of the NYSDOT Highway Work Permit, a Maintenance and Protection of Traffic plan for conditions during construction, including any temporary traffic control measures such as flagmen, signing or other requirements of NYSDOT, would be implemented to ensure no significant impacts to the traveling public. As Project construction would not have the potential to generate any significant adverse impacts to traffic, no mitigation would be necessary.

Due to the size of the property and the Project's layout and design, the majority of construction activity, including storage and staging areas would occur in the interior of the Project Site; therefore, the noise to neighboring residential properties from short-term increases in noise during construction of the proposed Project would be very limited. Open space or parkland consisting of existing vegetation would be preserved along all of the property boundaries and this buffer would insulate nearby residential noise receptors from construction noise. According to the NYSDEC Assessing and Mitigating Noise Impacts guidance document, dense vegetation that is at least 100 feet in depth would reduce sound levels by 3 to 7 dBA. Given the vegetated buffers provided, noise at many of the residential receptor locations would be significantly attenuated by the intervening vegetative buffers. Accordingly, Project construction would not have the potential to generate significant adverse noise impacts and no mitigation would be necessary.

The Project would not include blasting or rock hammering; however, any required rock processing would occur a minimum of 1,000 feet from adjacent residences, which meets NYSDEC guidelines and would prevent potential significant air quality impacts. All construction vehicles and equipment would be maintained in accordance with the manufacturers' specifications and operated in an efficient manner to prevent potential air quality impacts. In particular, the mufflers on all construction equipment would be fully functional and maintained by the construction contractors. Therefore, there would be no adverse impacts to air quality as a result of construction and therefore no mitigation is necessary.

Cumulative Impacts: Potential cumulative impacts of the Project are analyzed in Section 3.17 of the DEIS. This section concludes the Project would not have the potential to generate any significant adverse impacts regarding cumulative impacts and therefore, no mitigation is required.

CEAs: The Project would not impact any critical environmental areas, which are defined as a

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specific location in a town, village, city, county, or state that has been specifically identified because it has one or more of the following unique characteristics: constitutes a benefit or threat to human health; has an important or unique natural setting; holds important agricultural, social, cultural, historic, archaeological, recreational, or educational values; or has an inherent ecological, geological, or hydrological sensitivity that might be adversely affected by any change. According to the NYSDEC, there are currently three designated CEAs in Orange County, New York, none of which are proximate to the Project Site. Because all three CEAs in Orange County are located more than 10 miles from the Project Site and there are no other CEAs in adjoining counties to which the Project would be in close proximity, the Project would not have the potential to generate any significant adverse environmental impacts on CEAs.

Open Space Resources: The Project would not result in a loss or a reduction of any open space resources as designated in any adopted municipal open space plan. Additionally, Figure 15 of the DEIS illustrates the vast amount of protected open space (over 100,000 acres) within a 10-mile radius of the Village of South Blooming Grove. The Project would limit development to approximately 250 acres of the Project Site and would preserve as open space approximately 50% of the Project Site.

Mitigation: The Project, which would be consistent with the Village's Zoning Code and would comply with all applicable Federal, State, County and other local governmental codes, rules, regulations and standards, would not have the potential to generate any significant adverse impacts. The Project has incorporated multiple practicable preventive measures into its design as detailed above and throughout the DEIS and FEIS, including those required by relevant governmental agencies, to preclude the Project from generating any significant adverse environmental impacts. These include soil and erosion control plans, wetland and historic site buffers, among others described in the DEIS and the FEIS. Because the design of the Project would preclude its potential for generating any significant adverse environmental impacts, no further mitigation is warranted as the Project has been designed to comply with applicable agency standards as necessary.

Alternatives: In addition to the proposed Project, the Scoping Document required the Environmental Impact Statement to assess the No Action Condition (two dwelling units), Low Density (70 dwelling units) and Base Lot Count (340 dwelling units) Alternatives.

*No Action Condition:* The direct financial effects of leaving the land as is -- fallow and without any economically productive use -- render the No Action Condition unreasonable and infeasible. The Applicant is in bankruptcy and is required to have a feasible plan for use of the Project Site to retain it. Otherwise, it would be liquidated at considerable financial loss to the Applicant. The No Action Condition would also fail to address any of the local and regional unmet demand for housing, including affordable housing.

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*Low Density Alternative:* Because under the Low Density Alternative the Project would have excess water supply from existing wells, this alternative could induce growth elsewhere and would be based on very large minimum lot sizes which would fail to even minimally satisfy the local and regional need for housing, including affordable housing. Also, this alternative would fail to generate the revenue necessary as approved in the bankruptcy plan by the U.S. Court. Accordingly, the Low Density Alternative is neither a reasonable nor feasible alternative.

*Base Lot Count Alternative:* This is the density allowed by the Village Zoning Code in the RR Zoning District if a landowner chooses not to utilize the adjusted base lot count option after completing the site analysis process. The Village Zoning Code §235-14.1.A(3) encourages the development of affordable housing by allowing a landowner to utilize the adjusted base lot count. However, the Base Lot Count Alternative would not include the adjusted base lot count provision and would therefore not include any affordable housing units.

In addition, this alternative would not be consistent with the community character in the Village as approximately 90% of parcels in the Village's RR Zoning District contain lot sizes of less than one acre in size, as shown in Figure 345 of Section 3.4, whereas this alternative would be based on a density of one dwelling unit per two acres. This alternative would also not be consistent with the Orange County Comprehensive Plan, which identifies the Project Site as located within a Priority Growth Area. The average density of parcels in other comparable Priority Growth Areas in Orange County contain approximately 1,000 parcels per square mile versus this alternative, which would include just 340 units on over one square mile.

Moreover, this alternative would fail to significantly address local and regional housing needs, especially for affordable housing. Because of the critical need for housing in the region and the suitability of the Project Site to support such housing, alternatives with less housing than what could be suitably provided in accordance with the Zoning Code are unreasonable given the demand for housing in the region as well as the rising costs that have the potential to affect the affordability of decent housing.

Finally, this alternative would generate far less revenue than the Project, rendering the alternative unreasonable and economically infeasible, both because the cost of infrastructure development is significantly more reasonable when greater density is proposed and also because there are additional fiscal benefits to homebuyers and the community from greater density development. An additional benefit of proposing greater density development is that it allows the allocation of housing for a growing population in a more precise area rather than spread out throughout a larger region. Also, the plan approved by the U.S. Bankruptcy Court assumes a development consisting of 600 lots/homes, which is permitted by the Village Zoning Code as of right and proposed by Project.

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Proposed Project (With Action Condition): The proposed Project would include a 600 single family lot/home subdivision fully described throughout this Environmental Impact Statement. The full analysis of the potential environmental impacts from the proposed Project is set forth throughout the EIS, as well as in referenced appendices. The EIS concludes the proposed Project would not have the potential to generate any significant adverse environmental impacts, while concurrently addressing local and regional needs for housing, including affordable housing. Furthermore, the proposed Project is the only economically feasible development and the only one which would generate sufficient revenue to satisfy the plan approved for the Applicant by the U.S. Bankruptcy Court, while also addressing current and future, local and regional housing needs.

Required Approvals: The Project would require the following governmental approvals:

- Subdivision and site plan approval from the Village Planning Board and OCDOH;
- Village Board of Trustees acceptance of dedication of subdivision roads and parkland;
- State Pollutant Discharge Elimination System (SPDES) Permit and the Approval of Plans for a Wastewater Disposal System issued by NYSDEC;
- Stormwater MS4 Acceptance Form from the Village for the Stormwater SPDES Permit issued by the NYSDEC;
- Water Withdrawal Permit from NYSDEC and water supply system approval issued by NYSDEC and NYSDOH;
- Article 11 Incidental Take Permit for Timber Rattlesnakes from NYSDEC;
- Nationwide Permit # 29 for the crossing of Waters of the US including streams and wetlands;
- Perm 33 from NYSDOT;
- Road Opening Permit from OCDPW; and
- HOA Approval from the Attorney General

No accessory apartments are proposed as part of the Project; however, should homeowners apply for accessory apartments, they would require an approval from the Planning Board in accordance with the Village Zoning Code § 235-45.6. Nonetheless, accessory apartments were evaluated throughout the DEIS wherever applicable as per the requirement of the Village's Scoping Document.

### **10.0.3 DEIS Revisions**

The Errata found in Section 10.1 of the FEIS includes a list of revisions and additions to the DEIS, a brief summary of which is listed below. Additional technical details are further explained in Section 10.1.1.

The Project is proposing 94 affordable housing units instead of the 43 originally proposed; the Project would include 50% of open space instead of the 80% originally proposed; the Project no

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longer includes LEED; no public swimming pools are proposed. Park and ride facilities have been removed from the Project Plans; however, should the NYSDOT in coordination with the Village intend to pursue the development of a public park and ride facility, the Project would coordinate with NYSDOT and remains willing to transfer such land for a public park and ride facility to the NYSDOT if the Village does not object to the facility.

Section 10.1.1(i) of the FEIS replaces the proposed roadway names referenced in Table 1 of Section 2.0 of the DEIS. Section 10.1.1(j) and Section 10.3.1 of the FEIS replaces the information in regard to threatened and endangered species referenced in Section 10.6 and Appendix C of the DEIS. Section 10.1.1(k) of the FEIS replaces the alternative analysis referenced in Section 1.0 and 4.0 of the DEIS. Section 10.5 of the FEIS replaces the SWPPP found in Appendix H of the DEIS. Section 10.4 of the FEIS replaces Appendix A of the DEIS. Section 10.1.2(a) and (b) include additional information in regard to noise (Section 3.12 of the DEIS) and air quality (Section 3.13 of the DEIS) respectively.