

617.21

State Environmental Quality Review
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act- SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Village of Tarrytown Planning Board as lead agency, makes the following findings:

I. INTRODUCTION

Name of Action:

Legends at Wilson Park

Name of Applicant:

Wilson Park Home & Land Company, LLC
c/o WCI Communities

Description of Action:

Cluster subdivision plan to subdivide 48.1 acres of land, which currently includes four parcels, into 14 single-family residential lots and an 11.38 acre public park.

Location:

The project site is located within the Village of Tarrytown, Westchester County, New York. It is bounded by the Village of Tarrytown-Village of Sleepy Hollow municipal boundary to the north; land owned by the Village of Tarrytown and by the Tarrytown Lakes Upper Reservoir to the east; Marymount School to the south; and Wilson Park Drive to the west. The site includes the following tax parcels:

Parcel Tax Map Designation

- 1: Section 1, Sheet 4, Lot P12
Section 1, Sheet 5, Lot P59 (portion)
- 2: Section 1, Sheet 5, Lot P59 (portion)
- 3: Section 1, Sheet 5, Lots P63, P63B, P64, P65 (portion)
- 4: Section 1, Sheet 5, Lots P65 (portion), P67B

Agency Jurisdiction(s):

Village of Tarrytown Planning Board

- Subdivision Approval
- Site Plan Approval

Village of Tarrytown Board of Trustees

- Approval authorizing the Planning Board to utilize cluster subdivision techniques
- Approval for dedication of roads to the Village of Tarrytown

Westchester County Planning Board

- County Planning Board §239-m Review

Westchester County Health Department

- Water and Sewer Extension Approval
- Realty Subdivision

Westchester County Department of Transportation

- Permit for construction of intersection along County House Road

New York State Department of Environmental Conservation

- NYSDEC General Stormwater SPDES Permit

New York State Office of Parks Recreation and Historic Preservation

- Advisory Review

Date Final EIS Accepted:

December 18, 2006

II. HISTORY AND COMPLIANCE WITH SEQRA REQUIREMENTS

DEIS SUBMISSION

The DEIS for the proposed Legends at Wilson Park development (herein referred to as "Wilson Park") was first submitted by the Applicant, Wilson Park Home & Land Company, LLC (the "Applicant"), on February 1, 2005. The DEIS was accepted by the lead agency, the Village of Tarrytown Planning Board ("Planning Board") on July 25, 2005. The Proposed Action described in the DEIS was for the subdivision of 48.1 acres into 17 single-family lots and development of 17 new single family homes.

In addition to the Proposed Action, the DEIS evaluated nine alternatives:

Alternative 1: No Action

Alternative 2: Public Acquisition of the property

Alternative 3: Preferred Alternative Cluster Subdivision Plan

Alternative 4: Recreation Based Alternative

Alternative 5: Environmentally Based Cluster

Alternative 6: Park Alternatives

Alternative 7: Cluster Layout with a Blend of Large and Small Homes

Alternative 8: Alternative Based on Existing and Proposed Regulations

Alternative 9: Layout with Smaller Homes

The first public hearing on the DEIS was held on September 20, 2005. Additional public hearings were held on October 18, 2005; November 22, 2005; March 16, 2006; and April 24, 2006. All public hearings were duly noticed and all persons present were given the opportunity to provide comment. The public comment period was closed on May 15, 2006, 21 days after the close of the public hearing. The Planning Board accepted written comments from the public during this comment period.

FEIS SUBMISSION

The Applicant submitted a draft FEIS for the project on October 19, 2006. This FEIS included responses to the verbal and written comments that were made during the DEIS comment period and proposed an Enhanced Park Plan (EPP) to address comments from the Planning Board and the public. The Enhanced Park Plan is a cluster subdivision plan that includes four lots on the southwestern parcel and ten lots on the northwestern parcel, for a total of 14 residential lots. This is a reduction in density from the 17 lots proposed in the DEIS. The plan also calls for a public park on the southwestern parcel, which the Village would acquire from the property owner for \$1.2 million. The FEIS was accepted by the Planning Board on December 18, 2006, subject to the following conditions:

- Clarification that the Enhanced Park Plan is the preferred alternative.
- Incorporation of the DEIS by reference into the FEIS.
- The addition of a Village option to obtain the open space area at the north section of the site with an easement provided to the Applicant for drainage facilities.
- The addition of an option for the Village to obtain a 10-foot easement south along Lot 14.

- The addition of revisions to the zoning compliance chart and exhibits in the FEIS to correct the size of the lots to address a survey error.
- Changes in the option agreement to allow for the purchase of Lots 1 and 2 or 3 and/or 4.

These conditions were addressed in the FEIS that was circulated by the lead agency to the involved and interested agencies in January 2007.

PREFERRED ALTERNATIVE: THE ENHANCED PARK PLAN

The Enhanced Park Plan is a cluster subdivision plan that includes four lots on the southwestern parcel and ten lots on the northwestern parcel, for a total of 14 residential lots. The plan provides for an 11.38 acre Village-owned public park on the southwestern parcel, which would provide a direct connection between Wilson Park Drive and the hiking path. The portion of the southwestern parcel along Wilson Park Drive will become part of the 11.38 acre Village park. Lots #1 and #2 would be located along the southerly portion of the southwestern parcel with access from the existing driveway along the southern property line. Lots #3 and #4 would be located along the northerly portion of the southwestern parcel with access from Warner Lane.

Ten residential lots will be located on the northwestern parcel, including five lots on each side of the roadway. Although not part of the 11.38 acre Wilson Park, the Applicant has proposed a trail easement along the entire northern site boundary to the extreme western corner of the property. The Applicant will also provide an option to the Village for the creation of a 10 foot wide easement along the south side of lot #14. A 3.8± acre open space area in the northwestern portion of the site will be offered for dedication to the Village of Tarrytown subject to the reservation of an easement by the Applicant for the construction and maintenance of drainage facilities. The entire portion of the project site east of the hiking trail will be offered for dedication to the Village of Tarrytown subject to an easement for a water quality and detention basin. Maintenance of the drainage facilities and detention basin will be the responsibility of the Homeowners' Association (HOA) that will be created for the Wilson Park subdivision and must be inspected by the HOA after every runoff-producing rainfall. Needed repairs must be made immediately to maintain these facilities; provisions for such repairs will be included in the HOA documents.

The 11.38 acre public park ("Wilson Park"), located on the southwestern parcel, will be acquired from the property owner by the Village for \$1.2 million. The location and configuration of the public park space was determined in conjunction with the Planning Board as part of a public planning process. The park will encompass the area along Wilson Park Drive, the hilltop area, and an expanse through the entire central portion of the parcel connecting to the hiking path. Park space is also provided adjacent to the hiking path east of lot 2.

As originally proposed in the DEIS, the private road along the western portion of site could be improved, reconfigured and designed to meet all local codes and could be built to Village standards. But during the environmental review process, the Planning Board received significant public input, particularly from residents living in the Wilson Park area, concerning improvements to Wilson Park Drive. The Planning Board found that most

area residents wanted minimal improvements to the roadway, which would not include significant widening of the road. Sidewalks will not be provided in this location as they would necessitate widening of the road. As a result, improvements will be limited to repaving and a modest re-alignment of a portion of the road to remove the sharp curve and improve safety.

The Applicant will offer the private portion of the road for dedication to the Village. If dedication of the private portion of the roadway is not accepted by the Village, the road would remain private property, owned and maintained by a Homeowners' Association (HOA). The Planning Board has discussed the pros and cons of public vs. private roads. This issue will be discussed further with the Village Board of Trustees and a final determination will be made prior to preliminary subdivision plat approval.

This Enhanced Park Plan also includes an option agreement whereby the Village will have an option to purchase either a) lots 1 and 2 which must be purchased together, or b) lots 3 and/or 4. This purchase option agreement is separate and distinct from the \$1.2 million open space land purchase by the Village.

Of the alternatives analyzed in the DEIS and FEIS, the Enhanced Park Plan avoids or minimizes adverse environmental impacts to the maximum extent practicable.

III. FACTS AND CONCLUSIONS IN THE EIS RELIED UPON TO SUPPORT THE DECISION AND ITS FINDINGS

SUMMARY OF SPECIFIC FINDINGS

A. Land Use, Zoning and Public Policy

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan, which is the Preferred Alternative, will not have a significant adverse impact on land use, zoning and public policy for the following reasons:

The Preferred Alternative is compatible with on-site and surrounding land uses, which include single-family homes, open space, and the institutional uses associated with Marymount College. The proposed layout preserves environmentally sensitive features of the property and preserves approximately 64% of the 48.1 acre project site as open space. The open space area on the site will include a 11.38 acre Village-owned, public park that provides a connection between Wilson Park Drive and the hiking path. The development of 14 homes on this site represents a density of approximately 0.29 units per acre. Proposed lots sizes range from approximately 30,446 square feet to approximately 97,171 square feet.

The Preferred Alternative is based on zoning under consideration by the Village that would permit reductions in lot and bulk controls in context with adjacent properties. Therefore, subdivision approval is contingent upon the Village's adoption of this proposed zoning. Under the proposed zoning minimum lot sizes may not be reduced below R-40 standards for lots in the R-80 zone and not below R-30 standards for lots in the R-60 zone. On the project site parcels 1 and 2 are zoned R-80 and parcels 3 and 4 are zoned R-60. Bulk standard modifications proposed under the Preferred Alternative that would be addressed under the proposed zoning are for:

- Reduction of minimum lot frontage for Lots 1 and 2, which will be accessed from the existing driveway along the southern property line.
- Reduction of minimum lot frontage for Lots 9, 11, 13 and 14
- Reduction of minimum width at the front of the building for lots 11, 13 and 14

The Preferred Alternative is also based on a requested ruling that the homes on Lots 2 and 3 be granted relief from the two-story limitation on their slope, as they are located on a low point and there is another down hill slope beyond them.

Approval of the Preferred Alternative also requires that the Village Board of Trustees authorize the Planning Board to utilize cluster development, per State law: Village Laws. 7-738. The purpose of this authorization is to "enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands." In cluster developments, dimensions for lot size, frontage and yard setbacks may be reduced for lots within the subdivision without any increase in overall lot count, if the Planning Board determines that the resulting lot and building configuration would enhance the overall physical and visual character of the proposed development;

preserve environmental features; and/or provide enhanced visual or physical access to open space. Based on the analysis in the EIS, which evaluated both conventional and cluster subdivision of the property, the Planning Board has determined that cluster development under the Enhanced Park Plan will enhance the physical and visual character of the project site over that which would be achieved under a conventional subdivision plan.

The Preferred Alternative is consistent with local and county policies, including the Villages' Draft *Local Waterfront Revitalization Program* (LWRP) and the County's *Patterns for Westchester* policy document. The Preferred Alternative complies with the LWRP by mitigating visual impacts related to Policy 24 and Policy 25. The proposed density on the site is lower than that recommended for the area in the *Patterns for Westchester* document. The draft Tarrytown-on-Hudson Master Plan was reviewed for the DEIS.

B. Historic/Cultural and Visual Resources

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan, which is the Preferred Alternative, will not have a significant adverse impact on cultural and visual resources for the following reasons:

A Phase IA Archeology Sensitivity Assessment was conducted for the project site in February 2005. The assessment concluded that there are eight archeological sites within a one-mile radius of the project area. Two of the previously reported sites are historical sites; the other six are pre-contact sites. Additionally, there are four National Register-listed properties and two National Historic Landmarks near the site.

The project area was previously developed with several late 19th-century estates. One of the estates became the Institute of Mercy orphanage in the 1890s. One stone building, the "service" house, is still extant. All of the other structures in the project area have been demolished and their foundation remains are buried below the ground surface.

A Phase IB Archeological Field Reconnaissance for the project site was conducted in May 2006. As a result of the Phase IB study, archeological remains relating to at least fourteen map-documented structures were identified in the Legends at Wilson Park project area. No pre-contact archeological sites were found.

The State Historic Preservation Office (SHPO) was consulted for advisory review of the project and the Phase 1B results have been shared with the State Historic Preservation Officer (New York State Office of Parks, Recreation and Historic Preservation).

Development under the Preferred Alternative will not be visible from the Tarrytown Lakes or the Hudson River. In the Enhanced Park Plan, the homes are proposed to be located on the site so as to preserve the scenic quality of the Wilson Park area and effectively mitigate potential visual impacts from the project. Open space areas and view corridors have been designed in conjunction with the roadway alignment to ensure that visual impacts are minimized to the extent practicable.

The portion of the project site that is adjacent to Tower Hill Road/County House Road will include a trail easement east of Wilson Park Drive/private road. Only a small portion of the project area fronts Tower Hill Road/County House Road to the west of Wilson Park Drive/private road, and this area will remain open space. The home to be located on Lot 9 will be visible from portions of Tower Hill Road/County House Road. The 75' hilltop restricted area to be preserved on Lot 10 will create a visual buffer between Tower Hill Road/County House Road and the new home on Lot 10. The homes to be located on Lots 7 and 8 will be a significant distance from Tower Hill Road/County House Road. The Planning Board has requested that the Applicant provide a 10-foot wide easement along the southern end of Lot 14 to allow for a trail that will provide access to Sleepy Hollow High School. This easement would provide for a safe walking path for students who currently walk along County House Road to access the school. The Applicant will contact the owner of the property to the south of Lot 14 to discuss potential screening options for this trail.

C. Natural Resources

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan, which is the Preferred Alternative, will not have a significant adverse impact on natural resources for the following reasons:

TOPOGRAPHY

The Preferred Alternative has been designed to conform to the existing topography and slopes on the site to the greatest extent practicable. However, existing topography on the site will be altered to construct the proposed development and meet required roadway and driveway grades and install drainage facilities. No slopes greater than 25 percent will be disturbed on the site. Approximately 1.90 acres in areas of 15-25 percent slope will be disturbed.

Open space areas and view corridors have been designed in conjunction with the roadway alignment to minimize visual impacts to the extent practicable. The proposed homes will not be visible from the Tarrytown Lakes or from the Hudson River. The home to be located on Lot 9 will be visible from portions of Tower Hill/County House Road. The 75 foot hilltop restricted area to be preserved on Lot 10 will create a visual buffer between Tower Hill Road/County House Road and the new home on Lot 10. The homes to be located on Lots 7 and 8 will be a significant distance from Tower Hill Road/County House Road.

SOILS

Under the Preferred Alternative construction-related activities (cut and fill) will disturb existing soils. The Sediment and Erosion Control Plan will minimize erosion of exposed soils. This plan will be inspected by the Village Engineer. During construction and for a period of one year after construction, upkeep and maintenance of erosion control measures will be the responsibility of the Applicant. Upkeep of long term landscape mitigation measures will be the responsibility of the Home-Owners' Association (HOA)

and must be inspected by the HOA after every runoff-producing rainfall. Needed repairs must be made immediately to maintain measures as designated; provisions for such repairs will be included in the HOA documents. Stormwater runoff will be managed both during the construction process and following completion of construction to prevent flooding, erosion, and sedimentation of the Tarrytown Lakes, wetlands, or storm drainage system.

VEGETATION AND WILDLIFE

Under the Preferred Alternative ± 12.3 acres of the site will be disturbed. ± 2.0 acres will be permanently converted to impervious surface (roads, driveways, houses); the remaining 10.3 acres will be revegetated. 30.71 acres on the site will remain as open space. Existing trees on the site will be retained to the maximum extent practicable in order to preserve a natural setting on each lot. Mitigation measures will include re-vegetation of disturbed areas and landscape improvements.

A Habitat and Wildlife Evaluation and Impact Assessment was conducted for the project site. The assessment included a comprehensive list of species that could potentially have habitats on the project site. This list was compiled through a review of State and county species lists, as well as previous wildlife surveys conducted on the project site. This existing information was supplemented by seasonal wildlife surveys. Two-day spring and fall surveys were conducted and a summer survey was conducted on June 29 and 30, 2006. During the spring and fall surveys, a total of 56 bird, 4 mammal and 2 amphibian species were observed on the site.

Although all of the species listed in the study were not observed in the field, they are all listed as having the potential to occur on the site and the habitat assessment includes an evaluation of each species that has the potential to use the subject site based on habitat requirements and the habitats available on the site. The study provides an evaluation of each species' habitat preference.

In response to questions that some residents have raised regarding the habitat evaluation that is provided in the DEIS and FEIS documents, the Planning Board recommends that the Village undertake a supplemental, independent habitat evaluation. This evaluation will include a review of existing documents and an analysis of habitats on the site, which the Village has an option to purchase for open space as part of the proposed project. The results of this analysis can be used by the Village Trustees in evaluating these sites for purchase and by the Planning Board in their detailed review of the site plan application.

Of the species that could potentially use the project site, most utilize wooded, wetland and/or old field habitats that are available in the eastern portion of the site, which will remain as undisturbed open space.

The US Department of the Interior, Fish and Wildlife Service, has addressed concerns regarding the potential for federal and State protected habitats on the site in letters dated August 9, 2005, April 12, 2006 and March 13, 2007. In his letter dated March 13, 2007 David Stilwell, Field Supervisor, noted that there is potential for the federally and State-listed endangered Indiana bat to occur within the proposed project area based on its geographic location. He states that "it appears that suitable habitat for the Indiana bat

may occur within the proposed project area. Please note that 55 miles is not too far to expect Indiana bats to fly from their southern New York hibernacula. We understand that 0.7 acres of a 9.7 acre southern hardwood forest will be impacted along with 8.4 acres of 26.6 acres of mowed lawn with trees. We further understand that all tree-clearing activities will occur between October 1 and March 31 to avoid any potential direct impacts to Indiana bats. Due to the limited extent of disturbance, we have no further recommendations and no further coordination with the Service is required pursuant to the ESA.”

WETLANDS

A total of 1.24 acres of federally and locally regulated wetlands exist on the project site. This wetland drains to the Tarrytown Reservoir’s Lower Lake. The U.S. Army Corps of Engineers has jurisdiction over federally regulated wetlands. As no dredged or fill materials will be placed in the wetland as a result of the proposed project, a wetlands permit from the Army Corps will not be required. The Preferred Alternative has been designed with a wetland buffer area that extends 150 feet horizontally away from and parallel to the outermost boundary of the wetland.

WATER

Groundwater and the Tarrytown Lakes will not be adversely impacted as a result of the proposed project. The proposed stormwater management plan will treat both on-site and presently untreated off-site stormwater, thereby reducing the existing pollutants entering the lake from the watershed. Therefore, the project is expected to have a positive impact on water quality in the Tarrytown Lakes. A Preliminary Lake Management Report was prepared by Professional Consulting, LLC in January 2006 for the Village Board of Trustees. The report evaluated water quality in the Tarrytown Reservoirs and concluded that the reservoirs are experiencing a continual decrease in water quality. The stormwater controls for the proposed project will reduce the rate of peak runoff and total pollutant loading to the reservoirs, which is consistent with the objectives of the Professional Consulting, LLC study.

There is an existing storm drainage system within the southeast portion of the site, including a drain inlet located on the Village right-of-way. Engineering inspections by the Applicant and the Village Engineer, documented by Kellard Sessions Consulting, PC in a letter dated June 13, 2007, indicate that this inlet is part of a disrupted drainage way that is no longer in service and that the water within this system is groundwater, which is entering through surface infiltration. The drainage system is documented on the property survey. As this drainage system is no longer functional and is on the portion of the site that will become a public park, it is not expected that the proposed project will result in disturbance of underground springs. However, if any underground springs are disturbed on the project site during construction, it will be the responsibility of the Applicant to mitigate groundwater impacts from such springs. Abandoned drainage structures located on portions of Parcel 3 that will become parkland will be removed by the Applicant.

D. Traffic, Circulation, and Parking

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan, which is the Preferred Alternative, will not have a significant adverse impact on traffic, circulation and parking for the following reasons:

A traffic impact analysis was prepared for the DEIS and reviewed by the Planning Board and its consultants. The traffic impact analysis indicates that the Preferred Alternative will not have a significant impact on existing traffic operating conditions and traffic levels expected under the Build and No Build scenarios are similar. The decrease in the number of units proposed on the site from 17, as proposed in the DEIS, to 14 as proposed under the Preferred Alternative will have a positive impact on traffic.

The proposed public park is not expected to have an impact on traffic as it will largely remain a passive nature preserve area and will not create a demand for parking that cannot be handled by existing parking at the southern end of Tarrytown Lakes. Curbing shall be installed along the westerly edge of the park along Wilson Park Drive to discourage parking on park property.

As part of the Preferred Alternative the Applicant will be eliminating a dangerous traffic condition in front of proposed Lot 5 on Wilson Park Drive. Currently there is a sharp bend in the road coupled with short sight distances at this location. The Applicant will slightly widen the road in this area in order to straighten out the curve. In addition, in order to enhance pedestrian safety the Applicant will provide a pedestrian path within the areas along Wilson Park Drive that are adjacent to the Applicant's property. Concern has been expressed regarding on-street parking on Wilson Park Drive. This issue, as well as traffic calming measures for Wilson Park Drive, will be addressed as part of subdivision approval.

E. Stormwater

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan, which is the Preferred Alternative, will not have a significant adverse impact on stormwater for the following reasons:

The Applicant has prepared a Stormwater Management Study and Pollutant Loading Analysis in accordance with New York State and Village of Tarrytown requirements. This stormwater management plan identifies structural solutions and/or best management practices (BMPs) that must be implemented as part of the proposed subdivision to mitigate and control the quality of the storm water runoff entering the Upper Reservoir. Additionally, the SWMP addresses problems associated with untreated, uncontrolled stormwater, which is being generated by upstream/adjacent contributing sources.

The Village Board of Trustees hired the engineering firm of Dvirka and Bartilucci to review the Applicant's Stormwater Management Study and Pollutant Loading Analysis for the

Preferred Alternative, as well as the Applicant's existing and proposed hydrology plans and the preliminary subdivision plans. In addition, the Village hired Dr. Paul Mankiewicz of the Gaia Institute to conduct a stormwater drainage study. The Village also commissioned Dvirka and Bartilucci to prepare the *Tarrytown Lakes Watershed Drainage Study Stormwater Management Plan*, which is a separate report that provides a management plan for the watershed. This stormwater management plan identifies structural solutions and/or best management practices (BMPs) that must be implemented as part of the proposed subdivision to mitigate and control the quality of the stormwater runoff entering the Upper Reservoir. The Applicant will prepare a final stormwater management program taking into account Dvirka and Bartilucci's as well as Dr. Paul Mankiewicz's recommendations as part of its subdivision application. This program will be included within the project's Stormwater Pollution Prevention Plan as required by NYSDEC Phase II Stormwater Regulations.

All runoff generated by new impervious areas on Parcel 3 (driveways, roofs, etc) will be infiltrated on each house lot into subsurface infiltrators. As a result no increased drainage is expected out of Parcel 3. In the southeast corner of Parcel 3, there is an existing depression that will be increased in size, which will serve as a water quality basin, and which will drain into the existing culvert under the former railroad right-of-way. An outlet control device will be installed at the inlet to the culvert on Parcel 3.

The drainage plan for the Preferred Alternative shows a water quality basin to the south of Parcel 3. The greater portion of this basin is located on the former railroad right of way. This basin will treat runoff from the adjoining Marymount property, and can be improved by excavation and the installation of an outlet control device. This improvement, which was recommended by the Village's drainage consultants, includes work within the railroad right-of-way, which is owned by the Village. The Applicant will install the outlet control device provided that permission to work within the railroad right-of-way is granted by the Village.

The existing water quality basin at the northeast corner of Parcel 3 treats runoff from the existing Warner Lane neighborhood. As recommended by the Village's drainage consultants, the developer will install an outlet control device to enhance the performance of this basin.

All runoff generated by new impervious surface areas will be infiltrated on each residential lot in an underground infiltration structure on the northwestern portion of Parcel 1. There will also be a water quality basin on Parcel 1; final drainage plans may require some on-site detention in that basin. Current Parcel 1 runoff will continue to drain overland to Parcel 2. The Applicant will construct a water quality basin on this parcel, which will also serve as a detention facility. The Applicant can potentially size this basin to accept County House Road runoff and some runoff from the Rockefeller property, provided that the Village can bring that runoff to the Parcel 1 basin.

F. Socioeconomics

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan,

which is the Preferred Alternative, will not have a significant adverse socioeconomic impact for the following reasons:

POPULATION

The Preferred Alternative will create 14 new homes and will expand the Village's population by between 51 and 61 persons. This represents an increase in Village population of less than 0.75 percent.

TAX REVENUES

As evaluated in the FEIS, based on an estimated \$39,760 per unit, the total taxes that are expected to be generated by 14 single-family homes is \$556,650 annually (in 2004 dollars, as reported in the DEIS). This includes payments to the Village, Town (including town, county and special district revenues) and the Tarrytown Union Free School District. The project will result in tax revenues in excess of the increased costs to the Village, Town, and School District that will be generated by the development.

G. Community Facilities and Services

The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Enhanced Park Plan, which is the Preferred Alternative, will not have a significant adverse impact on community facilities and services for the following reasons:

The 56 new Village residents that are expected to be generated by the development are not expected to have a significant adverse impact on recreation resources in the Village. The Preferred Alternative will enhance passive recreation opportunities in the Village via the creation of the 11.38 acre Village-owned Wilson Park. The Applicant will provide several improvements in connection with the park as follows:

- Convey a 1/3 acre lot south of the site to the Village for use as a parking area for the new public park. This lot will be conveyed upon subdivision/site plan approval for the Wilson Park subdivision. No improvements will be made to this lot prior to conveyance to the Village;
- Provide a trail easement along the northern site boundary to the extreme western corner of the property to enhance pedestrian connectivity and access to the park;
- Make drainage improvements to the existing soccer field to the south of the site and grade and seed the field to eliminate flooding; and
- Provide the Village with an option to create a 10-foot wide easement along the south side of Lot 14 to provide for pedestrian access.

Improvements to the park and soccer field must be made within six months of the start of construction of the homes at Wilson Park. In addition, 3.8± acres of open space area in the northwestern portion of the site will be offered for dedication to the Village of Tarrytown subject to the reservation of an easement by the Applicant for the construction and maintenance of drainage facilities. The entire portion of the project site east of the

hiking trail will be offered for dedication to the Village of Tarrytown subject to an easement for a water quality and detention basin.

The Preferred Alternative is not expected to result in significant adverse impacts on police protection services. The proposed residences are expected to generate a very limited numbers of calls for assistance.

It is expected that the Preferred Alternative will not significantly impact fire protection services within the Village. Each new residence will be equipped with a sprinkler system, pursuant to Local Law No. 3-1992.

The proposed 14 new residences will generate approximately 9 to 12 new school aged children. Based on year 2003/2004 school enrollment of 2,501 students, this is less than a 0.5 percent increase in the existing student population.

H. Other Issues

All the site improvements discussed in these Findings shall be constructed at the time of the installation of the site utilities, infrastructure and roadways and are to be completed prior to the issuance of the first building permit. Details regarding the transfer of responsibilities for maintenance and upkeep of site improvements and mitigation measures from the Applicant to the Homeowners' Association will be established at the time of subdivision approval.

The Applicant must provide for a landscaped delineation of public park/open space from private properties as part of site plan approval. Any walls or fencing between any private property and public parkland/open space proposed by future property owners will require approval of the Village's Architectural Review Board.

Unsafe and unkempt vegetation on lands to be dedicated and/or sold to the Village must be removed or pruned in accordance with the recommendations of the Village's landscape consultant prior to conveyance of such property to the Village. This includes ensuring that trail easements are safely passable and clear of debris.

The Tarrytown Lakes and its watershed (drainage basin) have been designated as a Critical Environmental Area (CEA) by both Tarrytown and Westchester County. To protect this CEA a covenant must be placed in each homeowner's deed, in the miscellaneous document of each property, and in the Homeowners' Association Declaration that prohibits the use of phosphate fertilizers. Only organic, non-phosphate fertilizers may be used.

GENERAL FINDINGS

Name of Action: Legends at Wilson Park

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the Environmental Impact Statement; and
3. Consistent with the social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Village of Tarrytown Planning Board

Name of Agency

<hr/> <p>Signature of Responsible Official</p>	<hr/> <p><u>Planning Board Chairman</u> Title of Responsible Official</p>
<hr/> <p>Stanley Friedlander Name of Responsible Official</p>	<hr/> <p><u>June 25, 2007</u> Date</p>

Tarrytown Village Hall, 21 Wildey Street, Tarrytown, NY 10591
Address of Agency

A Copy of this Notice is sent to:

Lead Agency

Village of Tarrytown Planning Board
21 Wildey Street, Tarrytown, New York 10591

Involved Agencies

Tarrytown Board of Trustees, Village of Tarrytown
21 Wildey Street, Tarrytown, New York 10591

Westchester County Planning Board
148 Martine Avenue, Room 432, White Plains, New York 10601

Dr. Joshua Lipsman, Westchester County Department of Health
145 Huguenot Street, 8th Floor, New Rochelle, New York 10801

New York State Department of Environmental Conservation, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1620

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau, Peebles Island, PO Box 189, Waterford, NY
12188-0189

Robert A. Dennison, Regional Director, New York State Department of Transportation,
Region 8
4 Burnett Boulevard, Poughkeepsie, New York 12603

Interested Agencies

Village of Tarrytown Zoning Board of Appeals, Village of Tarrytown
21 Wildey Street, Tarrytown, New York 10591

Village of Tarrytown Environmental Council
21 Wildey Street, Tarrytown, New York 10591

Mr. Lawrence Shopfer, Village Administrator, Village of Irvington
85 Main Street, Irvington, New York 10533

Mr. Dwight Douglas, Village Administrator, Village of Sleepy Hollow
28 Beekman Avenue, Sleepy Hollow, New York 10591

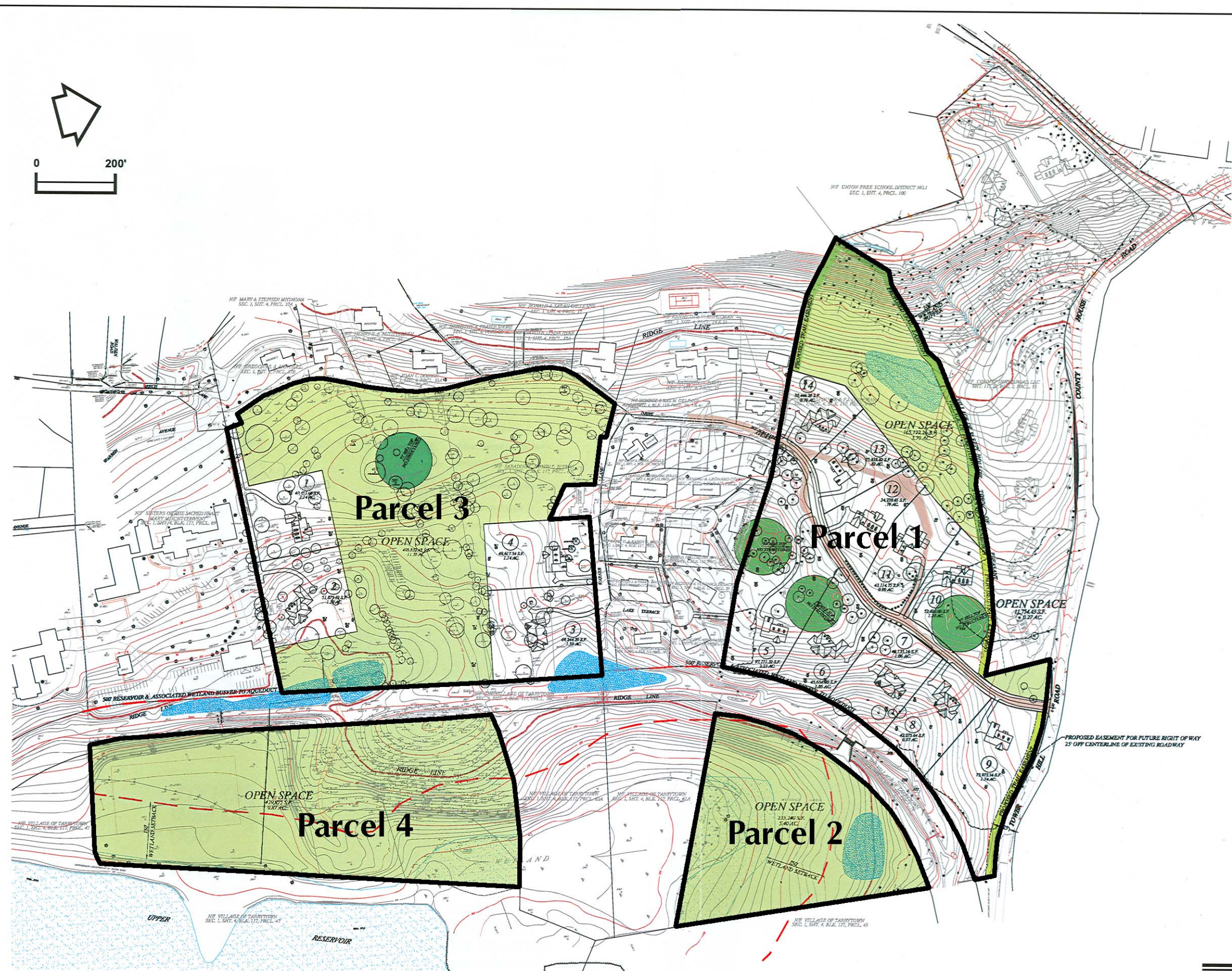
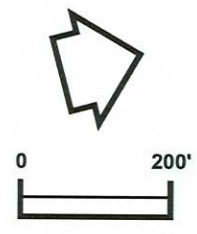
Mr. Mark Stellato, Commissioner of Planning, Greenburgh Planning Department
177 Hillside Avenue, White Plains, New York 10607

Mr. Robert Meehan, Supervisor, Town of Mt. Pleasant
One Town Hall Plaza, Valhalla, New York 10595

Dr. Howard Smith, Public Schools of the Tarrytowns
200 North Broadway, Sleepy Hollow, New York 10591

New York State Department of State, Division of Coastal Resources
41 State Street, 8th Floor, Albany, New York 12231-0001

Environmental Notice Bulletin
enb@gw.dec.state.ny.us



LEGEND











-  EXISTING CONTOUR
-  TREE LOCATION & TYPE
-  LARGE TREES
-  EXISTING 25%+ SLOPES
-  EXISTING WETLANDS
-  EXISTING ASPHALT PAVEMENT
-  RIDGE LINE
-  75' HILLTOP-NO STRUCTURE RESTRICTION
-  PROPOSED OPEN SPACE
-  PROPOSED TRAIL EASEMENT

Exhibit 2
ENHANCED PARK PLAN
LEGENDS AT WILSON PARK
 Tarrytown, New York