

TOWN OF NEW WINDSOR PLANNING BOARD

NEGATIVE DECLARATION

Legacy Woods Site Plan PB #08-01 (SBL 70-1-49.2)

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for a coordinated review of this Unlisted Action, having circulated notice of its intent to potentially Involved Agencies on February 5, 2008, along with a Full Environmental Assessment Form and other project information, and having received no objections within 30 days thereof.

Name of Project:	Legacy Woods (Knox Village) Senior Housing Development
Action Type:	Unlisted Action, Coordinated Review
Location:	Town of New Windsor, County of Orange NYS Route 32
Zoning Districts:	R-4 Residential and C-Design Shopping
Tax Map Parcel:	70-1-49.2

Summary of Action

The action involves a request for site plan approval for a 183-dwelling unit senior citizen housing project located off NYS Route 32 in the Town of New Windsor. The project is proposed to have access to Route 32 by way of a private road. The site lies within the R-4 Residential Zoning District, with a small portion of the property bordering Route 32 located in the C-Design Shopping Zoning District. The property is proposed to be served by public sewer and water service.

Reasons Supporting the Negative Declaration

Based on its consideration and evaluation of the available information and consideration of the factors set forth in 6 NYCRR §617.7(c), the Planning Board finds there would be no significant adverse environmental impacts associated with granting site plan approval to this proposed 183-unit site plan based on the following reasons:

Traffic and Transportation

Access Layout

The property is located on the east side of NYS Route 32, south of Haight Drive and NYS Route 94. The site will have access via a new access connection with NYS Route 32 and will have an emergency access connection to Haight Drive.

Traffic Study

The applicant conducted a traffic study in September 2007 during the morning and evening peak hours. The traffic counts were collected during the weekday AM and PM peak hours. The peak hours were found to be 7:45-8:45 am and 5:00-6:00 pm. The traffic study projected site-generated traffic volumes based on the most recent traffic engineering data, and the arrival and departure distribution was developed based on current travel patterns and distribution in the area. The following locations were evaluated:

- NYS Route 94 and Knox Village entrance;
- NYS Route 94 and Marshall Drive;
- NYS Route 32 and NYS Route 94/NYS Route 300 (Five Corners);
- NYS Route 32 and Hannaford Drive; and
- Haight Drive and Marshall Drive.

Site Generated Traffic

Using the most recent edition (7th edition) of the Institute of Traffic Engineers Trip Generation manual, the traffic study calculated project-generated traffic. Peak hour trip generation rates for the proposed project were projected to be 57 cars in the AM peak and 57 cars in the PM peak.

Future Conditions

Future traffic conditions for the year 2010 were projected using a background growth factor of 3% per year. In addition, traffic from other pending or recently approved projects such as Chestnut Woods, Willow Woods and Cornwall Commons were included.

Pedestrian Traffic

The Town of New Windsor Zoning Law sections 300-18(D)(4) and (6) regarding senior housing site selection require that such developments provide appropriate access to nearby amenities, including sidewalk access. The plans incorporate internal sidewalks on one side throughout the proposed project roads, and connecting to a proposed sidewalk along the east side of Route 32. Construction of such improvements will be a condition of approval.

Traffic Issues and Concerns

The traffic study incorporated several recommendations, including the following:

1. NYS Route 32 is planned to be widened to provide a separate left turn lane. This widening will also provide a separate left turn lane for traffic entering the proposed project.

2. An emergency access connection to Haight Drive should be provided.
3. Traffic calming measures such as “speed tables” should be considered on the proposed internal roadway dues to its alignment. These will have to be coordinated with the Town as part of the site plan approval process.

Mitigation Measures

NYS Route 32 consists of one lane in each direction in the vicinity of the site access. Based on a field meeting with the NYSDOT, the access improvement plan was modified to include construction of a separate left turn lane on Route 32 at the access connection for the project and the provision of a sidewalk terminating at Hannaford’s Supermarket. The final details and design of the proposed improvements will have to be approved by the New York State Department of Transportation (NYSDOT) as part of the required Highway Work Permit. If the adjoining Chestnut Woods project advances, any improvements on Route 32 will be appropriately coordinated under the direction of the NYSDOT. The construction of the separate left turn lane shall be a condition of approval, with construction completed prior to the issuance of a certificate of occupancy for any portion of the project.

The Town Planning Board has required a gated emergency access connection to Haight Drive. This connection has been reviewed and approved by the Town of New Windsor Fire Inspector’s office for emergency use only.

The plans provide a 30'-wide fire lane throughout the entire site with the exception of the interior roadways between buildings 1 and 2 and between buildings 3 and 4. This interior roadway is 26 feet wide, which meets the requirement set forth in the New York State Fire Code. Based on the recommendation of the Town Fire Inspector’s office, a variance request was submitted to the Town of New Windsor Fire Prevention Bureau since the proposed project cannot be reasonably developed in compliance with the Town of New Windsor 30-foot fire lane requirement and a variance is necessary and appropriate based on the configuration of the project site. On March 31, 2008, the Town of New Windsor Fire Prevention Bureau granted the variance to allow the aisle widths between buildings to be 26 feet and all outside access roads must remain at 30 feet.

Concerns raised about cut-through traffic will not be an issue because the Haight Drive gate will be kept closed and only used by emergency personnel. Traffic regulation through the site will be left to the future homeowners via the project owner, (landlord, in case of rentals), homeowners association (HOA) or board of managers. If signage and layout alone prove insufficient to manage internal traffic speeds, the applicant’s traffic engineer has indentified the installation of “speed tables” within the project roads. The design and layout for the speed tables will be incorporated in the plans as an option, so that the future project owner, HOA or board of managers can implement them if it deems necessary, without the need for further Planning Board action.

There will be an internal sidewalk network to allow pedestrian traffic to move from building to building and also to the central clubhouse and other recreation facilities on site. The vehicular traffic pattern provides circulation around the various building

clusters. There is parking in the lower level of three of the buildings and additional surface parking to serve all buildings. There is sufficient access to at least three sides of each building so as to facilitate access for emergency vehicles.

Based on the above mitigation measures, the Planning Board finds that there shall be no significant adverse traffic impacts resulting from the project.

Water Resources (including wetlands)

With respect to water resources, the project will be served by public water supply and sanitary sewer service, addressed as follows:

Sanitary Sewer- Issues, Impacts, Mitigation Measures

The project site was formerly located in both the Town of Cornwall and the Town of New Windsor, with the municipal border bisecting the parcel. The portion of land formerly located within the Town of Cornwall has been annexed to the Town of New Windsor and that portion of the property is proposed for inclusion in the Town of New Windsor Sewer District No.7 by extension of the district boundaries.

The Town of New Windsor Sewage Treatment Plant consists of a trickling filter plant with secondary treatment. Presently the Town of New Windsor Sewer Treatment Plant has a capacity of 5.0 MGD and an average daily flow of 4.0 MGD. The existing plant is authorized under the State Pollutant Discharge Elimination System (SPDES) Permit number NY0022446 to discharge treated effluent to the Moodna Creek. The Moodna Creek is classified by New York State Department of Environmental Conservation (NYSDEC) as a trout stream, class C(t).

The project has two alternatives for providing sewer service to this project. The first alternative is via an existing 8-inch diameter sanitary sewer line which transverses the site near the easterly bounds of the parcel. Under this alternative, the wastewater collection system for the proposed development will be a gravity collection system since the majority of the property slopes in a west to east direction with the low point being located at the easterly property line adjacent to the lands of the State of New York. The sanitary sewage generated from the development will be conveyed through the system of the proposed sanitary network and connected to the existing 8-inch diameter sewer line located on the eastern side of the property. The connection of the new sanitary service will be completed at the existing manhole located on the southeastern border of the site.

It was confirmed with the Town Engineer, Mark Edsall, P.E., that this interceptor carries sanitary sewage from the Firthcliff Heights Sewer District to the Town of New Windsor sanitary sewer system and then to the Town of New Windsor sanitary sewage treatment plant. There is no written easement agreement recorded in the Orange County Clerk's Office nor has the Town of Cornwall been able to locate a written easement agreement among its records. The Town of New Windsor engineer has suggested that the project connect its sanitary sewer service to this main. It will be necessary for the applicant to grant a written easement agreement to the Town of Cornwall for the sanitary sewer line and appurtenances, which agreement will also provide for sanitary sewer service to this

project. An intermunicipal agreement and/or other arrangement between the Town of Cornwall and the Town of New Windsor will also be required. This will address the transfer of ownership of that portion of the sewer line owned by the Town of Cornwall but located in the Town of New Windsor from the connection manhole for this project downstream, to be transferred to the Town of New Windsor. This will also provide the opportunity for a provision regarding the payment of a fair share contribution by Chestnut Woods in connection with the necessary improvements. The applicant conducted a study of this sewer line at the direction of the Town Engineer. The report identified several existing problems with the sewer line and recommended improvements to correct such problems. Any improvements deemed necessary by the Town of New Windsor to facilitate connection and service must be completed prior to connection.

The second alternative is via an existing sanitary sewer line located in Haight Drive. Such a sewer main extension will require approval from the New York State Department of Environmental Conservation.

Potable Water Supply- Issues, Impacts, Mitigation Measures

The Town of New Windsor and Town of Cornwall municipal boundary extends along the southern border of the property. The project site was formerly located in both the Town of Cornwall and the Town of New Windsor, with the municipal boundary bisecting the parcel. The portion of land formerly located within the Town of Cornwall has been annexed to the Town of New Windsor and that portion of the property is proposed for inclusion in Town of New Windsor Water District No.5 by an extension of the district boundaries.

The proposed service connection is via an existing water line located in Haight Drive. A pressure reading was performed in coordination with the Town of New Windsor Fire Inspector's Office. Two points of connection are proposed in order to provide a looped water supply network for the proposed development. The proposed improvements will resolve existing pressure problems in the area. The water main extension will require approval from the Orange County Department of Health.

The Town Fire Inspector's office has reviewed and preliminarily approved the proposed hydrant locations. These locations must match the location of the fire department connections for the buildings.

Surface Water Drainage- Issues, Impacts, Mitigation Measures

The project engineer has prepared a Stormwater Pollution Prevention Plan (SWPPP), which includes a description and details of the proposed erosion and sediment control practices to be employed on site, prepared in accordance with the NYSDEC Instruction Manual for Stormwater construction permits. The SWPPP includes design of both temporary and permanent stormwater practices to control erosion and sediment during construction, and to meet the New York State qualitative and quantitative stormwater runoff criteria.

Stormwater runoff generated on the site will be collected in a series of catch basins installed along the proposed roadways and parking areas and will be directed to proposed detention treatment units for quantitative and qualitative control prior to discharge offsite. Stormwater runoff collected in the catch basins will be routed to the various stormwater management practices, as identified on the SWPPP design plans, through a network of conveyance system piping and storm drain manholes. All conveyance system piping has been designed to transport the estimated peak rates of post development runoff generated by the 100-year 24-hour storm event from estimated tributary areas. In an effort to minimize the amount of soil erosion and sediment transport during construction, the SWPPP design includes temporary erosion and sediment control practices including installation of silt fencing, installation of straw diking, seeding and mulching and ongoing pavement sub-base placement. The proposed erosion and sediment control practices will be inspected and monitored throughout construction.

The site slopes at a modest (less than 10%) downward grade in the west to east direction toward the Moodna Creek, which is located approximately 500 linear feet to the west of the project site. Stormwater runoff from the project site and surrounding area is tributary to the Moodna Creek, which is identified by the NYS DEC as a Class-C(t) waterbody. Several unnamed tributaries to the Moodna Creek are located on adjoining parcels to the north and south of the project site. The SWPPP determines that installation of the proposed stormwater management and erosion/sediment control practices will result in negligible impact to the stormwater conveyances and off-site waters. The site is adjacent to property along the Moodna Creek which is owned and maintained by the Palisades Interstate Parks Commission (PIPC). In a letter dated August 15, 2008, PIPC expressed concerns about potential visual and stormwater impacts from the project. Through proper construction and maintenance of the control practices installed prior to and during construction, the quality of stormwater runoff leaving the site will remain unaffected. Accordingly, the proposed plan will mitigate any potential impacts to the maximum extent practicable. The SWPPP was reviewed and accepted by the Town Engineer on October 2, 2008. The site specific permit registration number issued by NYSDEC under the SPDES General Permit is NYR10Q150.

The SWPPP documents including the Notice of Intent to gain coverage under the NYS SPDES General Permit for Stormwater Discharges from Construction Activities was submitted to NYS DEC in July 2008. The stormwater discharges from construction activities proposed on the project site were authorized by NYS DEC as of August 10, 2008. The site specific permit registration number issued by the NYS DEC under the SPDES General Permit is NYR10Q150.

There are no state regulated wetlands on the site, but the site does contain some federal wetlands. A wetland investigation was conducted on July 15, 2008 by Brian Orzel and wetland boundary survey information was submitted to the ACOE for verification. The project is awaiting written jurisdictional delineation approval from the ACOE. The applicant is proposing encroachments to the ACOE wetlands. The total disturbance proposed is estimated to be 7,200 square feet. The applicant is also proposing compensatory, on-site wetland mitigation. This disturbance will require coverage under a nationwide permit administered by the ACOE, and a water quality certificate from the NYSDEC.

Planning, Zoning, Community Character

Annexation and prior SEQR Review

In 2005, the applicant petitioned the Town Board of the Town of Cornwall and the Town Board of the Town of New Windsor to annex to the Town of New Windsor the 8.848 acres of land located in the Town of Cornwall and contiguous to the New Windsor.

The portion of the site that was located in the Town of Cornwall was annexed to the Town of New Windsor in October 2005.

The property annexed to the Town of New Windsor was formerly located in the Town of Cornwall Highway Commercial (HC) and Residence (R-3) zoning districts. The adjoining property located in the Town of New Windsor was located in the Suburban Residential (R-4) and Design Shopping (C) zoning districts. On October 3, 2007, the Town Board adopted a zoning amendment to include the annexed property in the R-4 Suburban Residential Zoning District.

The development of a senior citizen housing project requires a special permit from the Town Board and site plan review and approval of the Planning Board. The Town Board has generally determined there is a need for housing projects located and designed to meet the special needs of older people and such housing contributes to the dignity, independence and meaningful activity of older people in retirement years.

This site adjoins the existing Knox Village project and on the south side it adjoins a parcel of land to be developed as a residential project known as Chestnut Woods. It also adjoins a single family detached residential development along Haight Avenue. While there is an automotive repair structure along NYS Rt. 32 on the same side as the subject property, it is a new modern facility. A Hannaford Supermarket adjoins the property on the north west side. There are minor wetlands on the site which have been identified. The areas which slope on the northerly end are intended not to be disturbed. The proposed site plan accommodates the physical constraints which consist of an underground sanitary sewer line that crosses the property toward the northern end, and a water main that is located within the bounds of the Central Hudson property. All of those physical constraints have been considered and accommodated in the design of the site plan. With respect to traffic, the property fronts on NYS Rt. 32, a major state highway and will also have an emergency access to Haight Drive.

NYS Rt. 32, is a route for public bus transportation. A central location has been identified on the plans for community bus or van pick-up. The project site is located at the so-called "five corners" area of the Town. This is a major location for retail, goods and services which include shopping centers, supermarkets, drug stores, florists, gas stations, restaurants, video rentals, financial institutions, fire station and medical offices. The property is served by the St. Lukes Cornwall Hospital system, which has a campus in Cornwall approximately three miles from the project site. There are places of worship for numerous denominations within a five mile radius and various Town of New Windsor owned recreational facilities.

There is a central clubhouse, a tennis court, swimming pool, walking trails, gazebo and each of the buildings will have one area designated for a community space to serve that building.

Zoning Compliance

The site includes land with two zoning districts, R-4 Residential and C-Design Shopping. The bulk of the site is located in R-4, and the only portion of land within the C-Design Shopping district is a narrow strip of land that borders NYS Route 32. This site adjoins, on the northeast side, the existing Knox Village project; on the south side, adjoins a parcel of land to be developed as a residential project known as Chestnut Woods, on the north side, adjoins a single family detached residential development along Haight Avenue and on the north west side, adjoins Hannaford Supermarket. The plans comply with the current zoning requirements, so there are no significant adverse impacts in this regard and it will therefore be consistent with community character. Detailed calculations were completed to demonstrate that the preliminary plans complied with all zoning density requirements. Recreation areas are shown on the plans in compliance with the Town's requirements.

The project site lies on both sides of the Central Hudson Gas & Electric Corporation parcel (SBL 70-1-48.2), which consist of approximately of 0.622 acres, and is utilized for electric and gas transmission. The Catskill Aqueduct, owned by New York City, is located in the Central Hudson Gas & Electric Corporation parcel. An application for encroachment has been submitted to Central Hudson for an agreement to allow specific improvements, including the road, retaining wall and water, sewer, electric, cable and natural gas lines to cross the Central Hudson property. No potential impacts will be created on the Aqueduct and no mitigation measures are needed.

Recreation

The project will contain a club house that will be centrally located near the entrance to the community and other recreational amenities, including tennis court, swimming pool, naturalistic walking trail, community rooms in each building and passive recreation facilities, including gazebo and benches.

Visual Impacts and Landscaping

The proposed site plan provides a 200-300 foot natural vegetated buffer between the westerly border of the project site and the State Knox Headquarters property, which is owned and maintained by the Palisades Interstate Parks Commission (PIPC). In a letter dated August 15, 2008, PIPC expressed concerns about potential visual and stormwater impacts from the project. As detailed in the plans, no building will be visible from Knox Headquarters. The Planning Board has reviewed the architectural design of the proposed structures to ensure that they are in harmony with the site's surroundings. Landscaping will be installed and maintained throughout the site commensurate with the site's surroundings. A full landscaping plan has been prepared and is part of the site plan set. Visual concerns along the north and south borders of the property will be mitigated

through the use of plantings and building design, and existing landscaping and vegetation will be enhanced.

Ambulance Services

The Town of New Windsor Ambulance District comprises all of the Town of New Windsor. The Ambulance District provides ambulance and emergency service to properties and residents within the district. The Town Board approved the extension of the Ambulance District on March 5, 2008, to include the property now situate in the Town of New Windsor which was annexed from the Town of Cornwall, so that such District will continue to cover all properties in the Town of New Windsor. No improvements or additional services are proposed, and any additional costs to the District due to the extension will be offset by payment of special assessment charges by the property within the extension area.

Cultural Resources

A Phase IA and IB Cultural Resources Survey Site Assessment and Site Identification was completed for the project. By letter dated July 28m 2008, the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) determined that the project will not have any adverse effect upon cultural resources on or eligible for inclusion on the National Registers of Historic Places.

Other Impacts

Solid waste generation services will be provided by the Town of New Windsor under agreement or by a private carter if such service will not be available through the Town. The solid waste generated from the site will be typical household waste and will not pose any unique or excessive impacts in terms of either volume or type. Dumpsters are provided on the site plan and are screened by attractive enclosures.

Mail delivery needs will be provided by the installation of gang mailboxes subject to approval by the Post Master.

Energy consumption by the site will be typical household use and will not pose any unique or excessive impacts in terms of either volume or type, as a typical household use. All construction must comply with energy conservation requirements of the building codes.

Because the applicant's residential development is an age-restricted community, there will be few, if any, school age children.

No other potential significant adverse environmental impacts are identified.

Dated Adopted: October 29, 2008

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