

BT HOLDINGS ANNEXATION, ZONE CHANGE AND RESIDENTIAL DEVELOPMENT

LEAD AGENCY SEQR FINDINGS STATEMENT

VILLAGE OF CHESTER VILLAGE BOARD  
VILLAGE OF CHESTER, ORANGE COUNTY, NEW YORK

ADOPTED

DECEMBER 12, 2011

LEAD AGENCY CONTACT PERSON

HON. PHILLIP VALASTRO, MAYOR

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## LEAD AGENCY WRITTEN SEQR FINDINGS STATEMENT

This document is a Findings Statement prepared in accordance with Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617 -- the State Environmental Quality Review Act (SEQRA). It represents the culmination of an environmental impact statement (EIS) process that has occurred over the last four years. The Village of Chester Village Board served as Lead Agency for this EIS process. The Lead Agency is primarily responsible for ensuring that the procedural requirements of SEQRA have been met and that the environmental impacts associated with the Proposed Action are identified, assessed and mitigated to the maximum extent practicable. The Lead Agency is further charged with balancing identified environmental impacts against social, economic and other considerations to determine whether or not the Proposed Action is one that avoids or minimizes adverse impacts to the maximum extent practicable by incorporating as conditions mitigation measures that have been identified as practicable.

### PROPOSED ACTION

BT Holdings Residential Development (“The Project”) comprises four total tax parcels and 68.4 acres in the Town and Village of Chester. The principle proposed Action is an annexation of 60.6 acres, owned by the Project Sponsor, into the Village of Chester from the Town of Chester. Annexation was principally proposed in order that the lands located in the Town can receive municipal water service from the Village of Chester and in recognition of the fact that with or without annexation, the primary impact of any development on the lands proposed to be annexed will occur within the jurisdictional bounds of the Village of Chester.

### PROJECT DESCRIPTION

In addition to the annexation as described above as a related Action, the Project Sponsor proposes the creation of a new Residential Multi-family Neighborhood (RM-N) zoning district for this land; the rezoning of three additional parcels currently within the Village to RM-N; a two-lot subdivision of the property; a separate two-lot subdivision of an adjacent property; and the construction of up to 336 market rate townhomes and up to 100 age-restricted units which will include at least 20% set aside as affordable units. The Project also proposes the construction of a clubhouse, pool, multiple gazebos, senior housing amenities, walking trails, 1,129 parking spaces, and associated stormwater management facilities. The project proposes connection to Village public water and sewer systems.

The residential development project that will be constructed is being proposed to address the need for quality market-rate townhouse dwellings and market-rate and affordable senior rental apartments in a location that is accessible to water and sewer services and has access to major transportation routes of the region.

The proposed main site access will originate at NYS Route 17M and feature a public, tree-lined boulevard built to Village specifications. In the short term, this boulevard will terminate in a roundabout large enough to accommodate large vehicle turnaround, with the intent that once land on the adjacent Nexans Property (Village S.B.L. 120-1-1) is secured by the Village, the road will be continued to connect with existing Princeton Street. The roundabout will be maintained even after said connection to insure traffic calming in proximity to the BT Holdings townhouse development. An emergency access will be provided from proposed Road 'D' on the eastern side of the project extending to Oakland Avenue. Pedestrian access to the adjacent Chester Mall will be provided from the vicinity of the proposed clubhouse to the rear of the Mall property.

Although the submitted plan is a conceptual site plan, the SEQRA review is not Generic; rather, the Project Sponsor has provided sufficient detail to conduct a thorough review of the impacts related to the project as a whole, including but not limited to: land use & zoning, demographics, fiscal implications, traffic, wetland impacts, community services, etc. The proposed plan represents the maximum amount of development anticipated by the Project Sponsor, and as such these Findings are applicable to the maximum impact scenario.

The project will also create a transition from highway commercial uses on the west side of the site to hamlet-style downtown and neighborhood development to the east and south of the site. At the time of site plan approval, when the project is fully engineered and more detailed information is available (e.g. full drainage report and SWPPP), adjustments to the currently proposed lot and building layout may be required in order to further minimize potential environmental impacts.

#### LOCATION AND ZONING DESIGNATION OF PROJECT SITE

The project site is located in both the Town and Village of Chester, Orange County, New York. The project site is on the east side of NYS Route 17M, north of NYS Route 94. The parcel located in the Town of Chester is zoned Suburban Residential (SR-6) and Local Business (LB). The portion of the project site located in the Village is zoned Residential- Single Family (RS) and Manufacturing (M2). The four parcels comprising the proposed project, including the 60.6 acre Town parcel proposed for annexation and the three parcels in the Village totaling 7.4 acres, are proposed to be zoned RM-N (Residential Multifamily-Neighborhood), a new zoning district to be adopted post-annexation.

#### SEQR DETERMINATION OF SIGNIFICANCE

After due consideration of a number of environmental factors, the Village of Chester Village Board, as Lead Agency, adopted a Positive Declaration by resolution pursuant to the provisions of the New York State Environmental Quality Review Act (SEQRA) on April 14, 2008.

## DEIS SUBMISSION AND ACCEPTANCE

A Draft Environmental Impact Statement (DEIS) was submitted by the applicant on October 22, 2009 for consideration. After due consideration of the document and its responsiveness to the Adopted Scoping Document, the Village Board deemed the document complete and ready for public review by resolution on November 9, 2009. Adequate Notice consistent with SEQRA was circulated to all Involved and Interested Agencies and copies of the document were made available to the public in the Village Clerk's office, the Chester Public Library and online.

## PUBLIC HEARING

A Public Hearing on SEQRA, and the Proposed Action, was noticed pursuant to all applicable laws, and held on January 7, 2010 at Chester Academy. Written comments were also accepted by the Village Clerk for a period of ten days following the hearing.

## FEIS SUBMISSION AND ACCEPTANCE

The Final EIS was submitted January 20, 2011 with a revision based on consultant and Village comments dated April 22, 2011. The Village Board and its consultants determined the document was ready to be filed, consistent with SEQRA, subject to inclusion of specific revisions on August 18, 2011. The document has been posted on the document preparer's website ([www.timmillerassociates.com](http://www.timmillerassociates.com)), and were made available in the Village Clerk's office and at the Chester Public Library. Due to a holiday weekend, the documents were made available for review and comment until September 21, 2011.

## SPECIFIC ENVIRONMENTAL EXISTING CONDITIONS, POTENTIAL IMPACTS, PROPOSED MITIGATIONS AND FINDINGS

The following presents the specific impacts, proposed mitigations and findings for the proposed actions. The Village of Chester shall require any development approvals for this site to be consistent with these Findings and to incorporate the mitigation measures identified below.

Such mitigation shall be performed to the satisfaction of the Planning Board and its consultants at such times as stated herein or as deemed appropriate by the Planning Board. The Planning Board will issue their own Findings as an Involved Agency under SEQRA and may include additional items, conditions or mitigation measures based on the SEQRA documents prepared and reviewed during the SEQRA process and their Site Plan review consistent with Village and other applicable laws.

Additional information and analysis on each topic below can be found in the associated section of the Environmental Impact Statement.

## **A. Soils and Topography**

Based on the Orange County Soil Survey, the project site is underlain primarily by Mardin Soils, including MdB, MdC, MdD and MNE classifications depending on slope. Four other soil types have been identified on the site which include Erie soils (ErB), Madalin soils (Ma), Alden soils (Ab), and Otisville and Hoosic (OVE) soils. Soils have been mapped in the DEIS.

Based upon a survey of existing conditions included in the plan set submitted for review, the project site is characterized by gentle sloping to level areas within the southern portion of the property and a large, broad hilltop in the northern portion of the site. Approximately 35 acres of the site contains slopes of 10% or less. Approximately 19 acres of the site contains slopes ranging from 10% to 15%. Approximately 14.3 acres of the site contains slopes which are over 15%. More than 80 percent of the project development will occur on slopes of less than 15 percent.

The highest point of the project site is in the northeastern corner of the property at just under 600 feet msl in elevation. Topography decreases moving south and west across the site with the lowest points in the wetland area and along Route 17M.

### **A.1. Soils and Topography Mitigation Measures**

- A final complete Stormwater Pollution Prevention Plan (SWPPP) will be prepared by the applicant which will provide temporary and long term stormwater management practices that meet or exceed the most up-to-date NYS DEC stormwater management design guidelines. Temporary mitigations will include silt fence installation at the toe of slopes below areas of to be graded, temporary sediment basins, curb inlet protections, a stabilized construction entrance, temporary check dams, dust control measures and other such elements as may be required for an acceptable SWPPP in conformance with Village and State standards. This plan will be finalized and signed off on by the Planning Board and/or the Village Engineer during the site plan review process.
- Approximately 45 acres of land will remain pervious (including open space, manicured lawn and stormwater basins) post-construction.
- Cuts and fills will be balanced across the site and no soil will be imported or exported from the site.
- Multiple retaining walls will be constructed on the site to reduce the overall need for grading. Final design of retaining walls will be subject to Planning Board and Village Engineer approval.
- All excavations shall be consistent with OSHA standards.

## **B. Surface Water Resources**

Under existing conditions, stormwater runs from high points of the site in the northeastern corner and flows to four discharge points.

According to the applicant's wetland delineation and the U.S. Army Corps of Engineers, the property contains 3.68 acres of Federal jurisdictional wetlands. The wetland starts at a spring in the eastern forested region of the site and expands westerly as it collects stormwater from the site's open fields. The wetland drains to the southwest into a culvert associated with the Chester Mall. The Jurisdictional Determination (JD) will expire five years from the date of issuance (see Appendix B of the adopted DEIS for JD letter) on October 12, 2012.

### **B.1 Surface Water Resources Findings and Mitigation Measures**

- A preliminary stormwater management report addressing both temporary and permanent mitigations has been prepared for the site and is appended to the EIS. The proposed Preliminary Stormwater Management Plan, has been designed to insure the proposed project will not result in an increase in peak rates of stormwater runoff from this site compared to existing conditions and to offset potential impacts from the increased impervious surface resulting from construction of the Public Road Scenic Alternative site plan. A final SWPPP consistent with the NYS DEC guidelines will be prepared during the site plan review process and approved by the Planning Board and/or the Village Engineer prior to Site Plan approval.
- Maintenance of the stormwater infrastructure will be the responsibility of a Homeowners Association. Easements for granting the HOA access to infrastructure on the senior housing lot will be provided in a form acceptable to the Village and Planning Board attorneys. Final details of the stormwater maintenance agreement will be provided in the SWPPP which will be approved by the Planning Board and/or Village Engineer prior to Site Plan approval.
- A SPDES Permit for disturbance will be required by the NYS DEC.
- The proposed layout minimizes wetland disturbance to the greatest amount practicable.
- The area of wetland disturbance will be less than or equal to one tenth acre, and is thus subject to a Nationwide Wetland Permit from US Army Corps of Engineers.
- Precautions will be taken during construction to minimize disruption, to the maximum extent practicable, and further minimize any possible contamination in the wetland area.
- The applicant will construct open bottom culverts where the proposed roadway crosses the onsite wetland. The design of this culvert will be approved by the U.S. ACOE and the Planning Board and/or the Village Engineer prior to Site Plan approval.

## **C. Wildlife and Vegetation Resources**

According to field surveys conducted on the site, the project site contains three ecological communities including Successional Old Field, Successional Northern Hardwood Forest and Shallow Emergent Marsh. A list of observed vegetation species has been provided in the DEIS. Correspondence with the NYS DEC shows no records of threatened or endangered plant or wildlife species were identified on or in the immediate vicinity of the project site. The site provides habitat for a number of common species.

### **C.1. Wildlife and Vegetation Resources Findings and Mitigation Measures**

- Limits of disturbance will be clearly marked in the field. Trees near working areas will be wrapped at the base to avoid accidental damage. If deemed necessary during site plan review, trees will be protected with tree wells in fill areas and retaining walls in cut areas.
- To protect potential Indiana bat habitats, trees will only be removed between October 1<sup>st</sup> and March 30<sup>th</sup>.
- Only native plants and those which can easily adapt to local climate conditions will be utilized in the site landscaping. A list of preferable plant species has been included on the Conceptual Landscaping and Lighting Plan (prepared by Barton Partners, Inc, last revised 7/11/11) appended to the FEIS. Final species choice and landscaping design will be approved by the Planning Board during site plan review.

## **D. Cultural Resources**

A Phase 1A and IB Cultural Resources Site Assessment was conducted on the project site in 2008. No prehistoric sites were identified within the project area. Two prehistoric sites were reported within 1 mile of the site. The presence of these reported sites indicates that the project site has the potential to contain prehistoric resources. Onsite shovel testing did not produce any prehistoric or historic cultural material. Two historic resources, both listed on the National Register for their architecture, have been identified within one mile of the project site but are not visible from the site.

The proposed project is located adjacent to the existing Talmadge Farm, which is considered important by the Chester community and may be considered in the future for inclusion on the National Register of Historic Places.

### **D.1. Cultural Resources Findings and Mitigation Measures**

- The proposed project will not negatively impact existing prehistoric or historic resources.
- The NYS Office of Parks Recreation and Historic Preservation has reviewed the project and opined (in a letter from Historic Sites Restoration Coordinator, Kenneth Markunas

dated September 22,2011) that the project will have no adverse impacts on properties listed or eligible for inclusion on the National Register of Historic Places.

- The removal of buildings on the ridgeline, creating a minimum of an 80 foot buffer between the proposed project and the Talmadge Farm property line, and providing a landscape buffer along the property line, the project will mitigate potential impacts to the Talmadge Farm.

## **E. Traffic and Transportation**

Project site is located on the east side of NYS Route 17M (aka Brookside Avenue) north of its intersection with Route 94. The project site also lies to the immediate east of NYS Route 17 north of the Exit 126 interchange. This roadway is currently in the process of being upgraded to Interstate specifications. A full traffic capacity and impact analysis was prepared for the project.

This study investigates the following intersections:

1. NYS Route 17M and West Avenue at the Chester Mall
2. NYS Route 94 and NYS Route 17M
3. NYS Route 17 & U.S. Route 6 northbound ramp and NYS Route 94
4. NYS Route 17 & U.S. Route 6 southbound ramp and NYS Route 94
5. NYS Route 17M and Main Street
6. NYS Route 17M and Ward Road
7. NYS Route 17M and Arcadia Road
8. High Street and Hambletonian Avenue

The results of this analysis indicate that all movements are currently operating at Level of Service D or better, which is considered acceptable by the NYSDOT

### **E.1. Traffic and Transportation Findings and Mitigation Measures**

- Traffic from the proposed development can be accommodated and does not result in a significant adverse impact on the local street network.
- In order to improve connectivity throughout the Village, a public main access road will be constructed to Village specifications from 17M leading into the site. This road will be a minimum of 30 feet wide and bicycle lanes will be provided on at least one side. This road will not be gated.
- This road will be offered for dedication to the Village and upon acceptance will be owned and maintained by the Village of Chester.
- The main access road will be designed with both left and right turn out lanes at its intersection with Route 17M.

- The project will be subject to a NYS DOT Highway Work Permit to access NYS Route 17M, and will be constructed in conformance with this permit. The Traffic Analysis indicates that Level of Service of D or better can be achieved at the proposed site access onto NYS Route 17M without signalization.
- A roundabout will be constructed at the end of the main access road during the first phase of construction. This will be adequate size to accommodate school buses and large trucks.
- When land on the adjacent tax property Village S.B.L. 120-1-1 is obtained by the Village, the main access road will be connected with Princeton Street. The roundabout will be retained even with this connection. The applicant will dedicate the necessary right of way to afford the Village the necessary access to the adjacent tax property 120-1-1. A grading plan for the Public Through Road connection to Village Tax parcel 120-1-1 shall be included with the final grading plans submitted during site plan review.
- All other project roads and parking access drives within the site will be privately owned and will be maintained by the HOA for the project. Such roads and drives will be a minimum of 26 feet in width, with the final width, layout and details of construction subject to site plan approval, pursuant to a review by the Planning Board, Fire Department and Village Engineer.
- Pedestrian connection will be provided from the project site, located in the vicinity of the clubhouse, to the rear of the Chester Mall in order to reduce vehicle trips from the site to this shopping center. Access easements will be provided so that residents of the senior housing may be able to fully utilize this accessway. This accessway will be maintained by the HOA for the site. Lighting and construction details of this connection will be determined by the Planning Board and/or the Village Engineer during site plan review.
- A gated emergency access road will be installed from proposed Road D on the eastern end of the site to Oakland Avenue. This road will be completed as part of Phase A of construction as shown on the proposed phasing plan (labeled as Figure 4 in the FEIS).
- Each townhouse unit will have at least one garage parking space. A minimum of 2.5 total parking spaces per townhouse unit will be provided.
- The senior development shall have 1.5 parking spaces per one bedroom unit and 2 parking spaces per two bedroom unit. A reduction of 0.25 can be taken for each certified affordable unit provided within the senior portion of the development.
- The Clubhouse shall have a minimum of 40 parking spaces. This lot shall also be utilized as an overflow lot for the senior portion of the development. Signage, crosswalks and easements shall be provided to the satisfaction of the Planning Board.
- The applicant and the Planning Board will investigate the potential for a shuttle, sponsored by the HOA or rental management company, from the project site to the Chester Mall and the potential for a bus pull off along the main access road to facilitate a public bus stop on the project site to reduce traffic from the site.

## **F. Land Use and Zoning**

### **Compatibility with Regional Plans**

The Orange County Comprehensive Plan (Strategies for Quality Communities, 2003) shows the Village of Chester, including the BT Holdings Project site designated as a Priority Growth Area on their Open Space Map. One of the goals of the County's Open Space Plan was to identify areas to be acquired and conserved as open space, balanced by areas specifically identified as Priority Growth Areas. The Open Space Plan acknowledged the continued need for residential development, identifying specific areas where growth should occur, thus allowing for the preservation of significant areas of existing open space, enabling this balance to remain feasible. The Plan recommends certain smart growth principles such as the concentration of housing in central locations with easy access to shopping, transportation and infrastructure, thus leaving the balance of the greater community for lower intensity development and open space.

### **Compatibility with Existing Zoning / Reasoning and Support for RM-N Zoning**

The Town property proposed for annexation which makes up the vast majority of the project site is zoned Town SR-6 (Suburban-Residential). The area of the project site was recommended in the Town's Comprehensive Plan for higher density residential development, including senior housing due to its access to water and sewer services and access to major transportation routes of the region.

If the project site is annexed into the Village, the property would need to be rezoned to a Village zoning district. As a related Action, as discussed herein, the property site is proposed to be designated RM-N (Residential Multifamily-Neighborhood), a new zoning district in the Village of Chester.

The existing Village RM allows for multifamily residential units while the proposed RM-N also allows for multifamily residential but seeks to create a "neighborhood", hence the designation RM-N. The objective is to create a neighborhood allowing for a variety of multiple housing types and sizes that could accommodate the needs of families plus senior households and young couples. The RM-N zone allows for multiple buildings to be constructed on a single lot with a minimum lot size of 5 acres for Townhouses thus allowing flexibility in the location of structures. Furthermore, the clustering of townhouses allows for the preservation of open space and sensitive environmental resources while still respecting minimum setback requirements from the exterior lot lines. Provision of sidewalks encourages interconnectivity among the residents and a cohesive design, while at the same time encouraging pedestrian activity.

## **Compatibility with Surrounding Land Uses**

The current use of the property is vacant land. Surrounding land uses include commercial, industrial, agricultural and residential. The BT Holdings project will provide a transition between the intensively developed commercial and retail uses of the Village and the lesser developed land uses to the north in the Town which are planned and zoned for less intense development.

## **Reasoning and Support for Annexation**

The primary purpose in proposing annexation is so that the project would be entitled to the Village's municipal services, specifically municipal water distribution, which cannot be provided by the Town. The annexation is also sought in recognition of the fact that with or without annexation, the primary impact of any development on the lands proposed to be annexed will occur within the jurisdictional bounds of the Village of Chester. It is intended that the project's residents become members of the Village and pay the applicable taxes due in return for receiving such municipal services. At the same time, the project as proposed provides a diversity of housing options for populations within the Village, Town and region that are underserved, specifically senior citizens, empty nesters and young couples just entering the housing market.

An annexation must be in the "overall public interest". In determining whether an annexation is in the overall public interest, the affected municipalities must assess the benefit or detriment to (1) the annexing municipality; (2) the territory proposed to be annexed; and (3) the remaining governmental unit from which the territory would be taken. An annexation is in the overall public interest if it can establish that that the annexation will result in a use of land that provides an important benefit to the area; that the use will be in character with the surrounding area; and that the annexing municipality currently provides, or is in a position to provide, superior services. For the following reasons, the annexation proposed here meets these standards and is in the overall public interest:

The annexation will permit a use that is in character with the surrounding area and one which integrates into the Village community:

The BT Holdings project, part of which is on property already located in the Village, will integrate into and function as part of the Village community via utility, pedestrian and street connections. Primary access to the property presently is from a street in the Village and will remain that way when developed. The BT Holdings project will provide a transition between the intensively developed areas of the Village and the lesser developed areas to the north in the Town which are planned and zoned for less intense development.

The annexation provides the Village with the means to address impacts of the development:

With or without annexation, the primary impact of any development on the lands proposed to be annexed will occur within the jurisdictional bounds of the Village of Chester. In particular, traffic from the project will largely utilize Village streets. Other Village services such as its police force etc. will also be utilized. With annexation, the project's residents become members of the Village and pay the applicable taxes due in return for receiving such municipal services. Without annexation, there is no vehicle for the Village to receive fiscal benefits to help offset these impacts since the Village would not receive any tax revenue. Further, without annexation there will be no meaningful role for the Village in the review and decision making part of the site approval process.

The Village will achieve maximum economic benefit through annexation:

As demonstrated in the DEIS and further expanded upon in the revised fiscal analysis accompanying the FEIS, tax revenues and net benefit to the Village, as well as all taxing jurisdictions, are maximized under the annexation alternative. All Village residents reside in the Chester Union-Free School District and pay the associated school taxes. The proposed development is projected to cover its own expenses to the school district, thereby mitigating any additional expense to those school district residents. Development of single-family housing, as described as a design alternative in the DEIS, would result in an increase in cost to the school district.

The project as proposed will also provide local Village businesses with a nearby source of customers, especially due to the project's close proximity to the Chester Mall, the Village of Chester's Historic Downtown, and the Chester's commercial thoroughfare along Route 17M.

Lands to be annexed adjoin significant parts of the Village:

Over 60% of the BT Holding's Town property border adjoins the Village. The entire northeastern and southeastern boundaries adjoin the Village and virtually all of the southwestern boundary adjoins the Village. Upon annexation, there will be a more regular boundary between the Town and the Village than presently exists.

The annexation will provide a needed municipal service for the development:

The Town has no municipal water to service the project; the Village does. A single-family detached development within the Town would require individual groundwater wells. The development of more than 49 individual wells would require a central water system based on NYS Health Department standards. The creation of a separate water system for the proposed development where an existing nearby municipal resource with potential available capacity and accessible infrastructure is readily available is inefficient and proceeding in such manner would not be good resource management or good stewardship of the groundwater resource.

The annexation permits the implementation of local land use policy:

This project was conceived and designed in accordance with smart growth planning concepts as reflected in the Villages existing land use pattern and its zoning and land use policy. Smart growth planning calls for higher density housing placed in central locations with easy access to shopping, transportation and infrastructure, thus leaving the balance of the greater community for lower intensity development and open space.

Based on the existing zoning designation of the town parcel and recommendation for the area in the Town Comprehensive Plan, the Town of Chester intended to permit a mix of housing types close to shopping and services. The housing types encouraged under this land use policy include, inter-alia, townhouses and multiple dwellings to serve specific housing need populations such as seniors, empty nesters and entry-level young professionals. The Village provides for the same housing types and need populations in its existing RM Zoning district and will further be permitted under the proposed RM-N zoning district. The BT Holdings Project is specifically designed to provide these housing types and to accommodate these need populations.

The proposed annexation will serve local populations in need of certain housing types:

The proposed annexation will permit a project to be constructed which serves the distinct housing needs of certain populations. Those housing need populations are seniors, empty nesters and entry-level young professionals. There is a region-wide acknowledged need to provide housing for these populations (based analysis in the Orange County Comprehensive Plan, 2003) and to do so in locations that are near shopping, services, infrastructure and transport.

The Town will benefit from annexation:

The Town will benefit from annexation because its stated land use policy, based on the adopted comprehensive plan, for the property will be implemented and it will be serving particular housing needs of its residents, including seniors, while also providing local Town businesses with a nearby source of customers. It will further benefit because residents of the development, will pay Town taxes and the density proposed will maximize the aggregate tax revenues and net benefit to the Town as well as to all taxing jurisdictions, as clearly demonstrated in the DEIS and further expanded upon in the revised fiscal analysis accompanying the FEIS.

Annexation will not be to the Town's detriment:

Municipal and government services to the property will remain unaffected and not result in any adverse impact to the Town. Nothing in the annexation alters the Chester Union-Free School District boundary. Nothing in the annexation alters the boundary or jurisdiction of the existing Chester Fire District. Nothing in the annexation alters the boundary or jurisdiction of the Town Garbage District. Nothing in the annexation alters the service area of the Chester Volunteer

Ambulance Corps. Nothing in the annexation alters the existing Town Sewer District boundary or the property's responsibility with respect to same. The annexation will relieve the Chester Town Police Department from the principal responsibility of providing police protection to the property. Upon annexation, the property will receive primary police service from the Village whose police station is approximately one mile closer to the property than the Town's.

#### F. 1. Land Use and Zoning Findings and Mitigation Measures

- The Village has assessed the potential overall public benefit related to annexation for both the land to be annexed and to the Village as a whole and established that the annexation will result in a use of land that provides an important benefit to the Village including compliance with local land use policy, the creation of a diversity of housing stock, and maximized projected tax revenues and fiscal benefit to the Village, Town and the subject property's special districts including the Chester Union Free School District and the Chester Fire Department.
- The project's impact on surrounding commercial, industrial or residential properties will be mitigated to the maximum extent practicable for a project of the size proposed. Setbacks and vegetative buffers will be implemented and new residents will likely benefit commercial establishments in the immediate vicinity of the site.
- The impact to the Talmadge Farm property will be mitigated to the maximum extent practicable for a project of the size proposed, with a vegetated buffer to separate these two uses and to mitigate potential land use conflicts. Landscaping will include both deciduous and evergreen trees. The final landscaping will be approved by the Planning Board during site plan review.
- The applicant shall install a fence along the Talmadge Farm property line, if such an improvement is deemed appropriate by the Planning Board.
- All property deeds and rental agreements will indicate the location of the adjacent farm property and state that there is the potential for dust, noise, and/or odors associated with traditional farming activities.
- Two separate two-lot subdivisions will be required for this project. Plans consistent with Village subdivision regulations will be submitted for Planning Board review subsequent to the Village Board's approval of annexation, zoning for the newly annexed land and the proposed re-zoning of existing Village land.
- The creation of a new zone known as Residential Multi-family Neighborhood (RM-N) will not result in significant negative impacts since permitted uses, densities and setbacks are consistent with those currently permitted in other parts of the Village; new housing is being proposed in close proximity to existing shops, services and major roadways; and senior housing will be made to conform to existing regulations for this use.
- The rezoning of Village tax parcels 107-3-4, 108-1-1 and 120-1-1 to new zoning designation RM-N will not have a significant negative environmental impact.

- Revised and additional definitions including “APARTMENT”, “DWELLING, MULTI-FAMILY” and “TOWNHOUSE” will be added to Section 98-3 of the Village Zoning Code in order to clearly define what is being permitted by both new and existing zoning.
- New zoning designation “RM-N, Residential Multi-family Neighborhood” will be added to the list of established zoning districts in Section 98-4 of the zoning code.
- Subsections ‘A’, ‘B’, ‘C’, ‘E’ and ‘F’ of Section 98-18 of the Village Zoning Code, Apartment Buildings and Townhouses, are proposed to be amended. These changes are intended to clarify the code and regulate the development of townhouse units for fire safety and to protect against potential impacts to community services. These modifications do not increase the density or amount of development which is currently permitted for townhouse developments.
- Subsections ‘A’, ‘F’ and ‘G’ of Section 98-23.1, Senior Citizen Housing Special Use Permit regulations are proposed to be revised as part of this Action. Modifications to Sections A and F are necessary to establish that senior housing would be permitted in the newly created RM-N district. Proposed amendments to Section G will increase the permitted number of apartment units per building from 24 to up to 50 within a senior housing development if specific criteria are met which stipulate no greater density is permitted, reduction in overall site grading and a reduction in visual impacts. The applicant acknowledges that the exact wording of Subsection G of the zoning has not yet been finalized. The project will fully comply with Section 98-23.1 of the Village’s zoning code as amended by the Village Board.
- Proposed zoning amendments will be referred to the Village Planning Board consistent with Village Law prior to adoption.
- The RM-N zoning shall stipulate a maximum of 62% of the units within the Townhouse development may contain 3 bedrooms in order to mitigate potential impacts to community services. As per the existing zoning code, a den is considered a bedroom.
- The reduction of approximately 2.7 acres of town land zoned Local Business along NYS Route 17M will not cause a adverse significant impact.
- The two-lot subdivision of Village tax parcel 120-1-1 (a.k.a Nexans), so that a 3.87 acre unimproved portion of the lot can become a part of the project site and rezoned to RM-N will not have any negative environmental impacts because the proposed use is less intense and more consistent with the surrounding neighborhood than an industrial use which is currently permitted. The remaining portion of tax lot 120-1-1 which is currently developed with an industrial use will not be modified in any way and will remain consistent with M-2 zoning.

## **G. Noise**

Given the fact that the property is currently vacant, minimal noise is currently generated by the Project site. Noises currently detected on the site are from surrounding land uses and cars traveling on surrounding roadways.

### **G.1. Noise Findings and Mitigation Measures**

- Construction will be limited to Monday through Saturday from 7 am to 7 pm. No construction shall take place on Sundays or holidays.
- All equipment will be kept in good working order and operated efficiently to minimize noise.
- NYS Environmental Conservation Law prohibits heavy duty vehicles, including diesel trucks, from idling for more than five minutes at a time.
- Noise created by site development will be consistent with noise generally associated with residential uses. No further mitigations are required other than adherence to Village noise laws.

## **H. Economic and Demographic**

In 2007 the U.S. census estimated the Village of Chester population at 3,575. As per the 2000 census the Village contained 1,455 total housing units, over 95% of which were single family dwellings. This project consists of a combination of single-family attached, for-sale townhomes and age-restricted multifamily rental units.

The total assessed value of the project site as it currently exists is \$331,600, of which \$28,600 is assessed on the two small Village parcels and \$303,000 is assessed on the larger Town parcel. The assessed value of the project site is based on its present land use status as vacant land. The property currently (2009) generates \$17,765.26 for its taxing jurisdictions.

A full fiscal impact analysis, including a calculation of costs to the project site's various taxing jurisdictions was done as part of the EIS.

### **H.1. Economic and Demographic Findings and Mitigation Measures**

- The proposed development will increase the tax revenue to the Village of Chester and the project's other taxing jurisdictions
- The proposed project is projected, based on widely accepted planning sources, to increase the Village's population by 1,036 persons, including 99 school age children.

- The number of 3-bedroom Townhouse units will be limited to a maximum of 62% of the townhouse community, equating to less than 50% of the overall proposed project including seniors
- Affordable Senior Housing will benefit the local senior population. At least 20% of the units within the senior development will be certified affordable for the life of the project. Occupancy requirements, rental amounts and rent increases will be determined by U.S. Department of Housing and Urban Development policy. The Planning Board will determine the appropriate local oversight agency.

## **I. Community Services**

The project site is served by the Village of Chester Police Department, the Chester Fire Department and the Chester Volunteer Ambulance Corps. The project is located within the Chester Union Free School District. Solid Waste is collected by Interstate Waste Service via a contract with the Town. Four parks are maintained by the Town.

### **I.1. Community Services Findings and Mitigation Measures**

- A minimum of three outdoor play areas will be maintained on the townhouse portion of the project site as well as a walking trail system as shown on the Conceptual Site Plan. A clubhouse with an additional outdoor play area, picnic area and pool will be constructed to reduce impacts to local recreation amenities. Final details of these amenities will be determined by the Planning Board during site plan review.
- The senior portion of the development will be consistent with all recreational and social amenity requirements of Section 98-23.1 of the Village's zoning code. Both indoor and outdoor amenities will be provided on the senior lot. Final details of these amenities will be determined by the Planning Board during site plan review.
- A gated emergency access will be provided via Oakland Avenue and maintained at least until a through road connection to Princeton Street is completed. This will be constructed during Phase A of construction as shown on the proposed phasing plan (labeled as Figure 4 in the FEIS).
- Construction will be consistent with all relevant NYS building and fire codes.
- The roundabout created at the end of the public through road will be adequate to accommodate school buses and emergency vehicles.
- The Fire Department will be given the opportunity to review and provide input on plans during site plan review.
- The age restriction on the proposed rental units and a 62% limit on the number of three bedroom units within the townhouse portion of the development will reduce the overall number of school children generated by the site and mitigate potential impacts to the school system. The projected number of school children to be generated by the site is 99.

- No children under the age of 18 will be permitted to reside in the age restricted units. This will be controlled on the site by the rental association.
- Increases in tax revenue resulting from the project will mitigate impacts on community services. It is projected that tax revenue will exceed additional costs of the development to community services.
- As mitigation for the additional residents generated in the Town and Village that will utilize local parks and recreation services, the applicant will pay the appropriate per unit parkland fees as required to the Village.
- Each townhouse unit will pay its required fee for solid waste collection. The owner of the senior rental buildings will pay the waste collection fee for the senior development.
- No negative impacts are anticipated to solid waste collection.

## **J. Utility Services**

### *Wastewater services*

The project site lies within the Town of Chester Consolidated Sewer District and is entitled to service as part of this district. All sewer effluent collected from the site would be transmitted to the Harriman Sewer Treatment Plant. The Village currently exceeds its capacity allocation (347,000 gallons per day set by the County) to this plant. Based on the most recently available sewer usage report, the Town has a total sewer capacity allocation of 410,000 gallons per day and currently has capacity available to meet the projected needs of the project. The Moodna Basin Commission operates and maintains the sewer infrastructure within the sewer district and within the Village. An eight-inch sewer main is currently located in Route 17M along the project's street frontage which the project proposes to tie into.

### *Water Supply*

The project proposes to utilize Village public water at the project site. The Village of Chester public water supply system is operated by the Village's Water Department. The water sources include a surface water supply at Walton Lake in Monroe and a second groundwater source at the Black Meadow well-field. The total Village water supply is 1.1 million gallons per day. A conservative, dry year, estimate of Village's current water usage is approximately 528,000 gallons per day. There is an existing watermain in Route 17M and another main in Oakland Avenue which are proposed to serve the project. The existing condition of these watermains are currently unknown although it is anticipated an upgrade may be required for service to the project. There is an existing 399,000 gallon water storage tank located on Princeton Street into which the applicant proposes to connect. If the proposed annexation is approved, the project will utilize the Village's municipal water supply and, in turn, to become a full tax paying member of

the Village to properly compensate the Village for services which will be utilized based upon the project's location.

The maximum projected water usage requirement for the BT Holdings project is 137,676 gpd.

Projects pending before the Village of Chester which would utilize a portion of the available water capacity are estimated to require approximately 80,570 gallons per day (gpd).

An analysis of vacant parcels located within the Village that may be developed in the future and would be entitled to water usage was prepared as part of the EIS. Based upon this analysis it was projected that 116,750 gpd could be reserved for the future use of vacant lands.

As a result of these analyses, the total demand on the Village's water system is as follows:

528,000 gpd - Current usage (dry years)
80,570 gpd - Pending projects
116,750 gpd - Vacant Village parcel potential usage
<u>137,676 gpd - BT Holdings project usage</u>
862,996 gpd – TOTAL

Ultimately, even including potential development of pending projects and all vacant Village land parcels, which represents absolutely full build-out of the Village, and utilizing a peak (dry) year's water usage as a base, less than 80% of the existing water supply is utilized, leaving more than a 20% margin of unutilized and unallocated water supply as a Village reserve.

### *Energy Resources*

Electric and gas service is provided to Town and Village residents by Orange and Rockland Utilities. Infrastructure exists in the vicinity of the site for hook up.

### J.1 Utility Services Findings and Mitigation Measures

- If other projects within the sewer district come online prior to the proposed project which utilize the Town's capacity, or if additional capacity beyond what is available from the Town is otherwise necessary but not available for any reason, construction of units beyond available sewer capacity would be prohibited until adequate sewer service becomes available.
- Sufficient water is available to meet the projected needs of the Village (as described above) and the proposed project based on the peak, dry year analysis completed in the FEIS.

- No Village water will be utilized for irrigation purposes.
- A sustainable system whereby stormwater is harvested from detention ponds and redistributed for irrigation purposes has been proposed to reduce overall water consumption on the site. This system will be required to meet NYS DEC standards. The details of this system will be finalized by the Planning Board during site plan review.
- If improvements to existing connecting water mains are required as a direct result of the project to meet Orange County Health Department standards, the applicant will be responsible for these upgrades during the construction phase of the project.
- The final piping, valve and meter configuration of the water system will be approved by the Village Engineer and Water Superintendent prior to Final Site Plan Approval.
- On-site utility infrastructure will be owned and maintained by the property owner or Homeowners Association.
- The applicant will make a \$250,000 contribution to the Village's Water District which will mitigate potential off-site impacts including reductions in system pressure.
- No negative impacts are anticipated with respect to electric or gas services and no mitigations are required.

## **K. Visual Resources**

Currently the project site is vacant with both grassy and forested areas. The site is not located within the Town's Ridge Preservation Overlay District but is located directly adjacent to this area and contains land over 600 feet msl. This site is visible from Route 17M and NYS Route 17 and partially visible from adjacent residential areas to the east and south of the site. The Chester Mall blocks views of the site from Route 17M coming from the southeast.

### **K.1. Visual Resources Findings and Mitigation Measures**

- A Visual Assessment was conducted to determine the potential visual impact of the proposed project. Removal of four buildings in favor of open space on the highest elevation of site, adjacent to the ridgeline, will reduce negative impacts related to the visual appearance of the project from public views. This area is labeled as the "scenic area" on the applicant's conceptual site plan. A significant landscaping buffer including a tree line to be planted along the ridge line, will serve to not only lessen any impact of the project
- A minimum of an 80 foot buffer will exist between the proposed project and the Talmadge Farm property line.
- At the discretion of the Planning Board, the Scenic Area may be improved by the developer with walking trails, sitting areas or other amenities. This will be determined during site plan review.

- Implementation of earth tone colors and stone or brick features on building facades, non-reflective glass and the use of architectural articulation will mitigate visual impacts of buildings.
- Vegetative buffers will be implemented to reduce the visual impacts to adjacent properties. This will include both deciduous and evergreen trees as shown on the Conceptual Landscaping and Lighting Plan (prepared by Barton Partners, Inc, last revised 7/11/11) appended to the FEIS. Landscaping plans will be finalized during site plan review.
- Visual impacts have been mitigated to the greatest extent practicable for a project of this size.

## **L. No-Annexation Alternative**

A number of alternatives were addressed during the course of environmental review and are included in the DEIS. The underlying basis of the proposed action is Annexation, thus the impacts of development with No-Annexation and no zone change are relevant to the Findings on the proposed project.

### *Single-Family Home Alternative*

The majority of the subject site is located within the Town's SR-6 zoning which allows for fee simple, single family detached dwellings as of right. Based on the permitted density, approximately 120 single family dwellings could be constructed. This would require the construction of a community well system but could potentially connect to the Town's public sewer system. A full environmental analysis of this alternative was completed as part of the EIS.

#### **L.1. Single Family Home Alternative Findings and Mitigation Measures**

- Development of the property as a detached single-family residential project with no annexation into the Village would result in fewer total units to be constructed and therefore a reduced overall population of approximately 431 total additional residents would be projected as compared to 1,036 under the project sponsor's proposed plan.
- A higher number school aged children (121 compared to 99) would be anticipated under this alternative based on the likelihood of single family detached homes to have a greater number of bedrooms and to typically generate higher numbers of school aged children per unit. Additional school children would increase costs to the school district.
- There would be an increase in disturbance to soils, topography and onsite vegetation under the Single Family Alternative.
- This alternative would generate less traffic and sewer effluent and utilize less energy and water due to the reduced overall number of projected residents.

- No changes to existing zoning text would be required under this alternative, but impacts on land use would likely be similar under this alternative.
- Overall tax revenue would be reduced under the single family alternative as per the analysis below. Table 1 shows the fiscal impact on the project's various taxing jurisdictions from the Public Road Scenic Alternative. Table 2 shows the fiscal impact from the Single Family Alternative.

<b>Table 1</b>			
<b>Summary of Revenue and Cost Analysis for Chester BT Holdings - Public Road Scenic Alternative</b>			
<b>Jurisdiction</b>	<b>Tax Revenue</b>	<b>Service Cost</b>	<b>Net Benefit</b>
Village of Chester	\$531,596	\$226,884	\$304,712
Town of Chester*	\$204,084	\$151,256	\$52,828
Chester UFSD	\$1,464,492	\$1,308,766	\$155,725
Chester Fire District	\$61,422	\$45,584	\$15,838
<b>TOTAL</b>	<b>\$2,261,594</b>	<b>\$1,732,490</b>	<b>\$529,103</b>
* Town General Fund alone. Does not include any Part Town or Highway Tax. Source: TMA 2010			

<b>Table 2 Summary of Revenue and Cost Analysis for Chester Single Family Housing (SFH) Alternative</b>			
<b>Jurisdiction</b>	<b>Tax Revenue</b>	<b>Service Cost</b>	<b>Net Benefit / (Deficit)</b>
Village of Chester	\$28,800	\$7,665	\$21,135
Town of Chester*	\$217,351	\$201,168	\$16,183
<i>Town General Fund (alone)</i>	<i>\$135,443</i>	<i>\$119,260</i>	<i>\$16,183</i>
Chester UFSD	\$971,927	\$1,599,620	(\$627,693)
Chester Fire District	\$40,763	\$18,964	\$21,799
<b>TOTAL</b>	<b>\$1,258,841</b>	<b>\$1,827,417</b>	<b>(\$568,576)</b>
* Includes Part Town and Highway Tax. Source: TMA 2010			

Under the Single Family Alternative, tax revenue generated to the Village would only be generated by the portions of the site which currently exist within the Village. After covering the anticipated municipal cost to the Village of \$7,665, an annual net benefit in the amount of \$21,135 would be projected to the Village as a result of the Single Family Alternative. That \$21,135 is \$284K less than the \$304,712 projected tax benefit to the Village under the proposed Public Scenic Road Alternative.

After covering the anticipated municipal cost to the Town of \$201,168, a net benefit in the amount of \$16,183 would be projected to the Town as a result of the Single Family Alternative. That is nearly \$37K less than the \$52,828 net benefit to the Town under the proposed Public Scenic Road Alternative. Note that the Town revenue figure under the SFH alternative includes nearly \$82K in Part Town and Highway taxes combined.

#### CERTIFICATION OF APPROVAL OF FINDINGS

Having considered the Draft and Final Environmental Impact Statements, public comments made during and following the public hearing, comments from the Village's consultants and all documents and plans submitted by the project sponsor and representatives thereof and having considered the preceding written facts and specific findings relied upon to meet the requirements of 6 NYCRR Part 617, this Statement of Findings certifies that:

The requirements of 6 NYCRR Part 617 have been met;

The Village of Chester Village Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations;

Consistent with social, economic and other essential considerations, to the maximum extent practicable for a project of the size proposed, adverse environmental impacts revealed during the

SEQR process will be minimized or avoided by incorporating as conditions to the decision on annexation, adoption of zoning text and map amendments and approval of the conceptual site plan, special permit and subdivision, those mitigative measures that were identified herein;

A copy of the Statement of Findings shall be forwarded to and maintained by the Village of Chester Clerk so that they are readily accessible to the public and made available upon request. These Findings will also be available on the following website:

Certified by the Village of Chester Village Board by Resolution on \_\_\_\_\_.