FINAL DSEIS SCOPING DOCUMENT
FOR THE
PATRIOT ESTATES SUBDIVISION
AND THE
PATRIOT BLUFF CONDOMINIUM PROJECTS

TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

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FINAL DSEIS SCOPING DOCUMENT

PATRIOT ESTATES SUBDIVISION/PATRIOT BLUFF CONDOMINIUM

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1.0 INTRODUCTION

This Final Scoping Document presents supplemental issues which will be discussed in a Draft Supplemental Environmental Impact Statement (DSEIS) for the Patriot Estates subdivision and the Patriot Bluff condominium projects. The types of issues outlined in this Scope were

selected by the Town of New Windsor Planning Board, in consideration of comments received during a Public Hearing held on March 10, 2004. The hearing was held to discuss the particulars of the project as part of the Board's plans to consider the project for Site Plan and Subdivision Approvals. The Board has decided to request that the Applicant, RPA Associates, LLC, provide updated information pertaining to expected traffic impacts, and an evaluation of the number of expected school aged children generated under the project.

On July 19, 2004, the Town of New Windsor Planning Board issued appropriate public notices and distributed the Draft Scoping document for Public Comment. The public comment period ended on August 4, 2004. Comments received during this period have been considered in this Final Scoping document.

2.0 LOCATION

The project site is located in the Town of New Windsor, northwest of the intersection of Union Avenue and NYS Route 32 (see attached Site Location Map). Park Hill Drive is located immediately north of the northern limits of the property site, which in turn connects with Union Avenue to the north. A 150 foot easement, for the benefit by Central Hudson Gas & Electric, bisects the site.

3.0 PROJECT DESCRIPTION

Application has been made by RPA Associates, LLC for the proposed Patriot Estates subdivision and the adjoining Patriot Bluff condominiums. The subject property site, including the 150 foot easement, is owned by RPA Associates (RPA), the project Applicant.

Access will be provided to each project by the proposed Epiphany Drive extension, which in turn will connect with the Patriot Ridge condominiums situated to the northeast. This project is currently under construction. In addition, Park Hill Drive will provide access for each project component, which will serve to connect the developments with Union Avenue to the north.

The project involves the subdivision of an approximate 55 acre parcel into 29 lots. Lots 1 through 28, representing 25.8 acres, comprises the Patriot Estates subdivision site. This subdivision will be occupied with single-family residences, which will be directly accessed by Epiphany Drive and Park Hill Drive to the north. The Patriot Bluff condominium parcel (Lot 29) is approximately 29.4 acres in size and will be occupied with 96 condominium units. This site will be directly accessed by Epiphany Drive.

The proposed subdivision projects were previously reviewed under the State Environmental Quality Review (SEQR) process. The Town of New Windsor Planning Board, as Lead Agency for the project, administered the SEQR process. Draft and Final Environmental Impact Statements were completed for the project, along with a Findings Statement which concluded that concept approval be granted to the Applicant (at the this time Sky-Lom of New

Windsor, Inc.) for the entire project site. The Findings Statement was adopted by the Board on November 15, 1989.

The concept approval was for constructing a 100,000 square foot retail center, 500 residential units and 15,000 square feet of office space. Since the SEQR Findings Statement was issued, RPA Associates acquired the project and has initiated construction of the retail center and the Patriot Ridge subdivision. Overall project holdings include a 50 foot right-of-way which parallels the Central Hudson Gas & Electric easement to the north. The 50 foot right-of-way connects with Union Avenue to the northeast.

4.0 POTENTIAL SIGNIFICANT IMPACTS

In consideration of the comments and concerns expressed during the Public Hearing of March 10, 2004, the Town of New Windsor Planning Board has determined that significant impacts of concern may be realized under the project and has required the Applicant to prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for those issues which require special attention at this time. The Town of New Windsor Planning Board has considered the criteria for determining significance, as set forth in 6 NYCRR Part 617.7 (c)(1), (2), and (3).

5.0 REQUIRED APPROVALS

The Patriot Estates subdivision project will require Subdivision and Site Plan Approvals from the Town of New Windsor Planning Board, a Sewer Main Extension Approval from the New York State Department of Environmental Conservation and Water Main and Realty Subdivision Approvals from the Orange County Department of Health. The Patriot Bluff condominium project will require Subdivision and Site Plan Approvals from the Town of New Windsor Planning Board and a Water System Approval from the Orange County Department of Health. Decisions for these approvals will be considered after the processing of the DSEIS.

In addition to the above approvals, a Nationwide Permit from the US Army Corps of Engineers (USACOE) is required for the alteration of 0.48 acres of jurisdictional wetlands. These actions will necessitate the restoration and creation of additional wetlands on site. The USACOE's final decision for permit issuance is expected to be received in the near future.

6.0 CONTENT OF THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

6.1 General Considerations

The DSEIS will be prepared in accordance with 6 NYCRR, Part 617, Section 617.9 - Preparation and Content of Environmental Impact Statements. It will present the relevant and

material facts directly applicable to the proposed project, as well as evaluate reasonable alternatives for the project. As necessary, technical information will be summarized within the document to provide the reader with a better understanding of project issues and the extent mitigation will be provided for identified impacts.

Information presented in the DSEIS will be obtained from available information sources, including the Draft and Final Environmental Impact Statements completed for the project initially. In addition, information gathered from studies designed to evaluate project related impacts, such as existing and predicted traffic conditions, will be included.

The Applicant must closely follow applicable SEQR regulations for the required content of a DSEIS. Unless otherwise directed by the Final Scoping document, the provisions of 6 NYCRR Part 617.9(b) apply to the content of the DSEIS and are incorporated herein by reference.

Narrative discussions within the DSEIS will be accompanied to the greatest extent possible by the use of illustrative tables and graphics. All graphics will clearly identify the proposed project site. All maps will be clear and legible at the scale to be included in the body of the DSEIS. The DSEIS may incorporate by reference, in accordance with 6 NYCRR 617.9(b)(7) requirements, all or portions of other documents, including the prior EIS's which contain information relevant to the project specific DSEIS. Other more specific requirements concerning the format and content of the DSEIS are presented below.

6.2 Document Cover and Table of Contents

The DSEIS will contain a document cover which presents the project title, list of document authors and contacts, project location, SEQRA status, and relevant dates (i.e., date of acceptance by the Lead Agency, date by which comments must be received, date of public hearing, and final date of acceptance). A table of contents will also be contained within the document with listings of document sections, figures, tables, maps, charts, and appendices. The appendices will include technical reports such as a traffic impact study, and necessary project correspondence.

6.3 Introduction and Summary

This section of the DSEIS will describe the format of the document and include the following elements:

- Brief description of proposed development plans and related actions relative to the issues identified in this Scoping Document
- List of required approvals and permits currently pending
- List of firms which contributed to the preparation of the DSEIS

- Summary list of impacts relative to the issues identified in this Scoping Document
- Summary list of mitigation measures relative to the issues identified in this Scoping Document
- Summary and comparison of alternatives relative to the issues identified in this Scoping Document

6.4 Detailed Project Description

A project description, as it pertains to past SEQR processing and the issues identified in this Scoping Document, will be provided in the DSEIS. Past and recent studies and evaluations completed for the DSEIS will be described in consideration of the issues identified for further evaluation in this Scoping Document.

6.4.1 Location

The boundaries of the project site with relation to municipal boundaries will be presented, identification of property ownership, easements, and right-of-ways. Existing and proposed vehicle access and local neighborhood transportation routes will also be presented.

6.4.2 Approvals and Permits

A detailed list and description of all permits and approvals currently pending for the project will be provided, as they pertain to the issues identified in this Scoping Document.

7.0 EXISTING CONDITIONS, ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES

This section of the DSEIS will describe the project's existing setting relative to the issues identified for analysis, and those aspects of the environment that may be adversely or beneficially impacted by the proposed action. Where potential impacts are identified, mitigation measures will be described to reduce or avoid the environmental impacts that may have been identified.

This section will be organized by first describing existing conditions, then potential impacts of the project, and finally, mitigation measures. The potential impacts and associated mitigation measures set forth below will be included in the DSEIS for discussion.

7.1 Transportation

Existing Conditions - Existing nearby State and County roadways and intersections which will be utilized for the proposed project will be described. In

addition to State and County roads, primary local site access roads will be described. The Traffic Study will also consider the following intersections:

- NY 32 & Epiphany/Wall Street
- NY 32 & CR 69
- CR 69 & Park Hill Drive

In addition to these intersections, volumes associated with the retail driveways along NY 32 and CR 69 will be considered. Recently acquired traffic counts will be utilized to describe existing volumes and conditions during the peak weekday AM and PM highway hours, as well as the peak Saturday midday hour. Counted volumes will be increased to a projected 2007 design year for completion of the project. The retail and residential portions of the site which are currently under construction will be distributed primarily in accordance with previously accepted projections. Traffic from the residential components of the project will be considered based on trip generation information published by the Institute of Transportation Engineers (ITE). The distribution of site traffic will be based in part on counts conducted at the CR 69/Park Hill Drive intersection.

Traffic distributions associated with the currently proposed residential developments will be analyzed based on access solely via NY 32, as well as with a potential connection to Park Hill Drive. The Park Hill Drive connection scenario will consider traffic from the existing residential streets along and connecting to Park Hill Drive which may choose to travel through the site access NY 32 southbound, rather than traveling along CR 69. Similarly, access to the existing residential streets through the site will be projected from NY 32 northbound. Analysis will include intersection capacity analyses, summary tables and illustrative figures.

Potential Impacts - A Traffic Study Report will be provided in the DSEIS to describe existing average daily traffic (ADT) and peak hour traffic volumes (i.e., weekday AM and PM peak hour and Saturday peak hour) for each intersection considered. In addition, capacity analyses, based on procedures specified in the Highway Capacity Manual (Transportation Research Board, 2000) will be provided. Impacts associated with potential increases in traffic volumes under the build out of the development will be presented.

Emphasis will be placed on assessing potential impacts at each intersection evaluated. Impacts associated with the frequency and duration of construction vehicles entering and leaving the site will be identified.

Mitigation Measures - Measures designed to mitigate identified traffic impacts, if required, will include, but not be limited to, roadway and intersection improvements (e.g., widening and restriping) and intersection signalization. The

presentation of mitigation measures shall include an identification of the anticipated levels of service to exist following build out of the subject phase of site development.

7.2. Community Services

Schools

Existing Conditions - The schools serving the site in the Newburgh City School District, their locations, and their capacities for providing kindergarten through high school instruction will be described. School district maps will be included to depict each district in relation to the project site.

An evaluation of the likely demographics of existing school age children generated by the proposed development, and a determination of current and future demands for education facilities, will be completed. In addition, available reports on district conditions and future expansions will be summarized. School District Administration will be contacted to determine future plans for expanding district educational services in consideration of the number of school aged children generated under the project. Routes and capacity of school bus service will be described.

Potential Impacts - The expected demand on district schools due to subdivision development will be estimated based on accepted rates of school children per housing unit and probable impacts identified as a function of existing district capacities and future plans for expansions. Modification to school bus routes necessary to serve the project will be discussed, as necessary.

Mitigation Measures - Measures planned by the district or necessary to address future demands for school district services will be presented.

7.3 Wastewater Treatment and Water Supply

Existing Conditions - A description of the Town's wastewater treatment and water supply facilities will be presented in the DSEIS. Emphasis will be placed on describing existing conditions (i.e.: flow and supply capacities), future expansions and the status of moratorium conditions. Utility piping (sewer and water) located in the vicinity of the project site will also be described.

Potential Impacts - Impacts to the Town's wastewater and water supply systems will be presented. Project demands on each utility will be quantified to determine whether or not sufficient capacity exists for the proposed project. Impacts to consider will include impacts on available utility capacities and the need to provide improvements to achieve necessary demands.

Mitigation Measures - Required or planned utility expansions to provide increased utility capacities (water and sewer) will be discussed.

7.4 Drainage

Existing Conditions - Existing site drainage patterns will be discussed in the DSEIS, along with pattern alterations as they related to the proposed development. On-site wetlands and an unnamed tributary, which travels through a portion of the site, will be described and presented on a site map to illustrate location.

Potential Impacts - Alteration of the site's drainage patterns, both during and after construction, will be described and evaluated for potential impacts.

Mitigation Measures - Proposed plans to mitigate impacts associated with the alteration of site drainage patterns will be presented. Emphasis will be placed on describing the types of storm water management practices to employ to address various storm events, both during and after construction. A Storm Water Management Plan will be completed in accordance with applicable NYSDEC regulatory requirements, and presented in the DSEIS document. A discussion of the types of control devices necessary to mitigate identified impacts will also be provided.

7.5 Wetlands

Existing Conditions - A description of existing on-site wetlands (and a connecting unnamed tributary) will be presented in the DSEIS along with a map depicting the location and size of each area. A description of efforts completed by the Applicant to confirm regulatory jurisdiction (Federal US Army Corps of Engineers) for on-site wetlands will also be discussed and documented.

Potential Impacts - Planned alterations of on-site wetlands will be discussed. A map depicting wetland disturbance areas (in acres) will be presented.

Mitigation Measures - Measures designed to minimize wetlands disturbance, as well as plans prepared to create and restore disturbed wetland areas will be discussed in the DSEIS. A map depicting creation and restoration areas will be included in the DSEIS.

7.6 Community Character

Existing Conditions - A qualitative description of existing community character and setting, relative to existing nearby land use and zoning patterns, will be presented in the DSEIS.

Potential Impacts - The character of the proposed development will be compared to the characteristics of immediately adjacent neighborhoods to determine whether or not existing community characteristics would be impacted with the proposed development. An analysis of existing and proposed road designs (geometrics) and handling capacity will also be presented in the DSEIS to assess potential impacts to community character associated with the connection of Park Hill Drive with the proposed connector street.

Mitigation Measures - Measures designed to mitigate community character impacts with the proposed development will be considered in the DSEIS. Measures will include consideration of providing a "buffer zone" between the proposed development and the adjoining Park Hill Drive development.

8.0 ALTERNATIVES TO THE PROPOSED ACTION

Alternatives to the proposed access leading to Park Hill Drive will be described and evaluated by the Applicant. The presentation will include the use of a tabulation of comparative differences of expected impacts and a comparison analysis to conclude the most preferred alternative. The following alternatives will be evaluated:

1. The "No-Action" Alternative whereby Epiphany Drive Extension will only be used to access the site

2. Use of the existing 50 foot right-of-way and easement, for the benefit of RPA Associates, connecting the site with Union Avenue to the north, through the land of the Newburgh Consolidated School District, within the Central Hudson Gas and Electric utility easement

3. Use of the adjoining Petro parcel to connect with Windsor Highway (NYS Route 32) to the east

4. Use of an emergency crash gate will be discussed in lieu of a through road for the proposed connection road with Park Hill Drive

5. Evaluation of the feasibility of realigning the proposed connector road with that of Park Hill Drive, through the exchange of a small strip of land from Mr. Olsen, the adjacent property owner. The successful implementation of this alternative will depend upon the completion of an agreement between the Applicant and Mr. Olsen. Separate figures depicting the Town Right-of-way along Park Hill Drive and the proposed realignment of the proposed connector road with Park Hill Drive (including curb line strengthening) will be presented under this Section.

9.0 ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

This section of the DSEIS will describe the types of impacts which cannot be avoided through implementation of mitigation measures. A comparison of beneficial and unavoidable adverse impacts will be presented.

10.0 GROWTH INDUCING ASPECTS OF THE PROPOSED PROJECT

Both positive and negative effects of the growth inducing aspects associated with the proposed project will be considered, relative to the issues identified in this Scoping Document. As necessary, a qualitative representation of these influences will be presented to provide a better understanding of the magnitude of these types of impacts.

11.0 REFERENCES

A list of references utilized for the completion of the DSEIS will be compiled.

12.0 APPENDICES

The following will be included in the appendices of the DSEIS document:

1. Copies of all studies and reports completed to assist in addressing the issues identified in this Scoping Document

2. A listing of all Federal, State, and local agencies and organizations contacted in preparing the DSEIS, relative to the issues identified in this Scoping Document

3. Relevant correspondence with involved agencies, relative to the issues identified in this Scoping Document

4. Records of meetings and communications with Lead Agency contacts and consultants relative to the issues identified in this Scoping Document

5. Records of meetings and correspondence with providers of community services relative to the issues identified in this Scoping Document

6. SEQRA documentation

7. A listing of firms and persons responsible for the overall preparation of the DSEIS document and referenced plans, drawings, and reports relied upon for completing the DSEIS