

**GRANDVIEW ESTATES SUBDIVISION
FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)**

TOWN OF WAWAYANDA, ORANGE COUNTY, NEW YORK

Tax Map Identification:

Section 24, Block 1, Lots 32.1, 32.2, 32.3, 53.12
Section 26, Block 1, Lot 1.21

Lead Agency: Town of Wawayanda Planning Board
c/o Wawayanda Town Hall
P.O. Box 296
Slate Hill, NY 10973

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Newburgh, NY 12550
(888) 294-4815

Lead Agency Acceptance Date: July 11, 2007

April 25, 2007

GRANDVIEW ESTATES SUBDIVISION
Final Environmental Impact Statement (FEIS)

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1.0 EXECUTIVE SUMMARY

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617. The FEIS provides responses to public comments received by the lead agency on the Draft Environmental Impact Statement (DEIS). The lead agency for this action pursuant to SEQRA is the Town of Wawayanda Planning Board, to which the application described below has been made. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of this FEIS.

The FEIS consists of this Volume I and its appendices, accompanying maps, and referenced technical data and the accepted Grandview Estates DEIS, which is hereby incorporated by reference into this FEIS.

1.1 SEQRA Process

The Applicant, Grandview Estates, LLC, prepared a Draft Environmental Impact Statement (DEIS) in response to a Positive Declaration adopted by the Town of Wawayanda Planning Board on October 8, 2003. The DEIS scope was established by a scoping outline developed by the Planning Board, acting as lead agency, in cooperation with all other involved agencies and interested parties. The Town of Wawayanda Planning Board adopted a Final Scoping Document for the DEIS on December 17, 2004.

The DEIS and revisions to it were submitted to the Town of Wawayanda on August 11, 2004, January 19, 2005, and January 13, 2006. The lead agency reviewed the DEIS for adequacy with respect to the document's scope and content for the purpose of public review. The Planning Board issued a Notice of Completion of the DEIS and a Notice of SEQRA Hearing on March 8, 2006. The lead agency held a public hearing on the DEIS and preliminary subdivision plan on April 12, 2006, at which time the hearing was closed. The lead agency received written comments during the public comment period, which extended for an additional ten days following the close of the public hearing.

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant public and agency comments on the DEIS received by the lead agency during the public review period, including oral testimony made at the public hearing. The public hearing transcript is included in Appendix C of this document; copies of comment letters are included as Appendix B. Additional technical studies and analyses requested are in Appendix D, and correspondence received during SEQRA review is included as Appendix A.

1.2 Summary of Proposed Action

The applicant, Grandview Estates, LLC, is seeking subdivision approval of a cluster subdivision that would allow the construction of 34 single family detached residences and preservation of an existing horse farm on a 101.95-acre parcel of land located on the east side of Breeze Hill Road in the Town of Wawayanda, Orange County, New York. The project site is identified on the Town of Wawayanda tax maps as parcels (Section-Block-Lot): 24-1-32.1, 24-1-32.2, 24-1-32.3, 24-1-53.12, and 26-1-1.21.

The project site lies in the southeasterly section of the Town of Wawayanda east of Lower Road (County Road 12) and west of the black dirt region of the Town that adjoins the Wallkill River. The project site has been used as a breeding farm for thoroughbred horses.

The project site is zoned "AB", Agricultural Business. Properties immediately abutting the site located generally north and west of the property are in the same zoning district. Property generally south and east are zoned "AP", Agricultural Preservation - this zone encompasses black dirt areas of the Town. Land use in the immediate project vicinity include a combination of agriculture and single-family residential uses. Residential density within the project vicinity is generally consistent with densities permitted within areas zoned AB, i.e., single-family dwellings on 2-acre lots. Residential density is notably higher within Breeze Hill Estates, a nearby single-family detached subdivision where residences are situated on one acre lots.

The Grandview Estates subdivision proposes the construction of 34 lots, 33 of which would gain access via a new subdivision road that would intersect with Breeze Hill Road. The road would be approximately 2,900 feet in length and would terminate at a permanent cul-de-sac. The road would not be extended as on-site wetlands restrict continuation of the road. Lot 34 would be developed with a single-family residence with direct access to Breeze Hill Road via an existing driveway associated with the horse farm. Access to the horse farm would be via the same shared driveway. In order to provide an additional entry to the subdivision for emergency access purposes, the existing driveway serving the horse farm would be extended to intersect with the proposed subdivision road in one location: between Lots 22 and 23.

A dry hydrant is proposed to be constructed in the vicinity of the emergency access road and would connect to an existing farm pond. The applicant's engineer has met with the Slate Hill Fire District's Fire Chief and has made additional improvements based on the comments received. The subdivision road would meet all street specification requirements of the Town of Wawayanda and would be offered for dedication to the Town.

Residences in Grandview Estates would be served by a community water supply system and individual subsurface sanitary disposal systems. Existing Town public water and sewer service are not available in the project vicinity. The water distribution system will consist of two production wells, connected to two steel underground water storage tanks, hydropneumatic pumping, disinfection facilities and piping to supply the individual dwellings, and proposed on-site fire hydrant system. The required water storage tank volume would be for domestic average daily flow. The costs associated with the operation of the system are provided in Appendix F of the DEIS. The project will include construction of all necessary infrastructure associated with proper stormwater management, including catch basins, stormwater collection lines and stormwater basins.

The Applicant proposes to construct market rate single-family detached dwellings consistent with current market conditions and housing demand. The proposed four-bedroom dwellings would be colonial style and would average approximately 3,500 square feet of gross floor area. The average market value for Grandview Estates residences would be \$600,000. The applicant estimates that the project would introduce 113 new residents. Of this total, 31 would be schoolage children that would attend the Minisink Valley Central School District.

Approximately 51.95 acres of the site, including the main portion of the horse farm, would be preserved. This area would be deed restricted to prohibit future subdivision. A conservation easement would be established to control uses within the open space area. The Town's draft

conservation easement language is included in Appendix D of this FEIS. Prior to final subdivision approval, the language would be revised, as necessary, based on Planning Board and Town Board discussions.

1.3 Revised Project Layout

Since the submission of the preliminary subdivision plan that was circulated with the accepted DEIS, several revisions have been made to the cluster subdivision plan based on discussions with the Planning Board, agencies, its consultants, and agency reviews. Figure 1-1 illustrates the revised cluster subdivision plan; a full scale plan set will be submitted to the Planning Board separately. Notable changes are as follows:

- Based on discussions with the Slate Hill Fire District Fire Chief, the fire emergency access loop driveway has been revised to eliminate the portion of the emergency driveway that would connect to the cul-de-sac between Lots 18 and 19. An existing small internal loop would be extended toward an on-site pond so that the dry hydrant can be placed within 20 feet of the loop road, and the fire trucks can pass through the loop while filling up. The dry hydrant will be sized as a 6-inch pipe.
- A proposed walking trail, which had been located to the rear of the lots, has been eliminated. Instead, a sidewalk will be provided on one side of the proposed cul-de-sac road.
- The Planning Board has indicated a preference that street lights not be installed in order to preserve the night sky.
- All lots have been provided within a minimum lot frontage of 50 feet.
- A small area of pavement connecting the driveways on Lots 17 and 18 has been provided for fire access purposes. This pull off area is halfway up the driveway, and will be 20 feet in width as per the Fire Chief's comments.
- A proposed fire hydrant system has been eliminated. As a result, the required size of on-site water storage tanks will be reduced to provide storage for domestic water consumption only.

1.4 FEIS Format

The transcript of the DEIS public hearing is included as Appendix C. Verbal substantive comments were made by the following individuals at the DEIS public hearing:

The following letters on the DEIS have been received (see Appendix B):

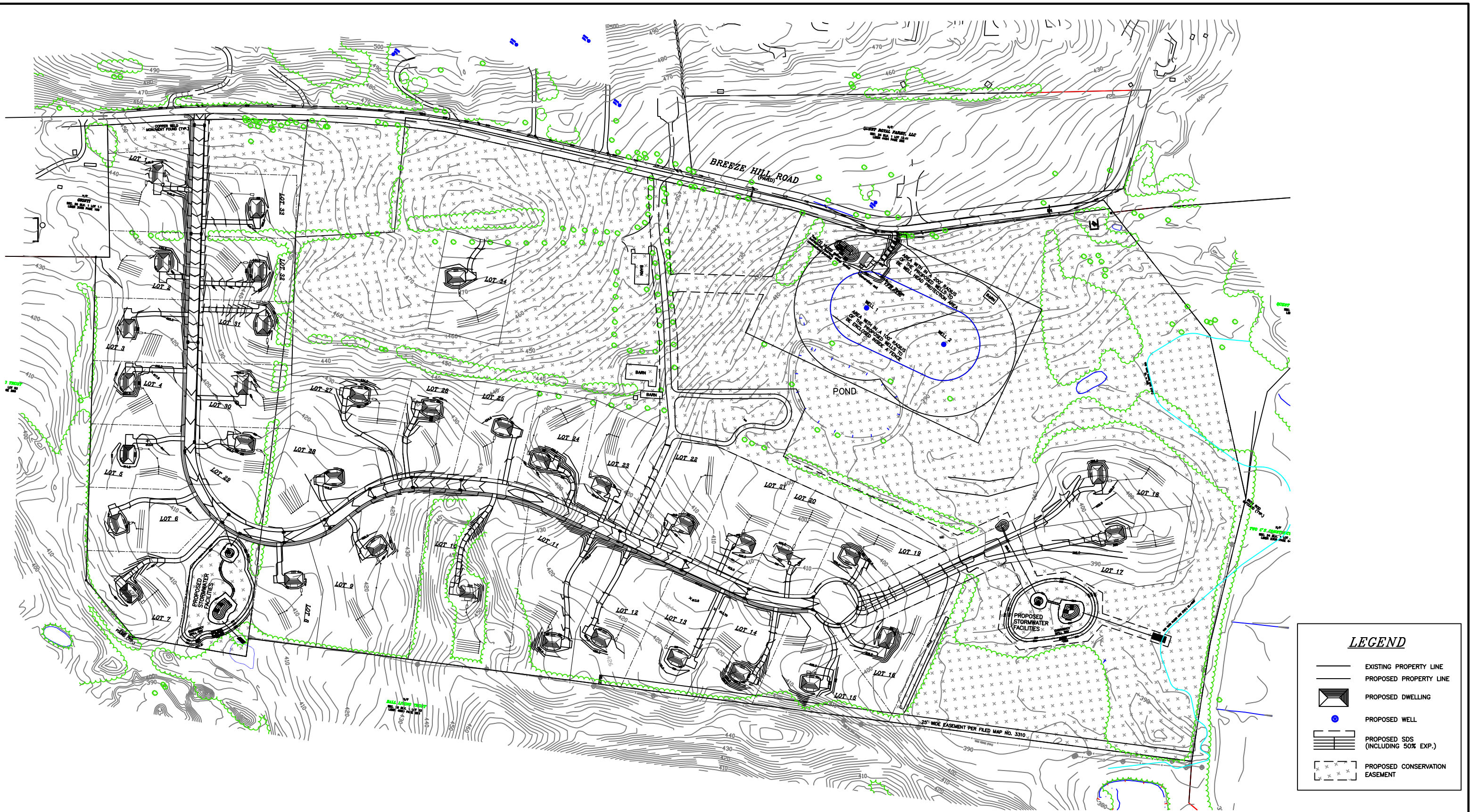
Letter #	Author	Date
1	Barbara Parsons, Member Wawayanda Planning Board	1-13-06
2	Wawayanda Volunteer Fire Department	4-1-06
3	Patrick Hines, P.E. McGoey, Hauser and Edsall, Town Consulting Engineers	4-5-06
4	David Church, Commissioner, Orange County Department of Planning	4-26-06
5	Stuart Turner, FAICP, Stuart Turner & Associates, Inc.	6-9-06
6	Doug Mackey, Historic Preservation Program Analyst, NYS OPRHP	7-19-06

The FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. The sources of each comment are referenced. The format of the comments and responses is as follows:

Comment # (Source): Comment summary text.

Response #: Response text.

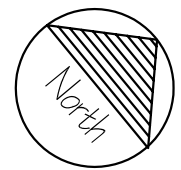
Substantive and relevant comments taken from the letters and hearing transcript are marked with references to the FEIS comment/response numbers in the margins of Appendix B and C, respectively.



LEGEND

	EXISTING PROPERTY LINE
	PROPOSED PROPERTY LINE
	PROPOSED DWELLING
	PROPOSED WELL
	PROPOSED SDS (INCLUDING 50% EXP.)
	PROPOSED CONSERVATION EASEMENT

Figure 1: Subdivision Plan
 Grandview Estates
 Town of Wawayanda, Orange County, New York
 Source: Pietrzak & Pfau Engineering and Surveying, September 19, 2006
 Scale: 1 inch = 250 feet



File: 03147 09/27/06
 JS031477

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006):

The subdivision regulations require landscaping at entrances, public areas and along streets. The DEIS (pages 1-9) indicates that lists of appropriate species will be provided to homeowners. However, the applicant should be required to install the street trees and landscaping at entrances...it is important that a variety be provided to avoid potential loss of street trees to disease among one species.

Response 2-1: The list of appropriate species that will be provided to homeowners refers to the list of tree and shrub specimens that would be planted on the individual lots. It will be the applicant's responsibility to install all street trees and entrance plantings. The proposed plantings are shown on the Landscaping Plan, Drawing 12 of 14 of the full-scale subdivision plan. Should the Planning Board determine that Norway Spruce is a more acceptable planting material compared with white pine, the applicant will revise the proposed landscaping plan as a condition of, or prior to, preliminary subdivision plan approval, at the direction of the Planning Board.

Comment 2-2 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006):

On page 3.12-11, Section 3.12.2 - Overview, there is a statement that the homes will be served by individual wells. It was my understanding that a central water system is intended. This is reflected in the subdivision maps. This should be clarified.

Response 2-2: The proposed subdivision will be served by a central water supply system, not individual wells.

3.0 SOILS AND TOPOGRAPHY COMMENTS AND RESPONSES

Comment 3-1 (Patrick Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C., letter dated April 5, 2006): While it is noted that blasting is not anticipated on the subdivision, additional requirement for submission of a blasting plan and appropriate insurance and bonding to the Town Building Inspector prior to any blasting occurring on the site.

Response 3-1: Comment noted. The Findings Statement shall indicate that a blasting plan, and appropriate insurance and bonding will be required if it is determined that blasting is required. However, it is noted that it is not anticipated that blasting would be required for this subdivision.

4.0 SURFACE WATER RESOURCES COMMENTS AND RESPONSES

Comment 4-1 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): The DEIS identifies the subdivision plan to have been developed in accordance with SPDES permit GP-93-06 in multiple locations. Please revise and verify adherence to the SPDES General Permit for Stormwater Discharges from Construction Activities GP-02-01.

Response 4-1: The subdivision plan has been designed to conform to the SPDES General Permit for Stormwater Discharges from Construction Activities GP-02-01.

Comment 4-2 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): The applicant may wish to update the construction commencement timeline from 2005 as stated in Section 2.2.2, subsection Construction Phasing.

Response 4-2: The sentence is revised to read as follows: "Construction of the proposed subdivision would commence after all approvals and permits are secured from the various agencies listed in Section 2.4 of the DEIS except that construction may commence prior to the completion of the Phase III archaeological investigation to be performed on Lot 8. At the earliest, construction would commence in 2008. Depending upon market absorption, full occupancy could occur within 1-2 years of groundbreaking."

Comment 4-3 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): Long term maintenance of the stormwater management facility would be the responsibility of the Town of Wawayanda. It is assumed that a drainage district would be established for the operation and maintenance of the stormwater management facilities. Fiscal analysis for the formation of the drainage district, as well as long term operation and maintenance plan, should be provided. Confirmation that the Town will accept the proposed improvements in the drainage district as well as the ownership of the stormwater management appurtenances must be addressed.

Response 4-3: Based on a phone conversation with the Highway Superintendent (September 2006), the Highway Superintendent has indicated that other subdivisions in the Town have established a homeowners association to maintain stormwater management facilities - catch basins and other appurtenances associated with the road, if dedicated to the Town, are maintained by the Highway Department. The drainage district would be a back-up district in the event the HOA fails to maintain the basins, and the Highway Department is required to hire a contractor to maintain the basin - the costs would be billed back to the homeowners in the subdivision. A petition to form a drainage district will be submitted to the Town Board upon preliminary approval of the subdivision plan by the Planning Board and all costs associated with the drainage district's formation will be borne by the applicant. The details of management and costs for maintenance, if requested by the Planning Board and/or Town Board, will be addressed after preliminary subdivision plan approval once all other permits and approvals, e.g., NYSDEC water supply permit and Orange County Health Department approvals, have been obtained and there is more certainty as to the final layout of the subdivision.

Comment 4-4 (David Church, Orange County Department of Planning, letter dated April 26, 2006): The applicant should work with Orange County Soil and Water Conservation to ensure the most up-to-date storm water prevention and treatment methods are employed.

Response 4-4: The Stormwater Pollution Prevention Plan adheres to the requirements of the New York State Department of Environmental Conservation which has permitting authority over this project. The Planning Board's engineer likewise has reviewed and will continue to review the plans to ensure they are acceptable to the Town.

5.0 GROUNDWATER RESOURCES COMMENTS AND RESPONSES

Comment 5-1 (Barbara Parsons, Public Hearing, April 12, 2006): You said in your notes that PVC pipe was acceptable to the Town Water Department; is that acceptable practice or is it better to go with ductalene or something else?

Response 5-1: The subdivision plan has been revised to indicate that duct tile iron pipe will be used.

Comment 5-2 (Patrick Hines, Public Hearing, April 12, 2006): I did speak to the water superintendent regarding the proposed water system and he identified a concern (about) the buried underground hydro-neumatic leads. It's his preference that those be located above ground so that the water treatment building would have to be larger to accommodate. His concerns were access for maintenance -- he has many hydromatic tank systems in the Town and they are a maintenance issue for him.

Response 5-2: Based on conversations with the Town Engineer, the applicant, and the Water Superintendent, the tank system will be underground.

Comment 5-3 (Bob Soriano, Public Hearing, April 12, 2006): From what I understand, they are not going to have individual wells. Where does the water come in, if there are no wells?

Response 5-3: The proposed subdivision would be served by two central wells located within the open space portion of the project site.

Comment 5-4 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): It is requested that the applicant's verify the 72-hour pump test for both wells pumped at 30 gallons per minute or was a sustained rate of 30 gallons total utilized?

Response 5-4: According to Sergio Smiriglio, hydrogeologic consultant who witnessed the tests, each well was pumped at a rate of 30 gallons per minute for a total of 60 gallons per minute.

Comment 5-5 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): The report identifies that fire flow demand are provided utilizing 14,567 gallons per day and that these rates are in accordance with NFPA standards. ISO type fire flow calculations should be provided documenting adequate water supply. The report further identifies that 800 +/- gallons per minute can be pumped utilizing the fire booster pumps. This can result in less than 20 minutes of sustained water supply from the 14,000 gallons available for fire flow.

Response 5-5: The proposed hydrant system has been eliminated from the design of the subdivision.

Comment 5-6 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): Appendix F of the DEIS contains annual operation cost for the water supply system. The annual operation costs are based on whether or not treatment for iron and nitrate will be required in the future. Based on our review of the current document it appears

that the iron and nitrate treatment would then require funding for the installation of the treatment system which would apparently be a cost to the water district in the future.

Response 5-6: The applicant has expressed a willingness to bond for the future improvements based on discussions with the Town Board at the Town Board meeting of September 7, 2006. The applicant will follow the town's applicable laws for the construction, bonding and maintenance of the system. A majority of the Town Board indicated that the Town would take over the system at some specified time after construction of the system. The applicant will continue to work with the Planning Board and the Town Board on the specific details of these improvements. It is the applicant's understanding that the Town has been working on sewer and water codes that would specify details associated with technical specifications, funding, and maintenance of these systems. The applicant will adhere to these requirements to the extent that the laws are adopted prior to final subdivision plan approval. In the absence of any local laws, the applicant will work with the Town Board, Planning Board, and Town officials to ensure that the system is acceptable to the Town. Appendix E includes the most recent submission from the applicant's attorney to the Town Attorney, which indicates that a Transportation Corporation would be established, and the Town's takeover of the water works facility would occur at some point when the system has proven itself, possibly within a year or two.

Comment 5-7 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): Conversations with the Town's Water & Sewer Superintendent identified the Town's desire to have any hydro-pneumatic storage tanks be placed within structures and not buried on the site for ease of operation and maintenance.

Response 5-7: See response to Comment 5-2.

Comment 5-8 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): It is noted that the applicant is once again identifying an ion exchange treatment technology to treat nitrates and/or filtering of iron and manganese if detected during the required monitoring for water quality in the production wells. It is requested that the applicant specifically identify potential impacts associated with environmental and fiscal concerns should these parameters exceed drinking water standard past the timeframe.

Response 5-8: Water quality testing indicated that nitrate treatment will not be required. Thus, this water quality treatment is not proposed at this time. Upon preliminary subdivision plan approval, the applicant will meet with the Town Board to determine how the project would be bonded to address potential expansion of the treatment capabilities of the plant in the future. It is expected that the Town will rely on the Town Engineer and Town Water Superintendent on the design and costs associated with the system.

Comment 5-9 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): A mitigation measure identified is the use of specific plant species identified by the Cornell Lab of Ornithology. It is not likely that any of these species will be utilized by residential landowners as they are not typical species which would be planted within residential subdivisions including mulberry trees, wild grape and staghorn sumac as examples.

Response 5-9: These species are available commercially, and could be used. Staghorn sumacs are specifically being proposed for a residential subdivision in an

Ulster County community where the applicant's planning consultant is the town planning consultant, in order to provide a natural visual screen from roadside views, and have the added benefit of being beneficial to wildlife.

Comment 5-10 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): Confirm that PVC pipe is acceptable to Town's Water Department.

Response 5-10: The pipes are now proposed to be duct tile iron pipe.

Comment 5-11 (Barbara Parsons, notes dated January 13, 2006): What are we disinfecting wells with? I thought the reason we were going to central water was to avoid contamination.

Response 5-11: The purpose of developing a central water supply system is so that in the event nitrates are ever encountered in the two production wells, the nitrate levels can be treated at a "single" source. It is the applicant's opinion that this is a preferred design, in comparison to potentially treating nitrates at various individual wells.

Comment 5-12 (Barbara Parsons, notes dated January 13, 2006): New pump house has enough room to accommodate iron and nitrate removal equipment in future. Do you foresee this to be necessary? What will fixtures cost to install? Developer should set up escrow account for a number of years in case this needs to be done.

Response 5-12: The new pump house is being designed for future nitrate treatment - iron removal is not required. Nitrate treatment is not anticipated since tests did not detect nitrates in the two community wells. Regardless, other individual wells drilled on the Grandview Estates site did encounter nitrates, so costs associated with the implementation of a nitrate removal system have been estimated. As per recent discussions with the Town Board, it is understood that the applicant will bond these potential improvements for a defined period of time so that if the nitrate removal system is required, it would be installed at the cost of the applicant.

Comment 5-13 (Barbara Parsons, notes dated January 13, 2006): Will the areas of the wells be deeded to the Town? Or will the Town have a right-of-way to maintain them?

Response 5-13: The area around the well would be located in the open space area. As per a discussions with the Town Board at a meeting on September 7, 2006, it is anticipated that the Town will take ownership to the water supply infrastructure after some "to be determined" time after it has been constructed and in operation. The land on which the infrastructure is located would remain a part of Lot 34 and the Town would be granted an easement over the area in which the system is located.

6.0 WASTEWATER AND SEPTIC COMMENTS AND RESPONSES

Comment 6-1 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): Water supply calculations provided in the report identify average daily water use based on Orange County Health Department Standards of 12,750 gallons per day while waste water systems identify that based on Orange County Health Department Standards the project would utility 17,680 gallons of water per day.

Response 6-1: The DEIS reports the standards used by the Orange County Health Department. The wastewater systems are designed to a higher demand usage than the water supply system.

Comment 6-2 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers P.C., letter dated April 5, 2006): The report identifies that curtain drains are an acceptable method of mitigating mottling and groundwater conditions encountered. While this may be an acceptable engineering practice, Orange County Health Department requires curtain drains to be installed and soil testing be performed to confirm proper functioning of curtain drains. This should be further clarified and addressed in the document.

Response 6-2: Upon preliminary subdivision plan approval, the Orange County Health Department will review the subdivision plan, including proposed wastewater system design, to ensure that applicable standards are met. The applicant will comply with any testing protocol that may be required by the Orange County Health Department and will make any revisions to the systems if required by that department.

Comment 6-3 (David Church, Orange County Department of Planning, letter dated April 26, 2006): The applicant should consider construction of a modern passive sewage treatment facility, as the large amount of open space and low density lends itself to this innovative process. Many technologies can be used for small community wastewater collection, treatment and dispersal, including re-circulation sand filters, advanced mechanical systems, land-based treatment systems (aerated ponds, drip irrigation for dispersal, and constructed wetlands), community septic systems (i.e. Large leach fields), etc. Local examples of these technologies can be seen in the Town of Lloyd.

Response 6-3: The Town of Lloyd is in Ulster County, and those systems may be permitted by that County's health department. At this time, the subdivision has already been fully engineered with on-site individual septic systems as per the requirements of the Orange County Health Department.

7.0 LAND USE AND ZONING COMMENTS AND RESPONSES

Comment 7-1 (Barbara Parsons, Public Hearing, April 12, 2006): As far as Lot 27, I see...they would have to get a zoning variance for that. I don't want to give you a waiver, I just feel it would be going against a flag lot ordinance and we don't want to set a precedence.

Response 7-1: Lot 27 has been revised to provide the minimum 50-foot of street frontage.

Comment 7-2 (Patrick Hines, Public Hearing, April 12, 2006): We have to watch that you don't impact the amount of open space, that 50% open space requirement. One of the concerns is the walking path between the rear of the lots--that kind of has a public access feel to it where everyone is allowed to use that, and does that mean the "horse farm" area is not allowed for public use? It's specifically not going to be allowed for use by the subdivision because of the horse farm use? One of the things that we thought about it was if it does not become or continue to be an active farm, maybe it should revert to the lot owners to be available for open space. Otherwise it will be tied up with the one parcel and not available.

Response 7-2: The subdivision proposes that the open space be contained on one lot, Lot 34. Should it no longer operate as a horse farm, the open space would revert to natural open space. It is not envisioned that this space would be used by the residents of the subdivision for active or passive recreation space - a fee in lieu of recreation land is being provided to address this need. At this writing, the applicant has been negotiating with a potential owner for Lot 34 that would use the property to stable horses.

Comment 7-3 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): Clarification as to the deed restrictions to be imposed on Lot 34 should be discussed. References to restrictions on use and development are included, however, prohibition as to the use to the site as recreational/open space is identified in the document. The applicant representative identified that they believe this meets the intent of the clustering provisions. However, specific approval by the Planning Board and/or Town Board may be required to determine this.

Response 7-3: Between preliminary and final subdivision plan approval, the specific uses to be allowed on the open space portion of Lot 34 will be determined by the Planning Board and the Town Board and would be documented in any conservation easement to be filed with the subdivision. As discussed in the DEIS, it is the applicant's intent to maintain Lot 34 as a horse farm or similar equine-related use. The Town's model conservation easement is included as Appendix D. This easement will be revised, as necessary, to reflect the uses that would be allowed within the open space area associated with Grandview Estates.

Comment 7-4 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): Provisions for public access through some form of deeded access rights along many of the residential lots is proposed. Deed restrictions should be provided to the Planning Board for review. Development of this walking path should be addressed in the document as well as on the design plan. Long term operation and maintenance of these

facilities should be identified as well as specific access and use restrictions which are proposed. It appears that public access to the "horse farm" will not be permitted.

Response 7-4: At the request of the Planning Board, the walking trail has been eliminated. A sidewalk will be provided within the proposed road's right-of-way.

Comment 7-5 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): The report identifies the applicant will provide a fee in lieu of recreation land. It is requested that the applicant confirm that the standard recreation fee per square foot of the building area is proposed.

Response 7-5: The standard recreation fee per square foot of building area will be provided. The recreation fee described in the DEIS is an estimate based on the anticipated size of the dwellings to be constructed - this number may increase or decrease, depending on the size of each individual home and based on the specific preferences of the future homeowner. In addition, the Town may increase the amount from year to year. The fee will be paid as per the Town's regulations then in place.

Comment 7-6 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): A waiver for maximum road length will be required to be approved by the Town. A 2,900 foot long dead-end road is currently proposed. The applicant states that the emergency access road is proposed via an easement on Lot 34 in order to mitigate the dead-end roadway. Specific Town approval for roadway length waiver would be required.

Response 7-6: The maximum length of the cul-de-sac is a standard contained in the Town of Wawayanda subdivision regulations. The Planning Board has the authority to waive this requirement as per Section 162-35 of the subdivision regulations. Approval cannot be granted until such time that the SEQRA process is concluded.

Comment 7-7 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): It appears that the flag lot proposed for Lot 27 does not meet the minimum width requirements associated with flag lots. Zoning variance would be required for this lot.

Response 7-7: The configuration of Lot 27 has been revised to meet the minimum 50-foot width requirement.

Comment 7-8 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): The applicant has requested multiple waivers and suggest that 162-35 of the subdivision regulations allows the Planning Board to waive the subdivision standards where it find an extraordinary hardship. This provision identified is specifically included in Article IV Documents to be Submitted, and not in the required design standards, Article III of the Code. It should be clarified whether the Planning Board can waive these requirements or if the Zoning Board of Appeals would be the appropriate agency to seek relief from these requirements.

Response 7-8: At this time, the applicant is requesting a waiver from the maximum cul-de-sac length requirements. This provision is contained in the subdivision regulations. The Planning Board has been granted the authority to waive the standards in Section 162-35.

Comment 7-9 (Pat Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C, letter dated April 5, 2006): The emergency access road should be further clarified. Statements made as to the applicant's opinion regarding the emergency access road satisfying the intent of the subdivision regulations should be supported by the comments from the Lead Agency, Town Board, Highway Superintendent and jurisdictional fire department. Long term maintenance of this facility should be addressed including winter maintenance of the access road.

Response 7-9: The DEIS has been circulated to all agencies involved in the review of the subdivision plan, and to date, no agency has indicated that the proposed emergency access road would not be an acceptable arrangement. The maintenance of the emergency access road would be the responsibility of the homeowners association. It is anticipated that the HOA would retain a contractor that would maintain both the stormwater management basins and the emergency access road, including ensuring that the emergency access road is plowed in winter months. The specific details of the maintenance of these facilities will be set forth in HOA documents that will be reviewed by the Town and its officials prior to final subdivision approval.

Comment 7-10 (David Church, Orange County Department of Planning, letter dated April 26, 2006): It is unclear what the intent of the "blanket conservation easement" area to be dedicated to Lots 1-16 will be and why it would be for only the said lots.

Response 7-10: The conservation easement was to cover the walking trail that had been proposed. At the request of the Planning Board, the walking trail has been eliminated. Thus, there is no need for the conservation easement over the aforementioned lots.

Comment 7-11 (David Church, Orange County Department of Planning, letter dated April 26, 2006): Identification of a qualified organization that would permanently protect the open space is necessary. Also, it is unclear who would maintain the designated paths as well as the secondary emergency access road and gate.

Response 7-11: The organization that would permanently protect the open space would be the Town of Wawayanda Town Board or other agency selected by the Town Board. The HOA will maintain the secondary emergency access road and gate.

Comment 7-12 (David Church, Orange County Department of Planning, letter dated April 26, 2006): Due to a significant amount of disturbance, the County suggests deleting one lot from the overall design. Lots 17 and 18 are unnecessarily awkward. One lot, instead of two, in this area enables the lot and home to be closer to the cul-de-sac road. This will preserve a continuous rear woodland area rather than fragmenting it around a peninsula of homes.

Response 7-12: The number of lots was established based on review of a conventional plan yield. The lots are not conventionally shaped lots as they have been designed to avoid existing on-site wetlands.

Comment 7-13 (Barbara Parsons, notes dated January 13, 2006): Establishment of conventional lot count does not guarantee that lot count -- you still have to meet zoning. If you cannot meet minimum lot width for Lot 27, maybe you lose it. Section 195-10-D cannot be waived as part of subdivision regulation.

Response 7-13: Lot 27 has been reconfigured to meet the minimum lot width requirement.

Comment 7-14 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): The 2,900-foot access road is substantially longer than permitted by the Town Code. While the proposal for an emergency access road addresses certain public safety concerns, there are other planning matters to be addressed. The Town's code requires that subdivisions with 20 or more lots shall have at least two means of access. This is for both safety and convenience. The long road requires extra travel for residents, delivery and service vehicles including public service vehicles (school buses, waste haulers, etc.).

Response 7-14: The subdivision regulations state that a cul-de-sac shall not exceed four (4) times the minimum lot width requirement for the applicable zoning district. This would result in a street length of 400 feet. It is the applicant's opinion that this is a restrictive requirement given the minimum lot size and lot width requirements of the Town. Adherence to this requirement would require that multiple streets be developed, and various street intersections be introduced to Breeze Hill Road that would be out of character with the area. Rather, the applicant is proposing use of an existing driveway to minimize the introduction additional impervious surfaces and an additional new intersection that would be suburban in character. Tim Miller Associates, Inc., interviewed Ms. Jo Rasmussen, Transportation Director, of the Minisink Valley School District, on August 21, 2006. Ms. Rasmussen indicated it is school district policy that the school buses will not travel down a cul-de-sac unless it is over 1.5 miles in length. As the proposed cul-de-sac is shorter than this length, the Transportation Director indicated that school buses would pick-up and drop off students at the intersection of Breeze Hill Road and the new subdivision road. A sidewalk would allow safe pedestrian access to and from the intersection. It is the opinion of the applicant that prospective homeowners that would find the cul-de-sac length an inconvenience would simply choose to reside elsewhere. Alternatively, many prospective homeowners desire to reside on dead-end streets as they are perceived to be safer and quieter than through roads, and thus would find the subdivision highly desirable.

Comment 7-15 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): Who will maintain the emergency access and how will it be gated?

Response 7-15: The homeowners association will responsible for maintaining the emergency access road. A breakaway gate is provided as a detail on Sheet 14 of 14 of the full-scale subdivision plans. The Planning Board will approve the design of the breakaway gate as part of its preliminary approval, in consultation with emergency service providers, the Highway Superintendent and the Planning Board's engineer. The Fire Chief of the Slate Hill Fire District reviewed the gate and has indicated it is acceptable.

Comment 7-16 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): If Lot 27 is permitted as a flag lot, screening should be required between lot 27 and 28.

Response 7-16: Lot 27 has been reconfigured to meet the minimum lot width requirement and is no longer a flag lot.

Comment 7-17 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): The DEIS indicates that the failure of lot 27 to meet the minimum width for a flag lot is to achieve the desired yield. In our opinion this by itself is not a compelling or sufficient reason to waive this requirement. Furthermore, we do not believe that it is good planning practice to plan a subdivision that requires a waiver if there is no compelling public benefit. Can the adjoining lot be modified to avoid this waiver.

Response 7-17: A compelling reason for allowing waivers, in the case of a cluster subdivision, is that it allows better protection of a contiguous open space system. Regardless, Lot 27 has been reconfigured to meet the minimum lot width requirement.

8.0 AGRICULTURAL RESOURCES COMMENTS AND RESPONSES

Comment 8-1 (David Church, Orange County Department of Planning, letter dated April 26, 2006): USDA classification of soils listed "Prime" as the highest level of productivity; the second highest is classified as "Important." Agencies at the County, State and Federal level have made the protection of Prime agricultural soils, of which this property has a high percentage, a top priority for agricultural preservation. Restricting development on Prime agricultural soils helps to ensure versatility of farmland, now and in the future, by allowing for many different agricultural uses, from vegetable farming to horse farming. The majority of the Prime soils on this property are planned for residential development, while the portion that is kept as an intact farm has primarily Important agricultural soils, with some Prime soils. Ideally, a larger portion of Prime soils would be left undeveloped in this subdivision.

Response 8-1: The subdivision layout balances the desire of the Town to maintain a large contiguous area of open space which may be preserved for existing or future agricultural operations, while maintaining the scenic viewshed of Breeze Hill Road. The subdivision achieves this by situating the majority of residences to the "rear" of the property. The applicant has placed as many dwellings as possible behind the existing tree line. However, due to the presence of wetlands at the northeastern end of the property, and in order to meet the minimum lot area (i.e., one acre) and lot width requirements of the cluster provisions in effect at the time this subdivision was processed, the resulting plan does result in the development of prime soils. It is noted that "Prime farmland" soils, as identified by the USDA, are limited to Raynham soils in the northeast portion of the property, which would remain largely undisturbed as they are also wetland soils.

Comment 8-2 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): We suggest that the notes to be included on the map also be included in individual deeds in order to assure that all homebuyers are aware of these items.

Response 8-2: Section 333-c of the New York State Real Property Law already regulates the exchange of land within agricultural districts. When any purchase and sales contract is presented for the sale, purchase or exchange of real property located partially or wholly within an agricultural district established pursuant to the provisions of article 25-AA of the agriculture and markets law, the prospective grantor shall be present to the prospective grantee a disclosure notice which states the following: *"It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances."*

Such disclosure notice shall be signed by the prospective grantor and grantee prior to the sale, purchase or exchange of such real property.

9.0 TRANSPORTATION COMMENTS AND RESPONSES

Comment 9-1 (Patrick Hines, Public Hearing, April 12, 2006): What's also lacking from my written comments to you is the traffic analysis.

Response 9-1: No traffic comments were received during the public comment process which had concluded.

Comment 9-2 (Bob Soriano, Public Hearing, April 12, 2006): The access to this development, is it off Breeze Hill, or is it coming off of Turtle Bay?

Response 9-2: The proposed subdivision road would introduce a new intersection on Breeze Hill Road.

Comment 3.11-3 (David Church, Orange County Department of Planning, letter dated April 26, 2006): As stated in the DEIS, only a small population use public transit; however, this percentage is increasing. We suggest a contribution be made toward a future Town bus shelter and/or park-and-ride.

Response 9-3: There would be no significant impact to transit facilities. No mitigation is necessary.

Comment 9-4 (David Church, Orange County Department of Planning, letter dated April 26, 2006): We believe the transportation projects between 8 AM and 9 AM are underestimated at 34 trips, as this implies only one driver will leave each home, whereas typically there are two employed people, parents driving children to school, and licensed students.

Response 9-4: The traffic analysis was performed using standard Institute of Transportation Engineer ("ITE") trip generation rates for single family detached dwellings. The levels of service for the intersections were determined to operate at acceptable levels of service.

Comment 9-5 (David Church, Orange County Department of Planning, letter dated April 26, 2006): Sidewalks are not planned, yet we hope the applicant would consider a bicycle-pedestrian lane on one side of the internal road. While requiring minimal maintenance of occasional sweeping and striping, it will offer a safe-haven for children and adult walkers and cyclists. Newest technologies color-coat a three to four-foot shoulder to delineate this area from vehicular traffic. Should construction be performed on parcel frontage on Breeze Hill Road, a similar lane should be provided.

Response 9-5: The DEIS examined an alternative that contemplated the construction of a walking trail behind the individual homes. At the request of the Planning Board, the walking trail has been eliminated and the subdivision plan has been revised to include a sidewalk on one side of the proposed subdivision road.

Comment 9-6 (David Church, Orange County Department of Planning, letter dated April 26, 2006): While the County enjoys the inclusion of backyard access points to the designated trails, it would favor a multi-use path within the main road. A color-coated dedicated lane will promote internal circulation and provide more visibility than the perimeter paths abutting backyards.

Response 9-6: See response to Comment 9-6 above. A sidewalk is now provided.

Comment 9-7 (Barbara Parsons, notes dated January 13, 2006): A sidewalk should also be considered. Walking trails are for recreation, not an exchange for sidewalks.

Response 9-7: At the request of the Planning Board, the walking trail has been eliminated, and a sidewalk is being provided.

Comment 9-8 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): It is not clear on the maps where the walking trail is located. This is a positive aspect of the project, but it has to be planned in a manner that does not result in a conflict between homeowners and trail users. Will there be an easement over it to permit walking on individual lots? Could this easement be in favor of the HOA? We suggest that the map and easement provisions be more clearly articulated.

Response 9-8: At the request of the Planning Board, the walking trail has been eliminated, and a sidewalk is being provided within the proposed road's right-of-way.

10.0 AESTHETIC RESOURCES COMMENTS AND RESPONSES

Comment 10-1 (David Church, Orange County Department of Planning, letter dated April 26, 2006): Clarification is needed as to why the entire parcel will be fenced and what type (of fence) will be constructed. Should fencing be necessary, appropriate materials should be approved by the planning board, especially on Breeze Hill Road. The applicant should also consider planting large deciduous trees to canopy and shade this road in addition to its internal road landscaping.

Response 10-1: The DEIS analyzed a subdivision design that proposed that a walking trail be provided to the rear of each property, thus requiring fencing around the periphery of the project site. Based on comments of the Planning Board, this trail has been eliminated, and a sidewalk is being provided on one side of the proposed public road. Thus, the entire parcel is no longer being fenced. If the Planning Board desires to maintain the uniformity of the horse farm's character, it could stipulate that the existing fence style be maintained as part of the conservation easement. The Town's current street specifications do not allow street tree plantings within the 50-foot right-of-way. A tree canopy cannot be achieved when a large setback is required. The trees would end up being planted within the fenced-in paddocks.

Comment 10-2 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): We assume that the developer will provide/install the initial front and foundation landscaping.

Response 10-2: The developer will be responsible for installing street trees and installing the screen barrier along Breeze Hill Road. The developer would install the minimum 5-foot wide landscaped area in front of the principal building, and all lots would be seeded. The landscape requirements must be met in order for the Building Inspector to issue a certificate of occupancy. These are minimum requirements - it may be expected that many of the future homeowners will retain landscape contractors during construction of the dwelling to design each lot to the individual homeowner's preferences and tastes. A list of tree and shrub species beneficial to wildlife will be provided to the homeowners.

Comment 10-3 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): See comment re: street trees under our subdivision plan comments. We suggest that this be addressed in the FEIS.

Response 10-3: See the response to Comment 2-1. The list of appropriate species that will be provided to homeowners refers to the list of tree and shrub specimens that would be planted on the individual lots - the developer will ensure that the minimum plantings are provided. However, it is anticipated that many homeowners would retain a landscape contractor to supplement and design each lot's landscape to the homeowners individual preferences. It will be the applicant's responsibility to install all street trees and entrance plantings. The proposed plantings are shown on the Landscaping Plan, Drawing 11 of 13 of the full-scale subdivision plan. Street tree plantings include red maples, white oaks, and little leaf lindens. White pine and northern white cedar would be provided along Breeze Hill Road to provide a year-round screen. Other tree

plantings may be appropriate; the Planning Board can make a final decision on the street tree plantings between preliminary plan and final subdivision plan approval.

Comment 10-4 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): Although the overall plan itself with the retention of the horse farm, will contribute to visual compatibility, it would be helpful to the Planning Board to know what the proposed homes will look like and what materials and colors are contemplated.

Response 10-4: The proposed dwellings would be colonial-style homes. Wood and cedar shake, and vinyl to look like wood and shake, would be used in the design of the dwellings. A variety of colors are contemplated, including but not limited to blues, browns, whites, certain reds, beiges, and grays. As the dwellings are to be situated behind a tree line, and would be located a distance of 700 feet and greater from Breeze Hill Road, strict use of earthtone colors is not proposed. It is the applicant's opinion that the most important aspect of this cluster subdivision is preservation of open space to continue agricultural uses in the community.

11.0 HISTORICAL AND ARCHAEOLOGICAL RESOURCES COMMENTS AND RESPONSES

Comment 11-1 (Patrick Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C., letter dated April 5, 2006): Comments from the Office of Parks, Recreation and Historic Preservation on the Phase I and Phase II archaeological assessments must be received. Statement that no further archaeological investigations are warranted based on the applicant's consultant's opinion and not on the OPRHP's review and concurrence with the findings of the Phase I and II surveys.

Response 11-1: Appendix F of this FEIS includes a Data Recovery Plan for the Grandview Estates subdivision. As per the April 3, 2007, letter from Doug Mackey of the NYS OPRHP to Ann Yates, Planning Board Chairwoman, it is the opinion of OPRHP that the project will have No Adverse Impact on the historic resources with the conditions that:

- 1) the full Data Recovery Plan - including all fieldwork, labwork, reporting and dissemination of the results is completed, and
- 2) that the buffer identified in Grandview Estates LLC letter of March 26, 2007 (see Appendix F) is maintained and the site is protected until the archaeological field work is completed.

The applicant will adhere to the conditions set forth in the April 3, 2007 OPRHP letter and will incorporate these conditions into the SEQRA Findings Statement.

Comment 11-2 (Patrick Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C., letter dated April 5, 2006): OPRHP's concurrence with the Phase III recovery plan identified in the Phase II survey must be received as well as the location of any protection of reputedly archaeologically sensitive areas. Concurrence by the State Agency as to mitigation required on the lot must be completed prior to final subdivision approval as the lot could transfer ownership upon approval and before Phase III work is accomplished. Further detail discussion of timing of the mitigation measures as well as timing of the subdivision should be provided.

Response 11-2: Appendix F of the FEIS includes the Data Recovery Plan and letter from the OPRHP that said plan is acceptable. The applicant, after preliminary plan approval, will commence said mitigation work. If the mitigation work is not complete prior to final subdivision approval, no areas that are subject to a Phase III mitigation plan would be disturbed until the NYS OPRHP has determined the mitigation plan to be acceptable and complete. No building permit may be issued until the NYS OPRHP deems the mitigation work completed as per OPRHP's April 3, 2007 letter to the Wawayanda Planning Board Chairwoman included in Appendix F.

Comment 11-3 (Douglas Mackey, NYS OPRHP, letter dated July 19, 2006): Orange County has an active and knowledgeable chapter of the New York State Archaeological Association and a number of its members have a large amount of knowledge regarding the project vicinity. It does not appear that these individuals were contacted, but should have been.

Response 11-3: This has been accomplished. See Doug Mackey letter of April 3, 2007, contained in Appendix F.

Comment 11-4 (Douglas Mackey, NYS OPRHP, letter dated July 19, 2006): Given the finds made during the Phase I study ORHP suspects that there are individuals with collections from this property and those collections should have been examined and the location of finds noted during the Phase IB and evaluated both in the IB and Phase II if appropriate.

Response 11-4: See Appendix F for the OPRHP's acceptance of the Phase III Data Recovery Plan and the letter of No Adverse Impact.

Comment 11-5: (Douglas Mackey, NYS OPRHP, letter dated July 19, 2006): The Phase IB testing completed was tightly restricted to areas identified as footprint for proposed structures (residence, septic fields) however, experience has shown that contractors do not keep within these boundaries....OPRHP recommends that additional areas of the proposed lots be tested, including all areas that are likely to be impacted by construction and residential activities (driveways, yard areas, pool construction, landscaping, etc.). It may be possible to identify more realistic construction envelopes and to confine testing to those areas, however, they must represent realistic estimates.

Response 11-5: Although the cultural resource consultant utilized standard testing protocol, additional field testing has been conducted to address OPRHP's comment. The revised Cultural Resource Report was submitted to the NYS OPRHP prior to preliminary subdivision plan approval. See Appendix F for OPRHP letter of No Adverse Impact.

Comment 11-6: (Douglas Mackey, NYS OPRHP, letter dated July 19, 2006): Although the report indicates that Grandview may be National Register eligible, OPRHP will not provide an evaluation until the previous noted local informants have been interviewed and their data included in the analysis, and the additional areas of probable impact have been examined.

Response 11-6: A revised Cultural Resource Report was submitted to the NYS OPRHP. The OPRHP has issued a letter of No Adverse Impact - see Appendix F.

12.0 COMMUNITY SERVICES RESOURCES COMMENTS AND RESPONSES

Schools

Comment 12-1 (Barbara Parsons, Public Hearing, April 12, 2006): We wanted a letter, not somebody stating what was said over the telephone. I think for our records we need something in writing (regarding discussions with School District officials).

Response 12-1: See letter from the School District included in Appendix A. This is the only letter received from the School District regarding their review of the DEIS.

Comment 12-2 (Patrick Hines, Public Hearing, April 12, 2006): I know the Board had discussed previously the impacts on the school district and... Was looking for some additional clarification. I request the applicant update the information from the Minisink Valley School District.

Response 12-2: See revised fiscal analysis provided in Section 13.0 of this FEIS.

Comment 12-3 (Patrick Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C., letter dated April 5, 2006): It is requested that the applicant provide updated information from the Minisink Valley School District regarding the fiscal analysis. Information should be coordinated with available information from the assessor's office regarding assessed evaluation and potential impacts of school-aged children on the school district.

Response 12-3: A revised fiscal impact analysis is provided in Section 13.0 of this FEIS. See the comment letter from the School District in Appendix A.

Comment 12-7 (David Church, Orange County Department of Planning, letter dated April 26, 2006): While the County recognizes the school multiplier employed by the applicant, we hesitate to consider that less than one student will reside in each 4-bedroom home.

Response 12-4: We have interviewed School District officials on numerous occasions, who have indicated that the student multiplier is reasonable. In the most recent exchange of correspondence (see Appendix A), the Minisink Valley School District has indicated that "we did not create a 'multiplier' nor do we possess the statistical expertise to do so." The School District has indicated that it has also provided previous guidance to the Town on this matter and has expressed that the multiplier is reasonable. No further analysis is deemed necessary.

Police Protection

Comment 12-5 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): It is not clear if the reference to the ratio of five state police officers per 1,000 population considers the entire area served by Troop F.

Response 12-5: As stated in the DEIS, the ratio is based on the Town of Wawayanda's population. Troop F does serve a larger population than Wawayanda.

Fire Protection

Comment 12-6 (William Bavoso, Public Hearing, April 12, 2006): You make reference to comments to Slate Hill Fire Department, but we have comments from Wawayanda Fire Department with regards to the driveways.

Response 12-6: The Slate Hill Fire District is the name of the fire district in which the project site is located. The name of the engine company serving this fire district is the Wawayanda Fire Company, Inc.

Comment 12-7 (Barbara Parsons, Public Hearing, April 12, 2006): Talking about access to Lots 17, 18 & 34, the driveways (are) too long for the turnaround. It's okay, provided they can provide adequate fire protection.

Response 12-7: The two driveways have been redesigned to join the driveways in order to provide a turnaround area for fire safety vehicles. This revision has been made to the subdivision plan and was determined to be acceptable by the Slate Hill Fire District Fire Chief.

Comment 12-8 (Wawayanda Volunteer Fire Department, Letter dated April 1, 2006): Fire Department access to Lots 17, 18 & 34: driveways (are) too long without a turnaround. Provided we cannot provide adequate fire protection. Driveway have to be wide enough for two vehicles.

Response 12-8: See response to Comment 12-7 above.

Comment 12-9 (Patrick Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C., letter dated April 5, 2006): Comments regarding the necessity of the dry hydrant system should be received from the Slate Hill Fire Department, as well as comments regarding the emergency access and the proposed split within the access. It would appear the emergency access plan was viable in consideration of only having one public access point, that the emergency access route between Lots 22 and 23 be sufficient and not need the other route encircling Lot 19.

Response 12-9: The applicant's engineer met with Mike Hayes, Fire Chief, to discuss the proposed subdivision plans. Based on that discussion, the following is noted:

1. The hydrant system within the proposed road has been eliminated from the subdivision layout.
2. A dry hydrant is being provided at the on-site pond. An existing small internal loop along the emergency access road will be extended in the direction of the pond so that the fire trucks can loop around this driveway, fill up the truck, and continue back out to Breeze Hill Road. This extended loop is shown on Figure 1-1 immediately south of the pond. The dry hydrant is to have a 6-inch pipe.
3. The route encircling Lot 19 can be eliminated.
4. A pull-off area, approximately 20 feet in width, is being provided between the driveways of Lots 17 and 18.
5. The breakaway gate detail shown on the subdivision plan is adequate.

Comment 12-10 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): Is the use of wetland D for back-up fire protection necessary? As a pond it may have limited capacity and while it will be utilized infrequently (hopefully never) there may be unnecessary impact on the wetland.

Response 12-10:The permanent water volume in the existing on-site pond, with an assumed depth of two feet, holds 706,220 gallons. The total needed fire protection based on 750 gallons per minute for two hours would be 90,000 gallons. The pond has adequate capacity to handle this demand.

Comment 12-11 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): With regard to Fire protection, is the Fire Department satisfied with the pressure being generated by the proposed water system, or will they depend on their own pump? Also, will the HOA be responsible for the maintenance of the emergency access road? Finally, what is the design of the emergency gate and who will have access (Fire Department, State Police, ambulance, etc.?)

Response 12-11: As a result of subdivision layout changes, the project will no longer be served by a hydrant system. The fire department will rely on their own pumpers to serve the development. The HOA would be responsible for maintenance of the emergency access road. A detail of the emergency breakway gate is provided on Drawing No. 14 of 14 of the full-size subdivision plan. The need to use the emergency access road would result in the event a blockage occurs elsewhere along the cul-de-sac road - any emergency responder would have access to this road via the breakaway gate.

Comment 12-12 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): The Fire Department submitted their own comments regarding the length and width of driveways. If the long driveways are accepted, turnouts can be provided to address the issue of passing vehicles.

Response 12-12: See response to Comment 12-7.

Recreation Facilities

Comment 12-13 (David Church, Orange County Department of Planning, letter dated April 26, 2006): While the applicant would provide a fee in lieu of recreation, we recommend a centrally located pocket park be nestled into this proposed project, perhaps in the northeast corner of Lot 10. A modest piece of playground equipment could be donated to the Town to benefit the children of this isolated development.

Response 12-13: If the applicant were required to construct a pocket park on the project site, then recreation fees in lieu of land would not be submitted to the Town. The Planning Board has determined that the pocket park is not necessary given the low density nature of the subdivision, and that the fee in lieu of recreation land would better serve the community by being used to fund recreational improvements to the existing Town Park or elsewhere where Town facilities are planned.

General

Comment 12-14 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): We believe this (community facilities) analysis is reasonable and this project, by itself, will have limited impact.

Response 12-14: Comment noted.

Comment 12-15 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): The Planning Board's Scope requested a broader more cumulative impact analysis to include other projects. The applicant has addressed this.

Response 12-15: Comment noted.

13.0 FISCAL ANALYSIS COMMENTS AND RESPONSES

Comment 13-1 (Mary Markiewicz, Public Hearing, April 12, 2006): I think we also asked for updated figures on possible tax amounts.

Response 13-1: A representative of Tim Miller Associates, Inc., met with the Town Tax Assessor, Mr. Dennis Ketcham, to update the anticipated assessed value for the proposed project based on 2006 equalization rates and current tax rates. Two analyses were prepared, one based on market value, and another analysis based on comparable estimates. Both analyses are presented, to provide a range of anticipated tax revenues that may accrue to the various taxing jurisdictions. Based on a market value of \$600,000 per dwelling unit and a 2006 equalization rate of 54 percent, the assessed value of a dwelling unit would be \$324,000. The 34 dwelling units would have a total assessed value of \$11,016,000 using the market value approach. The Tax Assessor also estimated that the assessed value of a dwelling unit would average \$285,000 based on "comparable" dwellings in the Town of Wawayanda. Thus, the total assessed value using the comparable estimate would be \$9,690,000. Table 1 provides an estimate of tax revenues using both approaches.

Table 13-1 Projected Tax Revenues			
Taxing Authority	2006 Tax Rate ⁽¹⁾	Tax Revenues Using Market Value (\$)	Tax Revenues Using Comparables - (\$)
Orange County	\$4.7451	\$52,272	\$45,980
Town of Wawayanda	\$0.4032	\$4,441	\$3,970
Highway	\$3.0776	\$33,902	\$29,822
Slate Hill Fire District	\$1.7197	\$18,944	\$16,663
Total Town of Wawayanda		\$57,287	\$50,455
Minisink Valley Central School	\$25.9767	\$286,159	\$251,714
TOTAL		\$395,718	\$348,086
Notes:			
¹ - Tax Rate per \$1,000 of Assessed Valuation. Municipal taxes are based upon 2006 tax rates Minisink Valley Central School Tax Rates are for the 2005/2006 school year.			

The change in the assessed values and resulting tax revenues reflects the change in the assessment rate used to determine assessed value. The DEIS used the then published 2003 residential assessment ratio of 78.8 percent to determine the assessed value of the project; the 2006 equalization rate is 54 percent. However, the tax rates have remained relatively stable.

An estimate of costs to the Town of Wawayanda associated with the proposed residential development may be provided by obtaining a reasonably accurate composite of current taxpayer costs on a per capita basis and multiplying this amount by the anticipated population of the proposed project. As the number of nonresidential uses

located in the Town are inconsequential compared with the amount of residential development found in the Town, Town expenditures have been assigned entirely to the Town's resident population.

The Town of Wawayanda's 2006 municipal budget includes the following categories: the *General Fund Townwide, Highway Repairs and Improvements, Community Improvements, Sewer Districts and Fire Districts*. The Town's total budget in 2006 is \$5,384,794. The Town's estimated 2005 population is 7,024 persons. Dividing the Town budget by the Town population yields a per capita municipal cost of \$767 per person. However, the Town also received income to offset the budget, in the form of fees, grants, state and other aid.¹ Thus, only 48 percent, or \$2,582,372, is raised by property taxes. Thus, the per capita cost that must be raised by local property tax revenues would be \$368 per person.

Based on a per capita cost of \$368 per person, the municipal cost that would be generated by the project would be \$41,584-\$45,264 annually, based on a projected population of between 113-123 persons. The Grandview Estates project would still be fiscally positive, when the costs are compared to the anticipated municipal revenues. However, the amount of net revenues is reduced given the changes in the assessed value resulting from changes in the residential assessment ratio/equalization rate.

Minisink Valley Central School District

The budget for the 2005-2006 school year for the Minisink Valley Central School District totaled approximately \$66,466,480. The portion of the budget to be raised through taxation is \$31,521,480. Approximately 47 percent of the school district's budget is met through the property tax levy. With a 2005 enrollment of approximately 4,741 students, per-student costs based on the budget are \$14,019. Based upon the percent of costs raised through the tax levy, the tax burden is estimated at approximately \$6,649 per student.

Grandview Estates is estimated to generate 31 school-age children. Based on a per student cost of \$6,649, projected costs to the school district would be \$206,119 annually. The Grandview Estates subdivision will generate \$251,714 to \$286,159 annually in property tax revenue to the school district. Thus, the development is projected to be tax positive.

Comment 13-2 (Patrick Hines, Public Hearing, April 12, 2006): In my final comment there is information (that) should be coordinated with available information from the assessor's office regarding assessed evaluation and potential impacts of school-aged children.

Response 13-2: See response to Comment 13-1 above. Grandview Estates is estimated to generate 31 school-age children. The overall effect on the district's budget is projected to be tax positive.

Comment 13-3 (Barbara Parsons, notes of January 13, 2006): School tax figures project school taxes of \$11,246 per house, that's without Town Highway and Fire Districts, which would average out to \$15,000 yearly in tax. Even in this area, that is exceptionally high. Assessor did

¹ *Town of Wawayanda Budget for 2006, as adopted.*

some rough estimates on \$500,000, \$625,000 homes, 2,600-3,600 square feet. Did you go to the Assessor's office for your figure? I do not believe tax revenues would be so high.

Response 13-3: See response to Comment 13-1. The assessed value and projected tax revenues were determined based on an interview with Mr. Dennis Ketcham, Town of Wawayanda Tax Assessor. Using the comparable assessment approach, a dwelling unit would generate approximately \$10,238 annually in property tax revenues to all applicable taxing jurisdictions.

Comment 13-4 (written notes of Barbara Parsons, Planning Board member): I believe we asked for written feedback from Minisink Valley School that your figures are acceptable.

Response 13-4: Please see letter response from Dr. Martha Murray, dated July 3, 2006, included in Appendix A of the FEIS. Although the DEIS was submitted to the School District, no other comments have been received from that agency.

Comment 13-5 (Stuart Turner, Stuart Turner & Associates, Inc., letter of June 9, 2006): There are several accepted methodologies to address Fiscal Impact. We have reviewed the analysis and assumptions utilized in the DEIS and find that they are acceptable and the conclusions are reasonable if there is agreement that the average value of the homes is \$600,000. We have not researched the matter of home values.

Response 13-5: Comment noted. The fiscal impact analysis has been updated as per discussions with the Town's tax assessor. See response to Comment 13-1.

14.0 COMMUNITY CHARACTER COMMENTS AND RESPONSES

Comment 14-1 (Patrick Hines, McGoey, Hauser and Edsall Consulting Engineers, P.C., letter dated April 5, 2006): Proposed mitigation measures identified under Community Character identifies a decrease in the width of pavement as well as the removal of curbing from the subdivision for a more rural character. Conversations with the Highway Superintendent identifies that standard road details must be complied with in the subdivision, eliminating the proposed mitigation.

Response 14-1: This is correct. Conversations with the Highway Superintendent indicate that the standard road detail must be used in the design of the proposed subdivision road. In addition, curbing must be provided. While the road design would not be rural in character, it is noted that much of the road would not be visible from Breeze Hill Road, an existing road with rural character, since the subdivision has been designed to situate much of the subdivision to the rear of the property and behind existing tree lines and proposed only one intersection with Breeze Hill Road.

Comment 14-2 (David Church, Orange County Department of Planning, letter dated April 26, 2006): The maintenance of active agriculture and the preservation of farmland are top priorities for Orange County. As well, the second Goal in the Town of Wawayanda Comprehensive Plan (2000) is "Maintain Wawayanda's character as a rural community." This Department believes that one of the most effective ways - if not the primary way - to preserve rural character is to encourage the economic vitality of farm operations. While it appears to be the intent of the applicant to maintain a portion of the property as an active horse farm, we are not convinced that the currently layout of the proposed subdivision would help to further these critical goals.

Response 14-2: The reviewer has not indicated what elements of the layout do not further the critical goals. The subdivision layout balances the desire of the Town to maintain a large contiguous area of open space which may be preserved for existing or future agricultural operations, while maintaining the scenic viewshed of Breeze Hill Road. The subdivision achieves this by situating the majority of residences to the "rear" of the property. The applicant has placed as many dwellings as possible behind the existing tree line. However, due to the presence of wetlands at the northeastern end of the property, and in order to meet minimum lot area (i.e., one acre) and lot width requirements, no additional lots could be situated to the rear of the property, or clustered on smaller lots than what is shown, to create a larger area to be used for agricultural purposes.

Comment 14-3 (David Church, Orange County Department of Planning, letter dated April 26, 2006): To ensure the viability of the horse farm operation, sufficient equestrian facilities should be maintained. The majority of the paddocks and four of the five run-in sheds are planned for removal, leaving four large paddocks and one run-in shed. Meanwhile, we estimate that each of the barns (to remain) may have approximately 10 stalls a piece, creating the opportunity for 20 or more horses total. While the total area of Lot 34 is 50 acres, it includes wetlands and multiple buildings. Additionally, a significant portion is isolated by Lots 17 & 18, rendering the area less accessible. We caution that adequate acreage will be needed for pasturing livestock, especially if rotational grazing will be practiced. Under a conservation easement, expansion of the farm operation (i.e. Construction of riding arena, expansion of barns) will be hindered. The buildable area of Lot 34 should be modified to allow for such

expansions. We recommend that the Town make certain that Lot 34 will have appropriate facilities and acreage to support a working livestock farm. We recommend that appropriate facilities and sufficient Prime agricultural soils be reserved to effectively provide for a productive farm operation, while protecting the viewshed from Breeze Hill Road.

Response 14-3: The applicant laid out a conventional plan illustrating that 34 lots could be achieved. These 34 lots have been clustered on the minimum lot size allowed by the Town's zoning regulations at the time the subdivision was designed, i.e., one acre lots. Since acceptance of the DEIS, additional acreage has been added to the "core" open space area by reducing the developable (i.e., house location) portion of Lot 34 to 1.27 acres. A proposed emergency access loop has also been eliminated. It is noted that the only soils identified as "prime" farmland are the Raynham soils, the majority of which would remain as open space, since these soils are hydric and would not be disturbed. Lots 17 and 18 are designed to allow passage to the northeasterly portion of the project site, although, as noted, this portion of the site is not as accessible as other portions of the site. The building lots could not be situated in this corner of the property due to the wetness of the soils. The conservation easement language will be reviewed and approved by the Town; the Town will determine what types of accessory buildings or other structures are allowed in association with a working livestock farm. The conservation easement has yet to be drafted - it will be drafted upon preliminary subdivision plan approval, and would not limit the expansion of agricultural-related facilities if the Town determines this expansion is appropriate.

Comment 14-4 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): While the open and agricultural character of Wawayanda, particularly the Black Dirt Area, are still prevalent and likely to remain, it is clear that change to a more exurban character is occurring. This is particularly true in this Breeze Hill area. We would suggest in order to mitigate the impacts of the proposed development consideration should be given to the measures outlined in the DEIS including narrower roads and eliminating curbs or utilizing open swale type curbs.

Response 14-4: The applicant supports the use of these design measures. However, the Highway Superintendent has indicated that the proposed subdivision road will be required to conform to existing Town road specifications, which require wider roads and curbing. The applicant continues to express a willingness to design the road to alternative road standards with narrow pavement width and no curbs.

Comment 14-5 (Stuart Turner, FAICP, Stuart Turner & Associates, Inc., letter dated June 9, 2006): The design of the homes reflect the rural architecture and materials of older homes in the area. Suggest the alternative cluster that moves homes behind the tree line be seriously considered. This will help maintain the appearance of an open/agricultural corridor.

Response 14-5: The applicant has expressed that the dwellings would be designed as colonial homes. A discussion of the alternative cluster is provided in the response to Comment 15-2. Relocating the dwellings behind the tree line would reduce the amount of contiguous open space area available for Lot 34, which contains the open space that would be restricted for continued or future use as a farm.

15.0 ALTERNATIVES COMMENTS AND RESPONSES

Comment 15-1 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): Under the No Action Alternative, is it likely that the horse farm will remain?

Response 15-1: The DEIS states that for purposes of the alternative analysis, the No Action alternative assumes the continued operation of the existing horse breeding farm. However, the DEIS acknowledges that the farm's long-term viability depends on a number of factors, including economic and market conditions.

Comment 15-2 (Stuart Turner, Stuart Turner & Associates, Inc., letter dated June 9, 2006): Cluster to Minimize Visibility of Future Lots. We recommend that this alternative be considered favorably since it has several positive features and the impacts are virtually the same as the primary proposal. However, it helps to achieve the Town's Planning Goals more effectively.

Response 15-2: This alternative is different from the proposed action in that it reduces the amount of contiguous area that would be available for use as a horse farm to achieve the objective of situating the future residences behind an existing tree line. Under the proposed action, the two lots that extend beyond this tree line will be screened from view by the installation of landscaping along Breeze Hill Road. This will allow the Town to meet the objective of minimizing views of the residences, while ensuring a larger contiguous area on Lot 34 for use as a horse farm under the proposed action.

APPENDIX A
Correspondence

04159
EC
61

Minisink Valley Central School District

P.O. Box 217, Route 6
Slate Hill, NY 10973-0217
Phone: 845-355-5110 Fax: 845-355-5119

July 3, 2006

Ms. Eram Qadri
Tim Miller Associates
10 North St.
Cold Spring, NY 10516



Dear Ms. Qadri:

In October 2003, we were asked by the Town of Wawayanda to provide input into the impact that the *Grandview Estates*, the proposed subdivision on Breeze Hill Road, would have on the Minisink Valley School District. At that time and at two subsequent meeting with town officials, we shared information about enrollment projections for the next several years. However, we did not create a "multiplier" nor do we possess the statistical expertise to do so.

We do plan to engage a professional demographer, Bruce Bothwell, to update those projections for us this fall. We will be sharing this information with each of the towns within our school district once that study is complete.

I hope this explanation answers your questions.

Sincerely,

Dr. Martha Murray

Dr. Martha Murray
Superintendent of Schools

C. Priscilla Holden

Bonnie

From: Douglas.Mackey@oprhp.state.ny.us
Sent: Wednesday, September 27, 2006 8:27 AM
To: bfranson@timmillerassociates.com
Subject: RE: Grandview Estates

The reason for doing Phase III data recovery (including the analysis, public outreach, etc.) is to mitigate the adverse effect of the project going forward. If the site can be avoided and left intact, there is no reason to undertake the Phase III work. Even if burials are found, we are often able to work through the issue through consultation with the Native American involved (or if historic - family members). This may delay a project while the details are worked out, but I have only seen one case where burials stopped a project completely, and in that case every unit opened had a set of remains so there was a potential for hundreds of them (or more). In most cases the concerns can be addressed and the project continues with some modification.

Doug

-----Original Message-----

From: Bonnie Franson [mailto:bfranson@timmillerassociates.com]
Sent: Tuesday, September 26, 2006 6:08 PM
To: Mackey, Douglas (PEB)
Subject: Grandview Estates

Hello Doug -

Steve Oberon is doing the additional units for this subdivision (Town of Wawayanda, Orange County, NY) as per your comment letter. In your experience, so long as an applicant performs a Phase III analysis (absent finding burial grounds), can the applicant develop a site? Just wondering what the NYS OPRHP policy may be. Hope you can provide some input - thanks.

Bonnie Franson, AICP
Director of Planning Services

Tim Miller Associates, Inc.
Planning * Landscape Design * Traffic * Wetlands & Ecology Hydrogeology
* Economics * Project Management * Permitting

10 North Street, Cold Spring, N.Y. 10516
845.265.4400 voice 845.265.4418 fax
url: www.timmillerassociates.com
email: bfranson@timmillerassociates.com

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APPENDIX B

Written Comments Received on the
DEIS

Grandview DCI's January 13, 2006

Page 1-2 - What are we doing with wells well? I thought the reason we were going to Central water was to avoid ~~but~~ contamination.

Page 1-8 New Pump House has enough room to accommodate iron & nitrate removal Equipment in future. - Do you foresee this to be necessary? What will future cost to install. Developer should set up escrow account for a number of years in case this needs to be done.

Page 1-14 Establishment of conventional lot area does not guarantee that lot area. you still have to meet zoning. if you cannot meet minimum lot width for lot 27. Maybe you ^{145-10 D} lose it, cannot be waived as part of Subdivision Regulation - Chapter's contracts dated 9th 2005

Page 1-23 School Tax figure project school tax is of \$11,246 per house that's without Town Highway and few districts which would average out to \$15,000 yearly in tax. Even in this area that is exceptionally high Assessor did some rough estimates on \$500,000, \$250,000 Homes 3600 - 3600 sq ft. Did you go to the assessor office for your figures. I do not believe Tax Revenue would be so high.

Page 3-3-9 What was nitrate concentration in the 2 New production wells. What is chlorine being added for

Page 3.6-8 ~~who will be responsible for maintaining walking trails? and who bears the cost~~

Page 3.7-4. Will the areas of the wells be deeded to the town? or will the town have a right of way to maintain them.

Page 3.8-7 A sidewalk should also be considered walking trails are for recreation not in exchange for sidewalks.

Page 3.11-3 I believe we asked for written feedback from Merrisick Valley School that your figures are acceptable. Comment 3.11-2 Change March 9th 2005

AMENDED

WAWAYANDA VOLUNTEER FIRE DEPARTMENT
REVIEW
TO THE TOWN OF WAWAYANDA PLANNING BOARD

Date: 4/1/06 SBL# 23102.01

Application: GRANDVIEW ESTATES

After review of the plans for the above referenced application the Wawayanda Volunteer Fire Department offers the following:

- No issues of concern
- Concerns /See comments below

F.D. ACCESS TO LOTS 18, 17, 34
DRIVEWAYS TOO LONG WITHOUT A TURN AROUND
~~PROVIDED WE CANNOT PROVIDE~~
ADEQUATE FIRE PROTECTION.
DRIVEWAYS HAVE TO BE WIDE ENOUGH FOR
2 VEHICLES.

T HANKS



Michael Hayes, Chief
Wawayanda Volunteer Fire Co.

[] Fax to Town of Wawayanda Planning Board
845- 355-5752



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232
e-mail: mheny@mhepc.com

TOWN OF WAWAYANDA
PLANNING BOARD
DEIS REVIEW COMMENTS

PROJECT NAME: GRANDVIEW ESTATES
PROJECT NUMBER: 05-06
TAX LOT: SBL 24.1.32.1, 32.2, 32.3, 53.12 & 26.1.1.21
COMMENTS PREPARED: 5 April 2006
MEETING DATE: 12 April 2006
ENGINEER: Pietrzak & Pfau, Tim Miller Associates

STORMWATER

- The DEIS identifies the subdivision plan to have been developed in accordance with SPDES permit GP-93-06 in multiple locations. Please revise and verify adherence to the SPDES General Permit for Stormwater Discharges from Construction Activities GP-02-01.
- The applicant may wish to update the construction commencement timeline from 2005 as stated in section 2.2.2 subsection Construction and Phasing.
- Long term maintenance of the stormwater management facility would be the responsibility of the Town of Wawayanda. It is assumed that a drainage district would be established for the operation and maintenance of the stormwater management facilities. Fiscal analysis for the formation of the drainage district, as well as long term operation and maintenance plan, should be provided. Confirmation that the Town will accept the proposed improvements in the drainage district as well as the ownership of the stormwater management appurtenances must be addressed.

WATER SUPPLY

- It is requested that the applicant's verify the 72 hour pump test for both wells pumped at 30 gallons per minute or was a sustained pumping rate of 30 gallons total utilized.
- The report identifies that fire flow demands are provided utilizing 14,567 gallons per day and that these rates are in accordance with NFPA standards. ISO type fire flow calculations should be provided documenting adequate water supply. The report further identifies that 800 +/- gallons per minute can be pumped utilizing the fire booster pumps. This can result in less than 20 minutes of sustained water supply from the 14,000 gallons available for fire flow.

REGIONAL OFFICES

- 111 Wheatfield Drive • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

- Appendix F of the DEIS contains annual operation cost for the water supply system. The annual operation costs are based on whether or not treatment for iron and nitrate will be required in the future. Based on our review of the current document it appears that the iron and nitrate treatment will not be incorporated into the initial treatment system. Fiscal analysis for iron and nitrate would then require funding for the installation of the treatment system which would apparently be a cost to the water district in the future.
- Conversations with the Town's Water & Sewer Superintendent identified the Town's desire to have any hydro-pneumatic storage tanks be placed within structures and not buried on the site for ease and operation and maintenance.
- It is noted that the applicant is once again identifying an ion exchange treatment technology to treat nitrates and/or filtering of iron and manganese if detected during the required monitoring for water quality in the production wells. It is requested that the applicant specifically identify potential impacts associated with environmental and fiscal concerns should these parameters exceed drinking water standards past that timeframe.
- A mitigation measure identified is the use of specific plant species identified by the Cornell Lab of Ornithology. It is not likely that any of these species will be utilized by residential landowners as they are not typical species which would be planted within residential subdivisions including mulberry trees, wild grape and staghorn sumac as examples.
- Confirm that PVC pipe is acceptable to Town's water department.

WASTE WATER SEWAGE DISPOSAL

- Water supply calculations provided in the report identify average daily water use based on Orange County Health Department Standards of 12,750 gallons per day while waste water systems identify that based on Orange County Health Department Standards the project would utilize 17,680 gallons of water per day.
- The report identifies that curtain drains are an acceptable method of mitigating mottling and groundwater conditions encountered. While this may be an acceptable engineering practice Orange County Health Department requires curtain drains be installed and soil testing be performed to confirm proper functioning of curtain drains. This should be further clarified and addressed in the document.

LAND USE AND ZONING

- Clarification as to the deed restrictions to be imposed on Lot 34 should be discussed. References to restrictions on use and development are included, however, prohibition as to the use to the site as recreational/open space is identified in the document. The applicant representative identified that they believe this meets the intent of the clustering provisions. However, specific approval by the Planning Board and/or Town Board may be required to determine this.

- Provisions for public access through some form of deeded access rights along many of the residential lots is proposed. Deed restrictions should be provided to the Planning Board for review. Development of this walking path should be addressed in the document as well as on the design plan. Long term operation and maintenance of these facilities should be identified as well as specific access and use restrictions which are proposed. It appears that public access to the rear of several of the single family home parcels will be available while public access to the "horse farm" will not be permitted.
- The report identifies the applicant will provide a fee in lieu of recreation land. It is requested that the applicant confirm that the standard recreation fee per square foot of the building area is proposed.
- A waiver for maximum road length will be required to be approved by the Town. A 2,900 foot long dead-end road is currently proposed. The applicant states that the emergency access road is proposed via an easement on Lot 34 in order to mitigate the dead-end road way. Specific Town approval for roadway length waiver would be required.
- It appears that the flag lot proposed for Lot 27 does not meet the minimum width requirements associated with flag lots. Zoning variance would be required for this lot.
- The applicant has requested multiple waivers and suggests that 162-35 of the subdivision regulations allows the Planning Board to waive the subdivision standards where it finds an extraordinary hardship. This provision identified is specifically included in Article IV Documents to be Submitted, and not in the required design standards, Article III of the Code. It should be clarified whether the Planning Board can waive these requirements or if the Zoning Board of Appeals would be the appropriate agency to seek relief from these requirements.
- The emergency access road should be further clarified. Statements made as to the applicants opinion regarding the emergency access road satisfying the intent of the subdivision regulations should be supported by the comments from the Lead Agency, Town Board, Highway Superintendent and jurisdictional fire department. Long term maintenance of this facility should be addressed including winter maintenance of the access road.

HISTORICAL & ARCHEOLOGICAL RESOURCES

- Comments from the office of Parks, Recreation and Historic Preservation on the Phase I and Phase II archeological assessments must be received. Statement that no further historical archeological investigations are warranted are based on the applicant's consultants opinion and not on the OPRHP's review and concurrence with the findings of the Phase I and II surveys.
- OPRHP's concurrence with the Phase II recovery plan identified in the Phase II survey must be received as well as the location of any protection of reputedly archeologically sensitive areas. Concurrence by the State Agency as to mitigation required on the lot must be completed prior to final subdivision approval as the lot could transfer ownership upon and approval and before Phase III work is accomplished. Further detail discussion of timing of the mitigation measures as well as timing of the subdivision should be provided.

COMMUNITY CHARACTER

- Proposed mitigation measures identified under Community Character identifies a decrease in the width of pavement as well as the removal of curbing from the subdivision for a more rural character. Conversations with the Highway Superintendent identifies that standard road details must be complied with in the subdivision eliminating the proposed mitigation.
- Comments regarding the necessity of the dry hydrant system should be received from the Slate Hill Fire Department, as well as comments regarding the emergency access and the proposed split within the access. It would appear the emergency access plan was viable in consideration of only having one public access point, that the emergency access route between lots 22 and 23 be sufficient and not need the other route encircling lot 19.

SOILS & TOPOGRAPHY

- While it is noted that blasting is not anticipated on the subdivision additional requirements for submission of a blasting plan and appropriate insurance and bonding to the Town Building Inspector prior to any blasting occurring on the site.

EDUCATION

- It is requested that the applicant provide updated information from the Minisink Valley School District regarding physical analysis. Information should be coordinated with available information from the assessor's office regarding assessed evaluation and potential impacts of school aged children on the school district.

Respectfully submitted,

**MCGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, P.C.**



Patrick J. Hines

Associate



COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecounty.gov/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING
239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:	<i>Town of Wawayanda</i>	Reference/County ID No.: WYT08-06N
Applicant:	<i>Grandview Estates, LLC</i>	County Tax ID: S: 24 B: 1 L: 32.1, 2, & 3
Proposed Action:	<i>Major Subdivision</i>	S: 24 B: 1 L: 56.12
Reason for Review:	<i>Major Subdivision</i>	S: 26 B: 1 L: 1.21
Date of Full Statement:	<i>March 26, 2006</i>	

Comments: *The County is in receipt of the Draft Environmental Impact Statement (DEIS) for the above project. The applicant is seeking to construct 34 single-family detached residences and preserve an existing horse farm on a 102-acre parcel. We have several comments:*

Design

* *While the County recognizes the school multiplier employed by the applicant, we hesitate to consider that less than one student will reside in each 4-bedroom home.*

* *Clarification is needed as to why the entire parcel will be fenced and what type will be constructed. Should fencing be necessary, appropriate materials should be approved by the planning board, especially on Breeze Hill Road. The applicant should also consider planting large deciduous trees to canopy and shade this road in addition to its internal road landscaping.*

* *It is unclear what the intent of the "blanket conservation easement" area to be dedicated to lots 1- 16 will be and why it would be for only the said lots.*

* *While the applicant would provide a fee in lieu of recreation fees, we recommend a centrally located pocket park be nestled into this proposed project, perhaps in the northeast corner of Lot 10. A modest piece of playground equipment could be donated to the Town to benefit the children of this isolated development.*

* *Identification of a qualified organization that would permanently protect the open space is necessary. Also, it is unclear who would maintain the designed paths as well as the secondary emergency access road and gate.*

* *Due to a significant amount of disturbance, the County suggests deleting one lot from the overall design. Lots 17 and 18 are unnecessarily awkward. One, instead of two, lot in this area*

enables the lot and home to be closer to the cul-de-sac road. This will preserve a continuous rear woodland area rather than fragmenting it around a peninsula of homes.

**The applicant should consider constructing a modern passive sewage treatment facility, as the large amount of open space and low density lends itself to this innovative process. Many technologies can be used for small community wastewater collection, treatment and dispersal, including recirculating sand filters, advanced mechanical systems, land-based treatment systems (aerated ponds, drip irrigation for dispersal, and constructed wetlands), community septic systems (i.e. large leach fields), etc. Local examples of these technologies can be seen in the Town of Lloyd.*

**The applicant should work with Orange County Soil and Water Conservation to ensure the most up-to-date storm water prevention and treatment methods are employed.*

Transportation & Trails

**As stated in the DEIS, only a small population use public transit; however, this percentage is increasing. We suggest a contribution be made toward a future town bus shelter and or park and ride.*

** We believe the transportation projections between 8 and 9 a.m. are underestimated at 34, as this implies only one driver will leave each home, whereas typically there are two employed people, parents driving children to school, and licensed students.*

**Sidewalks are not planned, yet we hope the applicant would consider a bicycle-pedestrian lane on one side of the internal road. While requiring minimal maintenance of occasional sweeping and striping, it will offer a safe haven for children and adult walkers and cyclists. Newest technologies color coat a three to four-foot shoulder to delineate this area from vehicular traffic. Should construction be performed on parcel frontage on Breeze Hill Road a similar lane should be provided.*

** While the County enjoys the inclusion of backyard access points to the designed trails, it would favor a multi-use path within the main road. A color coated dedicated lane will promote internal circulation and provide more visibility than the perimeter paths abutting backyards.*

Conservation Easement

** The maintenance of active agriculture and the preservation of farmland are top priorities for Orange County. As well, the second Goal in the Town of Wawayanda Comprehensive Plan (2000) is "Maintain Wawayanda's character as a rural community." This Department believes that one of the most effective ways - if not the primary way - to preserve rural character is to encourage the economic viability of farm operations. While it appears to be the intent of the applicant to maintain a portion of the property as an active horse farm, we are not convinced that the current layout of the proposed subdivision would help to further these critical goals.*

** USDA classification of soils listed "Prime" as the highest level of productivity; the second highest is classified as "Important." Agencies at the County, State, and Federal level have made the protection of Prime agricultural soils, of which this property has a high percentage, a top priority for agricultural preservation. Restricting development on Prime agricultural soils helps to ensure versatility of farmland, now and in the future, by allowing for many different agricultural uses, from vegetable farming to horse farming. The majority of the Prime soils on this property are planned for residential development, while the portion that is kept as an intact*


farm has primarily important agricultural soils, with some Prime soils. Ideally, a larger portion of Prime soils would be left undeveloped in this subdivision.

* To ensure the viability of the horse farm operation, sufficient equestrian facilities should be maintained. The majority of the paddocks and four of the five run-in sheds are planned for removal, leaving four large paddocks and one run-in shed. Meanwhile, we estimate that each of the barns (to remain) may have approximately 10 stalls apiece, creating the opportunity for 20 or more horses total. While the total area of Lot 34 is 50 acres, it includes wetlands and multiple buildings. Additionally, a significant portion is isolated by lots 17 & 18 rendering the area less accessible. We caution that adequate acreage will be needed for pasturing livestock, especially if rotational grazing will be practiced. Under a conservation easement, expansion of the farm operation (i.e. construction of riding arena, expansion of barns) will be hindered. The buildable area of Lot 34 should be modified to allow for such expansions. We recommend that the Town make certain that Lot 34 will have appropriate facilities and acreage to support a working livestock farm. We are concerned that the current subdivision design may not allow for a viable horse farm in the future. We recommend that appropriate facilities and sufficient Prime agricultural soils be reserved to effectively provide for a productive farm operation, while protecting the viewshed from Breeze Hill Road.

County Recommendation: ~~Approval:~~
~~Disapproval:~~
~~Local Determination:~~
~~Approved subject to the following modifications and/or conditions:~~

At this time, the County has simply reviewed the DEIS and looks forward to working with the municipality and applicant as this project progresses.

Date: April 26, 2006
Prepared by: Kate Schmidt



David Church, AICP
Commissioner of Planning

03147
BF

Stuart Turner & Associates

PLANNING AND DEVELOPMENT CONSULTANTS 845-368-1472

MEMORANDUM

TO: MS. ANN YATES, CHAIR
MEMBERS, WAWAYANDA PLANNING BOARD

FROM: STUART TURNER, FAICP, PP

SUBJECT: PLANNING & SEQR REVIEW OF GRANDVIEW ESTATES

DATE: JUNE 9, 2006

CC: PAT HINES, P.E.
BONNIE FRANSON, AICP (FOR APPLICANT)

As requested by the Planning Board we have reviewed the Draft EIS and the Preliminary Subdivision Plan for Grandview Estates. These tasks are being performed as sub-consultants to your Planning Board Engineer consultant, McGoey, Hauser & Edsall (MHE).

We are aware that the Draft EIS has been formally accepted as complete and the public comment period has ended. We are also aware that a public hearing on the DEIS and Preliminary Plan have been closed.

Our task as I understand it is to provide planning comments on both the DEIS dated January 13, 2006, for consideration in the preparation of the Final EIS and the Preliminary Subdivision Plan dated 3/11/04 last revised 12/23/05.

Our comments follow. We have addressed what we consider significant planning issues. We may have some follow-up comments as the process proceeds. There may be some overlap between the EIS and subdivision comments, but we suggest they be addressed as part of SEQR. There may be some overlap with MHE's comments, although we have attempted to avoid duplication. We have focused on the planning issues and have basically avoided engineering issues, which are addressed by Pat Hines.

We have visited the site in the field and reviewed the EIS Scope, Volume 1 and 2 of the DEIS as well as the 13 sheet Preliminary Subdivision, last revised 12/23/05.

DRAFT EIS

Executive Summary

1.2.2 Wetland (see also Fire Protection)

Is the use of wetland D for back-up fire protection necessary? As a pond it may have limited capacity and while it will be utilized infrequently (hopefully never) there may be unnecessary impact on the wetland.

1.2.6 - Land Use

The approach to developing this site is consistent with the land use pattern that is emerging in this area and consistent with the Town's objectives to preserve the agricultural quality and character of the area. However, it is not clear who will be responsible for maintaining the horse farm. Is it the owner of lot 34 or is it the Homeowners Association? Is the two acres around the house on lot 34 to be subdivided out at some point? Why is a house necessary on lot 34 if the intent is to maintain the agricultural character of the corridor?

We agree that it is not appropriate to use the horse-breeding farm for active recreation. However, Section 195-33I requires that 25% of the open space be active open space. The offer of a fee in lieu of land may or may not mitigate this particular requirement since the 25% provision it is a specific requirement in exchange for permitting the cluster and residual land in a cluster cannot be counted toward meeting the recreation requirement. The fee in lieu of recreation is a separate requirement. We suggest that the planning board attorney be requested to review this matter.

1-2.6 - Pages 1–3 – Subdivision Road

The 2,900-foot access road is substantially longer than permitted by the Town Code. While the proposal for an emergency access road addresses certain of the public safety concerns, there are other planning matters to be addressed.

The Town's code requires that subdivisions with 20 or more lots "shall" have at least two means of access (162-22F). This is for both safety and convenience. The long road requires extra travel for residents, delivery and service vehicles including public service vehicles (school buses, waste haulers, etc.) The applicant should address this matter in the FEIS.

Who will maintain the emergency access and how will it be gated?

Flag Lots

Generally flag lots are not desirable, but they are acceptable in some instances. However, the very long driveways (lots 17 and 18) especially at the end of an excessively long road creates further issues for fire and emergency access. If the Board finds these acceptable, then the applicant should address the Fire Chiefs' concern about the narrow width of the driveways.

If Lot 27 is permitted as a flag lot, screening should be required between lot 27 and 28.

Pages 1 – 14 - The DEIS indicates that the failure of lot 27 to meet the minimum width for a flag lot is to achieve the desired yield. In our opinion this by itself is not compelling or sufficient reason to waive this requirement. Furthermore, we do not believe that it is good planning practice to plan a subdivision that requires a waiver if there is no compelling public benefit. Can the adjoining lot be modified to avoid this waiver?

1.2.7 – Page 1-15 – Agricultural Land Resources – We suggest that the notes to be included on the map also be included in individual deeds in order to assure that all homebuyers are aware of these items.

Page 1–17 – Pedestrian Environment. It is not clear on the maps where the walking trail is located. This is a positive aspect to the project, but it has to be planned in a manner that does not result in a conflict between lot owners and trail users. Will there be an easement over it to permit walking on individual lots? Could this easement be in favor of the HOA? We suggest that the map and easement provisions be more clearly articulated.

1.2.9 – Visual – Page 1 – 18 – We assume that the developer will provide/install the initial front and foundation landscaping. Is this correct? Does the Planning Board want to review this in greater depth than is presented in the DEIS?

See comments re street trees under our subdivision plan comments. We suggest that this be addressed in the FEIS.

Although the overall plan itself with the retention of the horse farm, will contribute to visual compatibility, it would be helpful to the Planning Board to know what the proposed homes will look like and what materials and colors are contemplated.

1.2.11 – Community Facilities

We believe that this analysis is reasonable and this project, by itself, will have limited impact.

The Planning Board's Scope requested a broader more cumulative impact analysis to include other projects. The applicant has addressed this.

It is not clear if the reference to the ratio of five state police officers per 1,000 population considers the entire area served by Troop F.

1.2.12 – Fiscal (see also 3.12)

There are several accepted methodologies to address Fiscal Impact. We have reviewed the analysis and assumptions utilized in the DEIS and find that they are acceptable and the conclusions are reasonable if there is agreement that the average value of the homes is \$600,000. We have not researched the matter of home values.

Page 1-20 – With regard to Fire protection, is the Fire Department satisfied with the pressure generated by the proposed water system, or will they be dependent on their own pump? Also, will the HOA be responsible for the maintenance of the emergency access road? Finally, what is the design of the emergency gate and who will have access (Fire Department, State Police, ambulance, etc.?)

The Fire Department submitted their own comments regarding the length and width of driveways. If the long driveways are accepted, turnouts can be provided to address the issue of passing vehicles.

1.2.13 – Community Character

While the open and agricultural character of Wawayanda, particularly the Black Dirt Area, are still prevalent and likely to remain, it is clear that change to a more exurban character is occurring. This is particularly true in, this Breeze Hill Area. We would suggest in order to mitigate the impacts of the proposed development consideration should be given to the measures outlined in the DEIS including narrower roads and are eliminating curbs or utilizing open swale type curbs.

We further suggest that the design of the homes reflect the rural architecture and materials of older homes in the area. Finally, we suggest that the Alternative Cluster that moves homes behind the tree line, be seriously considered. This will help to maintain the appearance of an open/agricultural corridor.

Alternatives

1.3.1 – Under the No Action Alternative, is it likely that the horse farm will remain?

1.3.3 – Cluster to Minimize Visibility of Future Lots

We recommend that this alternative be considered favorably since it has several positive features and the impacts are virtually the same as the primary proposal. However, it helps to achieve the Town's Planning Goals more effectively.

SUBDIVISION

Landscaping – The Subdivision Regulations (162-21 L) require landscaping at entrances, public areas and along streets. The DEIS (pages 1 – 9) indicates that lists of appropriate species will be provided to homeowners. However the applicant should be required to install the street trees and landscaping at entrances. If the Board wishes to approve the proposed street trees, our landscape architect can work with you on the applicant to achieve this. It is important that a variety be provided to avoid potential loss of street trees to disease among one species.

Planning Issues – Subdivision

The issues related to road layout, flag lots, emergency access, open space and recreation are addressed in the DEIS comments.

MISCELLANEOUS

On page 3-12-11, Section 3.12.2 – Overview, there is a statement that the homes will be served by individual wells. It was my understanding that a central water system is intended. This is reflected in the subdivision maps. This should be clarified.

CONCLUSION

We suggest that these comments be discussed by your Board and the applicant can address them in the FEIS. We will be happy to meet with you to discuss these further.



Bernadette Castro
Commissioner

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

518-237-8643

July 19, 2006

Ann Yates, Chairperson
Town of Wawayanda Planning Board
80 Ridgebury Hill Rd
Slate Hill, NY 10973

Dear Ms. Yates.

Re: SEQRA/DEC
Proposed Grandview Estates Subdivision
Town of Wawayanda, Orange Co., NY
03PR04534

Thank you for requesting the comments of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) with regard to the potential for this project to affect significant historical/cultural resources. OPRHP has reviewed the DEIS which arrived in our office in late April and the Phase I/II Cultural Resource Survey prepared by Columbia Heritage Ltd. Based on this review, OPRHP provides the following comments.

1. The Phase IA archaeological report indicates that the data included in the state site files probably under represents the number of prehistoric sites actually present in the project vicinity. This is true and illustrates that the author is aware that additional sites have been identified by local collectors. According the guidelines for conducting this type of research in New York, local individuals with detailed knowledge should be consulted as such data can be very helpful:

It is recognized that a variety of individuals, especially those interested in or living near a specific project area, may have information not available from any other source. Such information can enhance the data gathered from the written record alone. Informant interviews with persons (e.g. avocational archaeologists, landowners, state or local government agency staff) who may be familiar with the project area and possible archaeological sites can make a valuable contribution to these investigations. (NYAC Standards Section 2.2.2-Background Research)

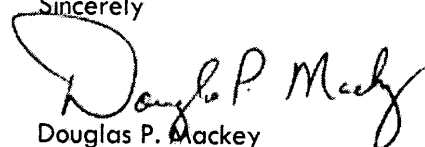
Orange County has an active and knowledgeable chapter of the New York State Archaeological Association and a number of its members have a large amount of knowledge regarding the project vicinity. It does not appear that these individuals were contacted, but they should have been. A perfect example of this is the Turtle Bay site. Although identified in the report as NYSM Site 6185, the author states that no information was available. However, you own town building has an extensive display of material from that site, and according to statements made at a recent town meeting that I attended, there was an archaeological study undertaken for that parcel in advance of current mining activity. Neither the town's own display nor the report on the work completed or referenced in this report. Given the proximity of that site there should have been an effort to examine as much detail as possible and include that in the analysis of this project.

2. In addition to using data gathered from local individuals during the sensitivity assessment, if any data is collected regarding the project area itself that information should be incorporated into the testing strategy and evaluated critically during the field testing. Given the finds made during the Phase I study ORPHP suspects that there are individuals with collections from this property and those collections should have been examined and the location of finds noted during the Phase IB and evaluated both in the IB and Phase II if appropriate.
3. The Phase IB testing completed was tightly restricted to areas identified as footprint for proposed structures (residence, septic fields) however experience has shown that contractors do not keep within these boundaries. What we typically see during construction is that large areas surrounding the proposed structures are cleared of all vegetation and much topsoil – activities that would have a devastating impact on any archaeological deposits present. Therefore, OPRHP recommends that additional areas of the proposed lots be tested, including all areas that are likely to be impacted by construction and residential activities (driveways, yard areas, pool construction, landscaping, etc.). It may be possible to identify more realistic construction envelopes and to confine testing to those areas, however they must represent realistic estimates.
4. Despite these shortcomings, the Phase IB sampling succeeded in identifying two archaeological sites were identified (Grandview 1 – A07119.000188 and Grandview 2- A07119.000189) and at least one site – Grandview Site 1 – appears to be eligible for the National Register of Historic Places. Although the report indicates that Grandview 2 may not be National Register Eligible, OPRHP will not provide an evaluation until the previous noted local informants have been interviewed and their data included in the analysis, and the additional areas of probable impact have been examined.

The general vicinity of this project is an area known to contain numerous significant archaeological resources and it is an area that deserves appropriate consideration. OPRHP recommends that you have the applicant address our comments and submit a revised report so that we may provide you with informed and considered comments.

Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely



Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

Cc: Stephen Oberon, Columbia Heritage
Janelle Herring, Tim Miller Associates
NYSDEC Region Region 3

APPENDIX C

Public Hearing Transcript

THE TOWN OF WAWAYANDA: PLANNING BOARD

-----X

Public Hearing Regarding:

GRANDVIEW ESTATES LLP

Draft Environmental Impact Statement

-----X

**April 12, 2006
Town Hall
Slate Hill, New York**

B E F O R E:

ANN YATES Chairperson

JOHN NEIGER

BARBARA PARSONS

BENNIE DOMBAL

DANIEL LONG

JAMES DRISCOLL

MARY MARKIEWICZ

WILLIAM BAVOSO, ESQ. Attorney

PATRICK J. HINES Engineer

PATT BATTIATO Planning Board Secretary

**Robert J. Cummings, Jr. RPR
Court Reporter**

-PROCEEDINGS-

1
2 CHAIRWOMAN YATES: I would like to welcome
3 everybody to the Town of Wawayanda Planning Board
4 meeting.

5 Please rise for the Pledge of Allegiance.

6 (Pledge of Allegiance recited)

7 CHAIRWOMAN YATES: First item on tonight's
8 agenda is the public hearing for the proposed
9 Grandview subdivision.

10 I will read the notice of completion of the
11 draft impact statement and public hearing.

12 "On the 8th of March 2006 the Town of
13 Wawayanda Planning Board, as lead agency,
14 accepted a Draft Environmental Impact Statement
15 on the proposed Grandview Estates subdivision, a
16 34 lot residential cluster subdivision.

17 A public hearing for the Draft E.I.S. and
18 subdivision will be held on Wednesday the 12th of
19 April 2006 at 7:30 p.m. at the Town of Wawayanda
20 Town Hall, Ridgebury Hills, Slate Hill, New York,
21 10973.

22 Written comments on the DEIS will be
23 requested and accepted by the contact person
24 until 10 days after the close of the public
25 hearing.

-PROCEEDINGS-

1
2 The action involves the proposed
3 construction of a 34 lot residential subdivision
4 on an existing 101.95 plus or minus acre parcel
5 located on the eastside of Reis Hill Road in the
6 Town of Wawayanda, Orange County, New York.

7 The project is located on the following tax
8 lots: Section 24, Block 1, lots 32.1, 32.2,
9 32.3, 53.12 and Section 26, Block 1, lot 1.21.

10 The project is proposed to be a clustered
11 subdivision with 33 lots gaining access off a new
12 subdivision road, while an existing horse farm
13 facility will be maintained on lot 34.

14 The project will be served by an on-site
15 community water system and by individual sanitary
16 sewer disposal systems.

17 This project is located in the AB,
18 agricultural business zone, and is a permitted
19 use within that zone.

20 Copies of the DEIS are available for public
21 review at the Town Hall or the Goshen Library.
22 The DEIS can be reviewed on line at the
23 applicant's consultants website
24 www.timmillerasociates.com."

25 would someone like to make a motion to open

-PROCEEDINGS-

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the public hearing?

MR. LONG: I will make the motion.

MS. PARSONS: I will second it.

CHAIRWOMAN YATES: All in favor?

MR. NEIGER: Aye.

MS. PARSONS: Aye.

MR. LONG: Aye.

MR. DRISCOLL: Aye.

MS. MARKIEWCICZ: Aye.

CHAIRWOMAN YATES: Aye.

Opposed?

(No response)

CHAIRWOMAN YATES: Okay. would you just please give an overview of the proposed project?

MS. FRANSON: Certainly. Good evening. My name is Bonnie Franson. I am a planner with Tim Miller Associates. And we are planning consultants to Grandview Estates LLC and were responsible for preparing the Draft Environmental Impact Statement for this project.

I am also here with Travis Ewald from Pietrzak & Pfau, engineers for the project, as well as Jeff Gershen, who is one of the partners and applicant of the proposed project.

-PROCEEDINGS-

1
2 The S.E.Q.R.A. process, the State
3 Environmental Quality Review process, commenced
4 in 2003. At that time the Planning Board
5 declared itself lead agency, issued a positive
6 declaration and determined that a Draft
7 Environmental Impact Statement should be prepared
8 to analyze the potential impacts associated with
9 the subdivision.

10 A scoping document was prepared. The
11 scoping document outlines the various categories
12 and topics that will be addressed in the EIS
13 that was adopted by the Planning Board back in
14 2003, and that was the guide for putting together
15 the Draft Environmental Impact Statement that is
16 available for public review.

17 The project site is 101.95 acres. It's
18 located between the black dirt area and Lower
19 Road. It has frontage on Breeze Hill Road and is
20 just to the south and east of Breeze Hill
21 Estates.

22 The project is a cluster subdivision. It
23 proposes 34 lots on these 101.95 acres, so the
24 gross density is about 1 dwelling unit per 3
25 acres. However, because it's a clustered

-PROCEEDINGS-

1
2 subdivision, the project has been concentrated
3 within the property so that open space could be
4 preserved on the site.

5 Based on ongoing discussions with the
6 Planning Board, it was determined that the
7 viewshed of Breeze Hill Road and the agricultural
8 portion of the property was important in terms of
9 its preservation, so, this front portion of the
10 site has been retained and you can see it here as
11 green in open space (indicating). This green
12 area here (indicating) is approximately 47 acres.
13 And there is a proposed walking trail that would
14 locate around the periphery of the site, and
15 altogether that's an additional 4 acres. So,
16 half of the site would be preserved as open space
17 and would be deed restricted from any future
18 development.

19 The intent and the goal is to allow this
20 front part of the property to continue to be used
21 as a horse farm to the extent that an individual
22 is interested in using it for that purpose and
23 maintaining it for that purpose. If it were not
24 used for a horse farm, it could be used for other
25 agricultural purposes or, otherwise, it would

-PROCEEDINGS-

1
2 remain undeveloped.

3 So, again, that's the intent of the overall
4 site.

5 As was mentioned, this would be served by a
6 community water supply system which is shown in
7 this area (indicating) and it has been designed
8 to include storm water management facilities to
9 control run-off from the project site.

10 There are 34 single family detached
11 dwellings proposed. The smallest lot size
12 conforming to the Town's cluster regulations
13 would be 1 acre. And each of the lots would be
14 served by individual on-site septic systems.

15 In terms of the EIS, the Environmental
16 Impact Statement does examine a number of areas
17 of concern related to the soils, topography,
18 water resources - both surface water, wetlands,
19 streams. It also examines utilities and
20 infrastructure demands for the proposed project.
21 The project's potential impact on community
22 facilities, including fire protection services,
23 school district impacts, and it also examines
24 ecology, land use and zoning, community
25 character, and there was an extensive

-PROCEEDINGS-

1
2 archeological survey that was done as well on the
3 project site to determine whether there were any
4 native American artifacts present on the site,
5 and that's all documented in the Environmental
6 Impact Statement.

7 With that, I don't want to take up too much
8 time as far as the overview - the purpose of
9 tonight's meeting, this is a public hearing on
10 both the preliminary subdivision plan and the
11 Draft Environmental Impact Statement.

12 Again, if you want to review the document,
13 it's available at the Goshen Public Library, here
14 at Town Hall, and also at our company website.

15 And we do have a stenographer here who will
16 take down your comments, and as part of the
17 environmental quality review process, we would be
18 required to respond to your comments as part of
19 the overall review process.

20 So, with that --

21 CHAIRWOMAN YATES: Okay. Is there anyone
22 here with any questions or comments pertaining to
23 this proposed subdivision? Nobody at all?

24 Planning Board members? Anybody?

25 MS. PARSONS: I have a question of Pat here.

-PROCEEDINGS-

1
2 You say you said in your notes confirm that PVC
3 pipe was acceptable to Town Water Department; is
4 that acceptable practice, or is it better to go
5 with ductaline, something else? I don't know.

6 MR. HINES: I don't know what the past
7 practice has been -- whether they accept PVC or
8 ductaline.

9 MS. PARSONS: We have also asked for
10 ductaline.

11 MR. HINES: Yes, that was the reason for, I
12 haven't spoken to Jeff Miller on that issue.

13 MS. PARSONS: I don't know at this point.
14 We haven't had a new water district.

15 MR. HINES: The comment on the document
16 states that they will be using SDR 21 water pipe
17 plastic, and I need to confirm with the water
18 superintendent.

19 MS. PARSONS: Yeah, I think that's a good
20 point. Before I remember we asked for ductaline.

21 MR. HINES: I did speak to the water
22 superintendent regarding the proposed water
23 system and he identified a concern the buried
24 underground hydroneumatic leads. And it's his
25 preference that those be located above ground so

-PROCEEDINGS-

1
2 that the water treatment building would have to
3 be larger to accommodate; that's a comment the
4 applicants will have to address under the water
5 section of their comments. His concerns were
6 access for maintenance and he has many hydromatic
7 tank systems in the town and they are a
8 maintenance issue for him.

9 MS. PARSONS: Right.

10 CHAIRWOMAN YATES: Okay, we will try again;
11 anybody have any comments or questions pertaining
12 to this proposed subdivision?

13 All right, I guess just for the benefit of
14 anyone who's interested, the documents still are
15 available in the Town Hall and on the website and
16 we will be accepting comments for 10 additional
17 days.

18 MR. HINES: After you close it.

19 CHAIRWOMAN YATES: After we close the public
20 hearing.

21 MR. HINES: One of the comments, general
22 comment, I know the board had discussed
23 previously, the impacts on the school district,
24 and I know the board was looking for some
25 additional clarification. I have a general

-PROCEEDINGS-

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2 comment in mind, request the applicant update the
3 information from the Minisink Valley School
4 District. I know Ms. Franson from Tim Miller
5 Associates was going to get some additional
6 supporting documentation from the school district
7 in support of the impact statement.

8 MS. PARSONS: That was one of the things we
9 asked for. We wanted the letter, not somebody
10 stating what they said over the telephone. I
11 think for our records we need something in
12 writing.

13 MR. HINES: What's also lacking from my
14 written comments to you is the traffic analysis -
15 I haven't gotten that from my traffic engineer
16 yet. I don't know why, I was expecting it today,
17 but that will be followed up under the written
18 comments.

19 MS. MARKIEWICZ: I think we also asked for
20 updated figures on possible tax amounts.

21 MR. HINES: Right. In my final comment
22 there is information should be coordinated with
23 available information from the assessor's office
24 regarding assessed evaluation and potential
25 impacts of school-aged children. That's the gist

-PROCEEDINGS-

1
2 of our last conversation was in the financial
3 analysis.

4 MS. PARSONS: I got this from the assessor's
5 office, and I suggest they do the same thing, so
6 they get something from our assessor, not a
7 guesstimate of what they think they are going to
8 be adding to our revenues from the school
9 district, which I don't think will be really very
10 much - it never is. It always cost us taxpayers
11 more.

12 Let me see. As far as that lot 27, I see in
13 your notes you have it as well, they would have
14 to get a zoning variance on that.

15 MR. HINES: They mention a request for a
16 waiver from the Planning Board.

17 MS. PARSONS: I thought Bill said we
18 couldn't do that.

19 MR. HINES: Right. Under the cluster
20 provisions they may be able to change that lot
21 geometry. I have it in there as a comment that
22 needs to be addressed - they say waiver, I don't
23 know whether it means a variance or if it fits
24 under the cluster regulations where it gives you
25 some flexibility on lot geometry, layout and set-

-PROCEEDINGS-

1
2 backs. Your flag lot ordinance would definitely
3 require, if you read it under that ordinance just
4 as a general flag lot, it would require a
5 variance, and not a waiver. But because this is
6 a cluster subdivision, there is some flexibility
7 in lot layout there. So, I have it as a comment.
8 It's something we would have to talk about.

9 MR. EWALD: We could make it bigger, that
10 lot.

11 MS. PARSONS: I don't want to give you a
12 waiver, I mean, I just feel it would be going
13 against a flag lot ordinance, and we don't want
14 to set a precedent.

15 MR. EWALD: I think that was just an
16 oversight.

17 MS. PARSONS: Okay.

18 MR. HINES: We just have to watch that you
19 don't impact the amount of open space, that 50%
20 open space requirement which I have comments on
21 that.

22 One of the concerns is the walking path
23 between the rear of the lots - that kind of has a
24 public access feel to it where everyone is
25 allowed to use that, and does that mean the horse

-PROCEEDINGS-

1
2 farm, in quotes, area is not allowed for public
3 use, it's specifically not going to be allowed
4 for use by the subdivision because of the horse
5 farm use.

6 One of the things that we thought about was
7 if it does not become or continue to be an active
8 farm, maybe it should revert to the lot owners to
9 be available for open space, otherwise it will be
10 tied up with the one parcel and not available. I
11 don't know what the status of the horse farm use
12 is. We don't need to discuss it now. It's in
13 the comments.

14 MS. FRANSON: Okay.

15 MR. BAVOSO: Pat, you make reference to
16 comments to Slate Hill Fire Department, but we
17 have comment from Wawayanda Fire Department with
18 regard to the driveways.

19 CHAIRWOMAN YATES: I don't know if this is
20 really pertinent to the public hearing right now,
21 if we should be taking public comments and do our
22 comments.

23 MS. PARSONS: Don't you think the fire
24 department's comments are rather pertinent? I
25 do. They should at least be put in.

-PROCEEDINGS-

1
2 CHAIRWOMAN YATES: Certainly, it's part of
3 the review. I mean we are here to listen to the
4 public tonight - not that they have anything to
5 say yet. Maybe they will come up with something.

6 MS. PARSONS: I think this is a public,
7 well, when I say public, it's a comment from one
8 of the involved agencies, so, it should
9 definitely be on the record.

10 CHAIRWOMAN YATES: I am just saying, I
11 didn't even bring my file, so I am not prepared
12 to address any comments, other than to listen to
13 public comments.

14 MR. BAVOSO: You can have mine, Bonnie.

15 MS. PARSONS: Talking about the access to
16 lots 18, 17, 34, driveways too long for the turn-
17 around. You know, it's okay, provided they can
18 provide adequate fire protection.

19 CHAIRWOMAN YATES: Barbara, what I am
20 saying, I don't have my file. I don't have any
21 of the documents because I just came --

22 MS. PARSONS: Do you want to see that?

23 CHAIRWOMAN YATES: I am talking about all of
24 these things, I just came for the public hearing.
25 I think we should wait --

-PROCEEDINGS-

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2 MS. PARSONS: I thought we were making
3 comments as well here - figured that it's not
4 just the public, we are making sure our comments
5 are taken care of as well. I would have thought
6 that that would have been important to have a
7 file.

8 CHAIRWOMAN YATES: At this time is there any
9 comments or questions pertaining to the proposed
10 subdivision? Yes, sir?

11 MR. SORIANO: I live in the area, actually
12 right across the road. The access to this
13 development is it off of Breeze Hill, proposed
14 development, how do you get into it; is it going
15 to be off of Breeze Hill, or is it coming off of
16 Turtle Bay?

17 CHAIRWOMAN YATES: No, no, off of Breeze
18 Hill Road.

19 MR. SORIANO: One last question. This, from
20 what I understand they are not going to have
21 individual wells, there is going to be --

22 CHAIRWOMAN YATES: That's correct.

23 MR. SORIANO: Where does that water come in?
24 Like 34 homes, if there is no wells --

25 CHAIRWOMAN YATES: There is going to be a

-PROCEEDINGS-

1
2 well on the large lot. Maybe you could point
3 out, Bonnie, where the well is proposed?

4 MS. FRANSON: Two wells have been drilled.
5 This is Breeze Hill Road and here is the turn
6 (indicating), and this is one well, this is the
7 other well. That would be a community water
8 supply system, either the Town would take it
9 over, maintain it through creation of a district
10 - that's the intent at this point. And there
11 would be also water storage tanks provided below
12 ground to provide adequate water for both the
13 subdivision in terms of potable water, as well as
14 fire suppression purposes, this would be a
15 hydranated subdivision.

16 MR. HINES: For the stenographer, can you
17 give your name?

18 MR. SORIANO: Bob Soriano. S-o-r-i-a-n-o.

19 CHAIRWOMAN YATES: Other comments or
20 questions at this time, anyone?

21 Does the Board want to close the public
22 hearing?

23 MS. MARKIEWICZ: I will make a motion to
24 close the public hearing.

25 MR. DRISCOLL: I will second.

-PROCEEDINGS-

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CHAIRWOMAN YATES: Okay. All in favor?

MR. NEIGER: Aye.

MR. DOMBAL: Aye.

MS. PARSONS: Aye.

MR. LONG: Aye.

MS. MARKIEWICZ: Aye.

CHAIRWOMAN YATES: Aye.

Opposed.

(No response)

CHAIRWOMAN YATES: There will be 10 additional days to submit written comments to the Planning Board office, if anyone has any.

MS. FRANSON: Thank you.

I HEREBY CERTIFY THE FOREGOING TO BE
A TRUE AND ACCURATE TRANSCRIPT OF
THE WITHIN PROCEEDINGS


ROBERT J. CUMMINGS, JR., RPR
COURT REPORTER

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APPENDIX D

Town Model Conservation Easement

CONSERVATION EASEMENT

THIS GRANT OF CONSERVATION EASEMENT is made this _____ day of _____, 2006, by _____, having its principal mailing address at _____, (hereinafter called "Grantor"), and _____, having its principal mailing address at _____ (hereinafter called "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor is the sole owner in fee simple of certain real property located in the Town of Wawayanda, County of Orange, State of New York, which is more particularly described in Schedule "A" attached hereto and incorporated by this reference (hereinafter called the "Property"); and

WHEREAS, Grantor desires to establish a conservation easement over the property described in Schedule "A"; and

WHEREAS, the Property possesses natural, scenic, open space, and agricultural values (collectively "conservation values") of great importance to the Grantor/Grantee, the people of the Town of Wawayanda and the People of Orange County; and

WHEREAS, Grantor/Grantee intends that the conservation values of the Property be preserved and maintained by the continuation of land use patterns, relating to the ecology and open space existing at the

time of this grant, that do not significantly impair or interfere with the conservation values; and

WHEREAS, Grantor further intends as owner of the Property, to impress upon said property for herself, her successors, heirs and assigns the right and obligation to preserve and protect those conservation values of the Property in perpetuity; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of the State of New York and, in particular, the provisions of Title 3 of Article 49 of the Environmental Conservation Law for the State of New York, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. Purpose. It is the purpose of this Easement to assure that the Property will be retained forever in its natural, scenic, and open space condition and to prevent any use of the Property that will impair or interfere with the conservation values of the Property.

Grantor/Grantee intends that this Easement will confine the use of

the Property to such activities involving and pursuits as are consistent with the purpose of this Easement.

2. Rights of Grantee. To accomplish the purpose of this Easement, the following rights but not obligations or requirements are conveyed to Grantee by this Easement:

- a. To preserve and protect the conservation values of the Property;
- b. To enter upon the Property at reasonable times in order to enforce the terms of this Easement; and
- c. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to paragraph 6.
- d. To erect a plaque or marker giving notice of the environmental importance of the property and identifying the easement.

3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

- a. Any development whatsoever; other than those relating to agriculture or forestry;
- b. Mining, quarrying of any type or removal of soil, sand or gravel;

c. The storage or dumping of trash, hazardous or toxic materials or placement of underground storage tanks;

d. The property may not be further divided, partitioned or subdivided, nor conveyed except in its current configuration;

e. No removal of trees or vegetation in any manner except as provided in paragraph 4; and

f. Erection of structures other than those used in connection with agricultural or forestry; nothing herein shall be deemed to permit erection of quasi-industrial agri-business structures of a scale and type inconsistent with the scenic, and environmental setting of the Property; erection of structures used in agriculture and forestry shall be subject to the prior written approval of the Trustees of the Grantor/Grantee as to design, location and suitability;

g. Billboards or other advertising display, antennas or satellite dishes;

h. Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters;

i. The alteration of ponds and water courses located on the Property or the creation of new water impoundments or water courses other than the necessary drainage facilities;

j. Draining, filling, dredging or diking of wetland area;

k. Building of roads;

1. Hunting, motor vehicles or equipment, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, or any other types of motorized recreational vehicles;
 - m. Storage of mobile homes or trailers of any kind;
 - n. Swimming pools or tennis courts;
 - o. The use of pesticides, herbicides or other chemical treatment for land, vegetation or animals unless its use is legal, necessary for agriculture and not harmful to any source of drinking water;
 - p. Clearing of vegetation, cutting of trees or commercial logging unless in conformity with prior approvals from the Town of Wawayanda Planning Board and sound land and forest management practices to minimize erosion and impacts on natural resources.
 - q. Clear-Cutting of trees except for conversion to agricultural use.
4. Reserved Rights. Grantor reserves to herself and her personal representatives, heirs, successor and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite other to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement, including:
 - a. Maintenance of existing plant materials, using accepted landscape maintenance procedures, including maintenance pruning or removal of plants, limbs and trees, in accordance with generally

accepted forest conservation practices, to encourage more desire growth, to control or prevent hazard, disease or fire, or to remove dead, dying or diseased plant material.

b. Removal of noxious plants, such as poison ivy, which endanger the health of humans.

c. Engaging in, and permitting guests to engage in passive recreational use of the property.

d. To engage in agriculture and forestry including but not limited to, raising crops and animals, bees, fish and poultry; cutting trees in accordance with paragraph 3(o) and 3(p) above;

e. To engage in the primary processing, storage and sale, including direct retail sale to the public of crops and products harvested and produced principally on the property.

5. Grantee's Discretion. Enforcement of the terms of this Easement shall be at the sole discretion of the Grantee and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any terms of this Easement by Grantee shall not be deemed or construed to be an obligation or a waiver by Grantee of such terms or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon breach shall impair such right or remedy or be construed as an obligation or a waiver.

6. Access. No right of access by the general public to any portion of the Property is conveyed. A right of access is conveyed to the Grantee by this Easement for the limited purpose of correcting any violations to this Easement, at Grantee's option and sole discretion.

7. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property; including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the property comprising the easement free of any liens arising out of any work performed for, materials furnished to or obligations incurred by Grantor.

8. Taxes. The Grantor agrees to pay any school and real property taxes or other assessment levied on the Property.

9. Title. The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Property in fee simple and has good right to grant and impose the aforesaid Conservation Easement; that the Property is free and clear of any and all encumbrances including but not limited to, any mortgages not subordinated to this Conservation Easement, and that the Grantor/Grantee shall have the use of and enjoy all of the benefits derived from and arising out of the aforesaid Conservation Easement.

10. Hazardous Waste To the best of its knowledge and upon information and belief, the Grantor represents that no hazardous

substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Property, and that there are not now any underground storage tanks located on the Property.

11. Extinguishment. If circumstances arise in the future such as to render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction and pursuant to the applicable provisions of the statutes of the State of New York and specifically, Title 3 of Article 49 of the Environmental conservation Law as from time to time amended.

11.1. Condemnation. If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, only Grantor shall be entitled to compensation for such easement right in accordance with applicable law.

12. Assignment. Grantee's rights and obligations under this Conservation Easement may be assigned only to an organization that is a qualified organization under Section 170(h) of the Internal Revenue Code (or any successor provision then applicable) and is a not-for-profit conservation corporation or other entity authorized to take title to a conservation easement under New York Environmental Conservation Law, Article 49, Title 3, and which agrees to continue to carry out the conservation purposes of this Conservation Easement.

Any assignee other than a governmental unit must be an entity able to enforce this Conservation Easement, having purposes similar to those of Grantee and which encompass those of this Conservation Easement.

13. Subsequent Transfers. Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which she divests herself of any interest in all or a portion of the Property including, without limitation, a leasehold interest.

14. Merger. The Grantor and Grantee agree that the terms of this Conservation Easement shall survive any merger of the fee and Conservation Easement interest in the Property.

15. Estoppel Certificates. Upon request by Grantor, Grantee shall, within fifteen (15) days, execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

16. Recordation. Grantor shall record this instrument, in the official records of Orange County, New York, and may re-record it at any time as may be required to preserve its rights in this Easement.

17. General Provisions.

a. Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of New York.

b. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally

construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of Title 3 of Article 49 of the Environmental Conservation Law. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. Severability. If any provision of this Easement or the application thereof to any person or circumstance, if found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

d. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Easement, all of which are merged herein.

e. No forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

f. Obligation. The obligations imposed by this Easement upon Grantor/Grantee and their successors, heirs and assigns shall run with the land and be enforceable only upon the party violating the terms of this Easement.

g. Successors. The covenants, terms, conditions and restrictions of this Easement shall be binding upon and inure to the

benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property.

h. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

TO HAVE AND TO HOLD unto Grantor/Grantee, their successors, heirs and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have set their hand on the day and year first above written.

Grantor

Grantee

STATE OF NEW YORK)
) ss:
 COUNTY OF ORANGE)

On _____, 20__, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

 Notary Public

STATE OF NEW YORK)
) ss:
 COUNTY OF ORANGE)

On _____, 20__, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instruments and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

 Notary Public

SCHEDULE "A"

APPENDIX E

Formation of Water Transportation
Corporation Narrative

03147
BF

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November 20, 2006

ARTHUR SHAPIRO, OF COUNSEL
MEMBER OF *ADMITTED IN NJ, ΔPA, ◇FL

Richard Guertin, Esq.
Town Attorney, Town of Wawayanda
MacVean, Lewis, Sherwin & McDermott
34 Grove Street
P. O. Box 310
Middletown, NY 10940

Re: Grandview Estates, LLC
Formation of Water Transportation Corporation
Our File 06-0736

Dear Mr. Guertin:

As we recently discussed, Blustein, Shapiro & Rich, LLP represents Grandview Estates, LLC, which is seeking approval of a cluster subdivision in the Town of Wawayanda. The project will have a community water supply system, and Grandview and the Town are discussing the Town's takeover of the water works facility at some point when the system has proven itself, possibly within a year or two.

Grandview will form a water transportation corporation, and pursuant to Section 41 (copy enclosed) of the New York Transportation Corporations Law, the Town's consent is required. Section 41 doesn't seem to apply to our situation. Therefore, I'm going to seek guidance from the Orange County Department of Health. I'll cc you and keep you posted. In the meantime, I enclose the following proposed documents for your review as Town Attorney:

1. Application for Consent to Formation of Grandview Water Transportation Corporation;
2. Certificate of Incorporation;
3. Notice of the Application (to be given to the Town and the Orange County Department of Health upon its approval and 10 days prior to submitting the application);
4. Municipal Consent to Formation of the Corporation.

Also enclosed is a proposed Memorandum of Understanding between Grandview Estates, LLC and the Town.

It is my understanding that some cultural resource work needs to be done on the project, but as soon as it is completed, the Department of Health approval granted, the

FEIS submitted , and preliminary approval granted, Grandview would like to immediately form the corporation.

Would you kindly give me your comments at your earliest convenience so that all aspects of the project can proceed in a timely, cost-effective manner. If any meetings would be helpful, please let me know, and arrangements will be made.

Very truly yours,

BLUSTEIN, SHAPIRO & RICH, LLP



RITA G. RICH

RGR/ow

Encs.

cc: Supervisor, John R. Razzano (letter only)
Town Clerk, Teresa Pierce (letter only)
Town of Wawayanda Planning Board (letter only)
Bibbo Associates, LLP, attn: Sabri Baresser, PE (w/docs) ✓
Tim Muller Associates, Inc., attn: Bonnie Francin (w/docs) ✓
David L. Goldrich, Esq.
Gardiner S. Barone, Esq. (w/docs)

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[§ 41. Municipal consent to incorporation](#)


Citation: **NY TRANS CORP 41**

NY CLS Trans Corp § 41

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*** THIS SECTION IS CURRENT THROUGH CH. 60,
04/26/2006 ***

*** WITH THE EXCEPTION OF CHS. 2, 3, 18, 21-24, 26-
49 and 52 ***

TRANSPORTATION CORPORATIONS LAW
ARTICLE 4. WATER-WORKS CORPORATIONS

[GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)

NY CLS Trans Corp § 41 (2006)

§ 41. Municipal consent to incorporation

No certificate of incorporation of a waterworks corporation shall be filed unless there be annexed thereto a consent to the formation of the corporation, signed and acknowledged by the local authorities of each municipality named in such certificate. Such authorities shall be: in a city, a majority of the members of the board or body having charge of the water supply, or if there be no such board or body, a majority of the members of the local legislative body; in a village, a majority of the members of the board of trustees; in a town outside of a village, the town superintendent of highways and a majority of the members of the town board. Such consent to the formation of the corporation shall not be granted by said local authorities until ten days prior notice in writing of the application for such consent and until an engineering plan for proposed water system specifying location and size and type of wells, pumps, distribution mains and other facilities of the water supply and/or distribution system is furnished by the water works corporation to the local authorities and to the county water authority, and to the county water district if there be such authority or district where the proposed corporation seeks to operate; and until said authority or district has reported in writing to the municipality named in the certificate of incorporation its recommendations as to whether or not such consent should be granted, setting forth the reasons for such recommendation and a finding as to whether the proposed water supply and/or distribution system is reasonably comparable to standards of a county-wide water system and suitable for eventual integration with such county-wide water system. Said report shall be filed with such municipality on or before the tenth day after the giving of the notice aforesaid.

 Legislative History:

History:

Add, L 1909, ch 219; amd, L 1926, ch 762, § 1, with substance of former § 41 transferred to § 82, L 1960, ch 262, L 1969, ch 782, eff July 1, 1969.

↗ Related Statutes & Rules:

New York References:

This section referred to in §§ 43, 46

NYCRR References:

Matters relative to all applications. 16 NYCRR §§ 17.1 et seq
Gas, electric, steam, waterworks, telegraph and telephone corporations and municipalities. 16 NYCRR §§ 21.1 to 21.7
Sundry applications. 16 NYCRR § 57.1

Research References & Practice Aids:

108 NY Jur 2d, Water § 603

78 Am Jur 2d, Waterworks and Water Companies §§ 7 et seq

20 Am Jur Legal Forms 2d, Waterworks and Water Companies, Forms 261:3 et seq

↗ Case Notes:

No provision of law exists requiring applicants for municipal consent for incorporation of water works corporations to be property owners. 1955 Ops Atty Gen Mar 24 (informal).

A water works corporation would not acquire an exclusive franchise to supply water to a municipality as a result of obtaining the consent required by § 41 of the Transportation Corporations Law from a municipal corporation. 1958 Ops St Compt File #1007.

When organizers make an application to a municipality for consent for incorporation of a water works corporation, the application need not be forwarded to a county water agency which is part of the county department of public works. However, the agency's aid may be requested by the municipality in determining whether or not consent should be granted. 1968 Ops St Compt File #680.

A town, as a condition to giving consent to the incorporation of a water-works corporation to serve a proposed condominium complex, may require the execution of an agreement by the condominium developer and the promoters of the water-works corporation which will provide safeguards with respect to the continued functioning of the water supply system. 1979 Op St Compt File #884.

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TOC: [New York Consolidated Laws Service](#) > /.../ > [ARTICLE 4. WATER-WORKS CORPORATIONS](#) > [§ 41. Municipal consent to incorporation](#)

Citation: **NY TRANS CORP 41**

View: Full

Date/Time: Thursday, June 15, 2006 - 10:14 AM EDT

APPLICATION FOR CONSENT TO FORMATION
OF
GRANDVIEW WATER TRANSPORTATION CORPORATION

To: The Town Board of the Town of Wawayanda, Orange County, New York.

The undersigned, having organized for the purpose of forming a water-works corporation to supply water to the inhabitants of the subdivision known as Grandview Estates, of the Town of Wawayanda, Orange County, New York, hereby apply for consent to the formation of this corporation and state the following:

1. The person who proposes to form this corporation is David L. Goldrich.
2. The proposed capital stock of the corporation is \$
3. The capital stock is to be divided into 200 shares with no par value.
4. The sources from which the water is intended to be supplied are wells within Grandview Estates, Town of Wawayanda, Orange County, New York.
5. The name of the proposed water-works corporation is GRANDVIEW WATER TRANSPORTATION CORPORATION, and a copy of the proposed certificate of incorporation is annexed to this application as **Exhibit A**.
6. On _____, 2006, written notice of this application was given to this Board and the Orange County Department of Health. A copy of this notice is annexed to this application as **Exhibit B**.
7. The engineering plan for the proposed water system was furnished to this Board and the Orange County Department of Health. A copy of that plan is annexed to this application as **Exhibit C**.

The Town Board of the Town of Wawayanda is hereby requested to consider this application and consent to the formation of the proposed water transportation corporation to supply water to the inhabitants of the subdivision known as Grandview Estates.

Dated: Slate Hill, New York
_____, 2006

EXHIBIT A

COPY OF PROPOSED CERTIFICATE OF INCORPORATION

EXHIBIT B

**COPY OF NOTICE OF APPLICATION FOR CONSENT TO FORMATION OF
GRANDVIEW WATER TRANSPORTATION CORPORATON**

EXHIBIT C

ENGINEERING PLAN FOR PROPOSED WATER SYSTEM

(to be provided)

CERTIFICATE OF INCORPORATION OF TRANSPORTATION CORPORATION

Certificate of Incorporation of Grandview Water Transportation Corporation pursuant to Section 3 of the Transportation Corporations Law.

The undersigned, for the purpose of forming a water corporation pursuant to Section 3 of the Transportation Corporations Law, hereby certify:

1. The name of the corporation shall be Grandview Water Transportation Corporation.
2. The purposes for which it is formed are: To supply water by mains or pipes to the inhabitants of the subdivision known as Grandview Estates, Town of Wawayanda, Orange County, New York; to lay and maintain pipes and hydrants for delivering and distributing water; and to own, lease, hold and maintain wells, reservoirs, plants, lands, equipment, franchises and appurtenances incidental to the supply of water.
3. The office of the corporation is to be located at c/o David L. Goldrich, 70 West Red Oak Lane, White Plains, Westchester County, State of New York.
4. The aggregate number of shares the corporation is authorized to issue is 200 shares, no par value.
5. The Secretary of State of the State of New York is designated as the agent of the corporation upon whom process against it may be served, and the post office address to which the Secretary of State shall mail a copy of any process served upon the Secretary is c/o David L. Goldrich, 70 West Red Oak Lane, White Plains, New York 10604.
6. The duration of the corporation shall be perpetual.
7. The subscriber is of the age of eighteen years or over.
8. The locality in which the operations of the corporation are to be carried on is the Town of Wawayanda, Orange County, New York, and the consents of the local authorities, the Town Board of the Town of Wawayanda, the Highway Superintendent of the Town of Wawayanda, and the Orange County Department of Health have been obtained and are annexed to this Certificate.

Executed on _____, 2006, at _____, New York.

Name: David L. Goldrich
Address: 70 West Red Oak Lane
White Plains, NY 10604

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2006 , before me, a Notary Public in and for said State, personally appeared DAVID L. GOLDRICH known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

NOTICE OF APPLICATION FOR
CONSENT TO FORMATION OF
GRANDVIEW WATER TRANSPORTATION CORPORATION

TO: TOWN BOARD
TOWN OF WAWAYANDA
P. O. Box 106
Slate Hill, New York 10973

ORANGE COUNTY DEPARTMENT OF HEALTH
124 Main Street
Goshen, New York 10924

PLEASE TAKE NOTICE that an application for consent to formation of Grandview Water Transportation Corporation is hereby made to the Town Board, Town of Wawayanda, and the Town of Wawayanda Superintendent of Highways.

The engineering plan for the proposed water system specifying the location and size and type of wells, pumps, distribution mains and other facilities was furnished to the Town Board, Planning Board, and Orange County Department of Health.

The Orange County Department of Health, by letter dated _____, filed simultaneously herewith with the Town Clerk, Town of Wawayanda, has recommended that consent be granted.

DATED:

GRANDVIEW ESTATES, LLC

BY _____

MUNICIPAL CONSENT TO FORMATION OF WATER-WORKS CORPORATION

We, the Town Board and Highway Superintendent of the Town of Wawayanda, in the County of Orange, State of New York, do hereby consent, in accordance with Section 41 of the New York Transportation Corporations Law, to the formation of a water works corporation pursuant to the application of David L. Goldrich for the purpose of supplying water to the inhabitants of the subdivision known as Grandview Estates, Town of Wawayanda, Orange County, New York. Said Consent is contingent upon full compliance by the water-works corporation with the engineering plan submitted to, and approved by, the Orange County Department of Health as to the following: Location, size and type of wells, pumps, distribution mains and other facilities of the water supply and distribution system.

Consent executed on _____ in the Town of Wawayanda, New York.

TOWN OF WAWAYANDA

John R. Razzano, Supervisor

David S. Cole, Councilperson

Richard Penaluna III, Councilperson

Gail M. Soro, Councilperson

Edward Krajewski, Councilperson

Michael K. Green, Highway Superintendent

MEMORANDUM OF UNDERSTANDING
BETWEEN
GRANDVIEW ESTATES, LLC
AND
TOWN OF WAWAYANDA

This Memorandum of Understanding sets forth the principal points of a proposed agreement between the Town of Wawayanda, a municipal corporation organized and existing under the laws of the State of New York, with its principal offices located at Town Hall, P. O. Box 106, Slate Hill, New York 10973 (the Town) and Grandview Estates, a New York Limited Liability Company with an address c/o David L. Goldrich, 6 Hunting Ridge Lane, Wilton, Connecticut 06895 (Grandview).

The points of agreement between the parties, subject to negotiation and execution of a formal definitive agreement, are as follows:

1. Grandview is seeking subdivision approval of a cluster subdivision that will allow the construction of approximately 34 single family detached homes on a 101.95-acre parcel of land located on the east side of Breeze Hill Road in the Town of Wawayanda, Orange County, New York.
2. Existing Town public water and sewer services are not available in the project vicinity, and due to test results showing the presence of excessive nitrates and high levels of iron and manganese in proposed well locations, the residences in Grandview Estates will be served by a community water supply system and individual subsurface sanitary disposal systems.
3. With the Town's consent, Grandview proposes to form a transportation corporation known as Grandview Water Transportation Corporation (transportation corporation), pursuant to Transportation Corporation Law

Section 41 , and construct an on-site community water supply system at its expense to provide safe and adequate service to the residents of Grandview Estates at reasonable rates.

4. After two (2) years, or at some point when the water supply and service to Grandview Estates is functioning properly and producing a sufficient supply of water according to New York State Department of Health parameters, it is the intention of the Town and the transportation corporation to jointly petition the New York Public Service Commission, pursuant to Public Service Law Section 89-h (1), for approval of the transfer of the transportation corporation water supply assets to the Town.

5. It is contemplated that at that time, the Town and the transportation corporation will enter a Purchase and Sales Agreement setting forth a purchase price, as well as the respective responsibilities of the Town and the transportation corporation; more particularly, with respect to the cost of forming a water district and legal, engineering and other professional fees, as well as Federal and State grants that may be available to fund the purchase.

The definitive agreement between the Town and the transportation corporation is subject to further negotiations and will be written and construed pursuant to the laws of the State of New York.

THIS MEMORANDUM OF UNDERSTANDING DOES NOT
CONSTITUTE AN AGREEMENT BETWEEN THE PARTIES. NEITHER
THE TOWN NOR THE TRANSPORTATION CORPORATION SHALL BE

BOUND UNLESS AND UNTIL A DEFINITIVE AGREEMENT IS
NEGOTIATED AND EXECUTED BY BOTH PARTIES.

Dated: _____

GRANDVIEW ESTATES, LLC

TOWN OF WAWAYANDA

By _____

By _____

APPENDIX F

Cultural Resource Study - Data
Recovery Plan



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

518-237-8643

April 3, 2007

Ann Yates, Chairperson
Town of Wawayanda Planning Board
80 Ridgebury Hill Rd
Slate Hill, NY 10973

Dear Ms. Yates.

Re: SEQRA/DEC
Proposed Grandview Estates Subdivision
Town of Wawayanda, Orange Co., NY
03PR04534

Thank you for requesting the comments of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) with regard to the potential for this project to affect significant historical/cultural resources. As you are aware, significant archaeological deposits have been identified on this property (Grandview 1 site – A07119.000188) and the proposed development will have an adverse impact on the site. OPRHP has received a Data Recovery Plan (DRP) prepared by the applicant's archaeologist. Completion of the work proposed in this DRP has been proposed as a method to mitigate the adverse impacts of the project on this historic resource. OPRHP has also received communication from the applicant (Grandview Estates, LLC March 26, 2007) indicating that they will insure the DRP is implemented and that the area surrounding this site (including a 100 foot buffer) will be fenced and protected until the necessary archaeological field investigation is complete.

It is the opinion of the OPRHP that this project will have No Adverse Impact on the historic resource with the conditions that 1) the full Data Recovery Plan – including all fieldwork, labwork, reporting and dissemination of the results, is completed; and 2) that the buffer identified in Grandview Estates, LLC letter of March 26, 2007 is maintained and the site is protected until the archaeological field work is completed. Upon completion of that work the project archaeologist should submit and End of Field letter to OPRHP and the Town which outlines all field work completed. Once this letter has been reviewed and accepted by OPRHP we will provide notice to the town that we have no further objections to the project continuing and we would recommend allowing work in the vicinity of the site to proceed.

Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

✓ Cc: Jeffery Gershen

Grandview Estates, LLC
c/o David Goldrich
70 West Red Oak Lane
White Plains, NY 10604

March 26, 2007

Mr. Douglas Mackey
Bureau of Field Services
NYS Office of Parks, Recreation and Historic Preservation
Peebles Island
P.O. Box 189
Waterford, New York 12188

Re: Proposed Archeological Data Recovery
Identified Eligible cultural Resources
Grandview Estates Development, town of Wawayanda, Orange County


Dear Mr. Mackey:

In response to your request, we are confirming our intention to adhere to the Data Recovery Plan which you recently approved for Columbia Heritage, Ltd. To implement as a means to mitigate proposed construction impact to identified archaeological resources on the referenced development site that have been determined to meet National Register of Historic Places eligibility criteria.

The limits of the sites where archaeological data recovery is to be carried out, plus a 100-foot buffer zone will be marked in the field under the supervision of the Principal Investigator to protect against unintended impact by vehicle traffic or heavy equipment. A bright orange plastic construction fence will be installed around each site and buffer prior to the beginning of any ground-disturbing activity on the property.

The need to avoid the designated archaeological areas will be communicated in writing to all workers at the site and discussed as part of their orientation prior to starting work on the property. We hope this fully addresses agency concerns.

Sincerely,



Jeffrey C. Gershen
Member, Grandview Estates, LLC

cc: David Goldrich
Bonnie Franzen

**DATA RECOVERY PLAN
GRANDVIEW SITE 1, SITE 2 AND SITE 3
GRANDVIEW ESTATES DEVELOPMENT
TOWN OF WAWAYANDA, ORANGE COUNTY, NEW YORK**

OPRHP FILE NO. 02PR05117

Prepared for
Field Services Bureau
NYS Office of Parks, Recreation and Historic Preservation
Pebbles Island - P. O. Box 189
Waterford, New York 12188

Prepared by
Stephen J. Oberon
Principal Investigator
Columbia Heritage, Ltd
56 North Plank Road - Suite 287
Newburgh, New York 12550

February 2007

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INTRODUCTION

The following Data Recovery Plan is proposed for mitigating planned construction impact to the documented Native American era archaeological remains designated Grandview Site 1, Grandview Site 2, and Grandview Site 3, located within the planned Grandview Estates residential development in the Town of Wawayanda, Orange County, New York. This document includes a description of the sites, a brief discussion of their possible relationship to the Native American occupation of this area, the research goals of the study, and the proposed field and laboratory methods through which cultural material will be collected and interpreted, as well as plans for the permanent curation of the collection and for public access to the findings of the archaeological investigation.

Site 1 and Site 2 were initially identified during Phase I archaeological sampling of portions of the approximately 101.9-acre (41.3-hectare) property where residential housing, septic areas, driveways and access roads had been proposed. A Phase I cultural resources survey performed between April and September of 2003 identified relative concentrations of Native American cultural material on proposed Lot 1, Lot 8, Lot 9 and Lot 10, with isolated cultural items recovered on six additional lots. Cultural material consisted of mostly of chert debitage, along with several finished and unfinished chert tools, encountered within the plow zone. The Phase I survey recommended a Phase II site evaluation study be carried out to determine the archaeological integrity and cultural resource potential of the identified loci, establish their spatial extent and character, and ascertain whether the intact remains of cultural features might be present beneath the zone of cultivation disturbance.

This Phase II site evaluation study was performed in December 2003 and April and May 2004 and presented in a report submitted for OPRHP review (Oberon 2004). More intensive archaeological sampling was carried out around each of the isolated find spots and in the vicinity of the locations where relative concentrations of Native American cultural material had been encountered during the Phase IB survey. Using the findings of this closer-interval subsurface sampling along with the Phase IB shovel test data, standard archaeological test units were placed in locations where the quantity and/or nature of the recovered material identified them as subareas likely to have seen the most intensive cultural activity. Such places in turn were considered to have the greatest potential for containing the preserved remains of cultural features and/or structural remains beneath the plow zone. One subarea identified, designated Grandview Site 1, appeared based on the density of stone tools and debitage recovered to represent a spot where cultural activity was centered or the location at which the most intensive cultural activity within this property took place. A location where less intense but still focused cultural activity was indicated was designated Grandview Site 2. Phase II sampling of the vicinity of the remaining find spots encountered little or no additional cultural material and these locations were interpreted as not constituting focused cultural activity. Based on the cultural information gathered as part of the Phase I and Phase II investigations, Grandview Site 1 was seen to have the potential for containing significant cultural information relating to the Native American occupation of this portion of what is today Orange County and specifically to the dynamics of cultural behavior at what appears to have been at least a lithic resource procurement and processing workshop. Archaeological data recovery was recommended if avoidance of project impact was not feasible.

Consistent with changes in OPRHP policy instituted between 2004 and 2006 with regard to focusing archaeological sampling within proposed construction footprints, a program of supplementary Phase IB and Phase II subsurface testing was designed in consultation with the agency reviewer. The cultural resources investigation would be extended to encompass portions of the proposed building lots that were considered likely to contain buried Native American cultural remains based on their physiographic character and/or their proximity to previously encountered cultural material, as well as the location of three water management areas that had been added to the Area of Potential Effect. This effort, carried out between October and December 2006, more clearly defined the spatial limits of Site 1, indicated that a denser concentration of cultural material characterized the area immediately to the east of Site 2, and identified a denser and more focused if spatially restricted distribution of cultural items at the site of a proposed cul-de-sac, which was designated Grandview Site 3. Again, mitigation of proposed impact through archaeological data recovery was recommended if avoidance of project impact was not feasible.

Site Location and Setting

The Grandview Estates residential development parcel encompasses approximately 101.9 acres (41.3 hectares) in the central part of the Town of Wawayanda in the southwestern portion of Orange County, New York. The affected area consists of flat to gently sloping, undulating, and moderately to steeply sloping former agricultural and pasture land adjacent to the flood plain of the Wallkill River, a major regional drainage that flows some 0.4 miles (0.7 kilometers) to the southeast. Rutgers Creek, a major tributary of the Wallkill, passes some 1.3 miles (2.1 kilometers) to the west and the meandering Wawayanda channel wanders through the wide floodplain, passing within some 1500 feet (450 meters) of the southeastern limits of the study area. The parcel is bounded on the northwest by Breeze Hill Road, and by current and former agricultural land, pasture, and both scattered and clustered residential structures to the southwest, northeast and southeast. The property currently serves as a horse farm.

Most of the area of potential effect consists of open, grassy former agricultural field and current pasture, with scrub vegetation and young forest in some steeper subareas, and mature trees occurring singly in open fields or in groups in hedgerows. Dry-laid field stone farm walls are present along the periphery of the study area and divide steeper from more gentle slopes in its interior. Only farm outbuildings stand on the property and no visible structures or other cultural features were noted in reconnaissance.

Thirteen sites of Native American occupation have been documented for this portion of the Rutgers Creek and Wallkill drainage within one mile (1.6 kilometers) of the study area. Eight of these site listings contain temporal or cultural information, ranging from a Palaeo-faunal find through at least the Late Archaic, Transitional and Early Woodland periods. Both Palaeo-Indian and the full range of Archaic period sites have been documented in this portion of Orange County that is drained by the Wallkill and its tributaries and lies within a short distance of the former Great Swamp, now known as the Black Dirt Area. Transitional Period sites are also known to occur within this area, as are sites, albeit fewer, that were occupied during the Late Woodland through the arrival of Europeans in the seventeenth century. Based on this information, it must be considered feasible that sites present in this area may reflect any period of indigenous occupation of the region.

As noted, this area today is characterized by mixed residential and agricultural use, with some large former farm properties such as the project area having maintained their integrity and others having been subdivided into lots on which recent residential housing has been built and roads and utilities have been constructed to serve the growing suburban population.

Site Description

Grandview Site 1 is situated in the southeastern portion of the Grandview Estates development property, encompassing the southeasternmost and northwesternmost portions of proposed Building Lot 8, the southeastern part of proposed Building Lot 9, and the southern edge of proposed Building Lot 10, extending from the southeastern limits of the property to within approximately 30 and 90 feet (9 and 27 metres) south of the proposed access road. Grandview Site 2 was identified along and just northeast of the northwestern end of the proposed access road to the north of proposed Building Lot 1 extending to within roughly 90 feet (27 meters) of the edge of Breeze Hill Road. Grandview Site 3 is located on a flat, elevated topographic feature in the eastern portion of the development parcel, south of an existing horse shelter and within and adjacent to the easternmost part of a proposed cul-de-sac at the northeastern terminus of the proposed access road, some 200 feet (60 meters) northwest of the southeastern property limits. As mentioned previously, these cultural deposits were identified during subsurface archaeological sampling conducted as part of the initial and supplementary Phase IB cultural resources survey of the larger development parcel of which they are a part.

Additional, more intensive field investigation carried out as the first component of a Phase II survey at each location where cultural material was encountered during Phase IB sampling. Based on this and supplementary Phase II testing performed in adjacent areas not originally designated as subject to project impact, Grandview Site 1 was defined as containing four loci and extending over an area roughly 420 by 210 feet (128 by 64 meters) or 2.2 acres (0.9 hectares), with intervening subareas characterized by a sharp decline or the total absence of cultural material. Based on the results of archaeological field sampling, the execution of 11 standard archaeological test units was undertaken to determine whether the archaeological deposit extended below the plow zone and to shed light on the integrity of the site and whether cultural features and/or structural remains might be present.

The Phase I and Phase II investigation produced a preponderance of items associated with the primary and secondary reduction of lithic resources, in this case chert cobbles, and the production of stone tools. Based on the information recovered during the Phase I and Phase II investigations, Grandview Site 1 at a minimum appears to represent the remains of a lithic processing and stone tool production workshop, where locally available glacially deposited chert cobbles were procured and processed into stone tools. Given its location in the vicinity of a wetland and small unnamed stream, it is likely this site or sites also served as a base for the procurement of faunal and floral resources on a seasonal basis.

Archaeological sampling at Grandview Site 2 was carried out over the area between the northwestern limits of proposed Building Lot 1 and Lot 33 and Breeze Hill Road, to supplement earlier investigation of proposed house and septic area locations on each of those parcels. Based on both components of field investigation, the densest concentration of cultural material was encountered over an area roughly 75 by 80 feet (23 by 24.4 meters) or 6000 square feet (561 square meters), with sharp declines in both the presence and density of cultural items noted in each direction outside this locus, including the portion of proposed Building Lot 1 formerly designated Site 2. Four standard archaeological test units were executed within this subarea of densest concentration, producing a preponderance of chert debitage with evidence of the later stages of lithic reduction and the manufacture of expedient uniface tools.

Grandview Site 3 was identified during supplementary close-interval archaeological sampling of the proposed cul-de-sac at the northeastern terminus of the proposed access road from Breeze Hill Road and its vicinity. A total of three standard test units were executed in this subarea, with one unit placed southeast of an existing horse shelter (Unit X-5) producing what appear to represent several preforms, a finished tool, several expedient tools and evidence of the final stages of stone tool production. This focused activity was determined to extend over an area approximately 50 by 20 feet, encompassing four positive shovel tests and the unit noted above.

Based on this information, the sites were assessed as having largely maintained their archaeological integrity, despite having been plowed regularly over at least a 150-year period. The potential for the preserved remains of cultural features and/or structures beneath the zone of cultivation disturbance was noted.

DATA POTENTIAL

Archaeological sampling carried out as part of Phase I and Phase II cultural resources surveys indicates Grandview Site 1, Site 2 and Site 3 have the potential to yield information significant to the understanding of the Native American occupation of this portion of what is today the Town of Wawayanda and the nearby Black Dirt Area, specifically with regard to the processing of locally available glacially deposited chert, quartzite, and quartz resources, the rationales involved in the production of expedient and more carefully finished stone tools, and the exploitation of the environmental settings in which the sites are situated.

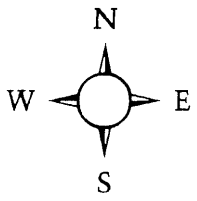
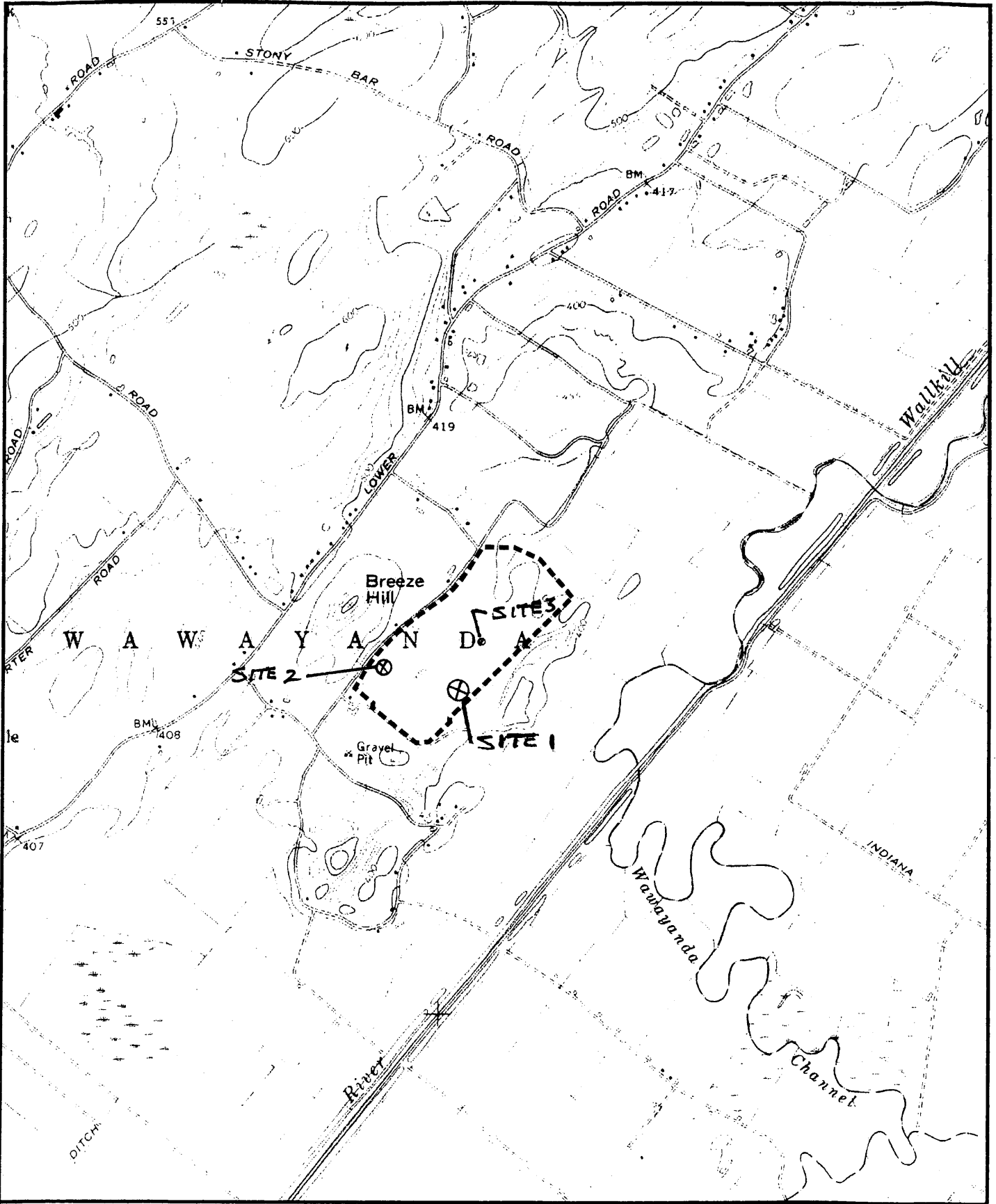
A picture may emerge of periodically repeated visits to one or more of these locations over a prolonged time period to acquire and process these lithic resources and carry out other activities such as hunting and/or gathering seasonally available food resources. Although the site has been cultivated over many decades and its upper soils dislocated and homogenized by the creation of a fully developed plow zone, the potential remains that the lower portions of cultural features and/or structural remains that might have been present here have been preserved beneath the disturbed stratum in truncated form and contain cultural information relevant to the temporal, cultural and/or functional character of the occupation(s) that took place here.

RESEARCH QUESTIONS

The Grandview sites have the potential for generating data that is currently lacking regarding the use of locally available glacially deposited chert resources, the character of small sites that combined the functions of lithic processing stations and stone tool workshops, and possible other cultural activities that took place at such locations. In addition, these sites have the potential for producing information relating to the possible interrelationship among them and with other Transitional and Archaic period sites in this part of the Rutgers Creek and Wallkill drainage.

The proposed Data Recovery Plan will address a series of specific research questions within this context.

- (1) Chronology. What light can be shed on the temporal component of site occupations? Small sites of the types represented here are often ascribed to the early periods of human occupation of this region but are likely to have persisted through the Woodland Period as the demand for lithic resources continued and possibly increased. Although what little temporal evidence was encountered to date indicates a Late Archaic Transitional period occupation, can direct or indirect evidence be found that would provide a broader picture relating to the periods the sites were occupied?
- (2) Intrasite Function. What information can be provided with regard to the possible function of these loci of cultural activity in relation to one another and to the more scattered occurrence of cultural material identified on this property? While these smaller manifestations of cultural activity were shown to be unlikely to contain significant buried cultural information, might they be considered peripheral parts of the larger site designated Grandview Site 1, and can some or all of these locations together be considered one cultural manifestation? Alternatively, does Grandview Site 1 represent the most intense and possibly diverse among several non-contemporary episodes of lithic, faunal and floral resource exploitation, carried out by small groups or individuals who occupied this area for at least certain portions of each year? If this or any of the other sites were occupied on successive occasions, is there any indication that the activities carried out here changed over time?
- (3) Consumption and Disposal Patterns. Does the manufacturing aspect of cultural activity carried out at the three Grandview sites extend beyond the reduction of chert cobbles and production of the uniface and biface tools that have been recovered here to date? Is there evidence that lithic material was brought here from other sources, such as the chert quarries known to be present at various locations these around the Black Dirt Area? Can the appearance of non-local materials be found to correlate with a particular time period or specific other activities that can be seen to have taken place at one or more of these sites? Does this represent a greater informality than is usually envisioned regarding both the acquisition and production of stone tools and their abandonment? Is there evidence beyond the presence of scrapers for other types of resources, such as plants and animals, being consumed at this site?
- (4) Regional Development. To what degree does the nature, quality and proportion of material remains recovered from these sites in general and from any remains of cultural features encountered correlate with information known regarding the indigenous inhabitants of this region? Do patterns of resource procurement, processing and disposal, as well as any patterns regarding life on the site, as reflected in consumption and disposal of other types of resources, change over time? Do these patterns reinforce those observed at other sites of this type investigated in this part of what is now the Black Dirt Area of Orange County or in the Hudson Valley in general?
- (5) Interpretive Models. How do characteristics of site occupation, intrasite dynamics, patterns in the consumption and disposal of items, and changes in such patterns over time relate to information gathered at other lithic resource procurement and workshop sites in this part of Orange County? Of particular interest would be comparisons with information gathered at the nearby Turtle Bay, Breeze Hill, and AAA Sod Farm sites. Are these trends similar to what has been observed in the investigation of such sites in other parts of the county and the region? How do trends present in the material remains at this site compare with more formal quarry sites that exploit bedrock outcrops of chert and probably require a larger workforce for their operation? How can information from these sites contribute to the refinement of existing models on lithic resource procurement and processing and the manufacture of stone tools and the seasonal exploitation of wetland environments? If one or more of the sites can be shown to have been occupied, albeit intermittently, over a long span of time, what insights can be gained into site formation and transformation processes that might have been operating here?



LEGEND

----- Site Property

Site Location Map
 Grandview Estates
 Town of Wawayanda, Orange County, New York
 Source: USGS Topographic Map, Pine Island Quad
 Scale: 1 inch = 2,000 feet

METHODOLOGY

Impact to Grandview Sites 1, 2 and 3 will consist of mechanically preparing the land for construction of residences, septic areas, driveways, and the access road, the installation of utilities, and landscaping. This will involve grading and filling to moderate existing contours as necessary and can be expected to remove any cultural features associated with these archaeological deposits in their entirety.

The archaeological sites that have been identified were shown by intensive supplementary excavation to be spatially limited. To maximize the degree to which the research questions outlined above can be addressed, data recovery efforts would entail a tightly-focused effort to recover additional cultural information from these locations.

Grandview Site 1

Based on consultation with OPRHP, the Phase III effort at this site will focus on the four loci where relative concentrations of cultural material were encountered in Phase I and Phase II sampling that included the execution of eleven test units. Up to six additional standard archaeological test units will be dug in the northeast locus, centered at the proposed house site on Lot 8, and three to four more units will be placed in the southern locus in and around the proposed Lot 8 septic area. At least one unit in the northeast locus will be placed in a subarea lacking chert debris or tools, to serve as a control against distributional bias favoring concentrations of stone artifacts and an effort to identify activity areas whose remains do not include these classes of cultural items and would be overlooked of excavation were restricted solely to the densest concentrations of lithic remains.

Unit excavations will be carried out manually by shovel skimming and/or trowel excavation. With the exception of the plow zone, which will be removed and analyzed as a single level, all soil will be excavated in 4-inch (10-centimeter) arbitrary levels within natural soil horizons to maximize the vertical control of recovered items. All soils from unit excavations will be screened through 1/4-inch (6.25-millimeter) hardware cloth to facilitate the recovery of smaller cultural items. Test units will measure 40-by-40 inches (1-by-1 meter) and be placed within a cardinaly oriented standard grid coordinate system based on the Phase II units. Any organic remains recovered will be stabilized in the field and stored under conditions that will prevent deterioration. Cultural material recovered from within any additional cultural features identified will be collected separately from adjoining locations and soil samples will be retained for flotation and other specialized types of analysis.

Once the excavation units have been completed, the plowzone of the four site loci will be mechanically removed in order to identify and excavate any cultural features that might be present beneath the zone of plow disturbance. Stripping of the plowzone will be carried out using a machine with a toothless bucket to systematically remove the plow zone across the site under the supervision of the Principal Investigator. After the plow zone has been peeled away, the site area will be shovel skimmed to identify any visible artifact concentrations, soil discolorations or other possible anomalies that might indicate the presence of cultural features. Any identified anomalies will be investigated and any found to represent cultural features will be excavated, mapped and photodocumented. Stripping of Site 1 will involve controlled removal of approximately 1 acre (0.4 hectares) of plowzone.

Information from each excavation unit will be recorded by level on standardized forms and each unit will be photographed when it has been fully excavated as well as prior to the removal of any structural or cultural features. Scaled plan drawings will be prepared at the completion of each excavation level and any cultural features encountered will be photo documented and drawn to scale in plan and profile.

Grandview Site 2

Phase III investigation of Grandview Site 2 will focus on what appears to represent a core area of cultural activity characterized by the densest concentration of cultural material and presenting a contrast to the surrounding areas of lighter artifact distribution. Up to eight additional standard archaeological test units will be executed in this, roughly 60-by-60-foot (18-by-18-meter) area to recover what is considered to constitute a representative sample of the cultural material contained in this site.

Following the completion of the test units, the plow zone will be systematically removed from an area approximately 120 by 120 feet (36.5 by 36.5 meters) around the site core. Stripping will be carried out as outlined above and the same field procedures for dealing with the recording of information and the documentation of possible cultural features will be employed.

Grandview Site 3

The data recovery effort at Grandview Site 3 will consist of a focused investigation of the vicinity of Phase II Unit X-5, located a short distance to the southeast of an existing horse shelter. Three additional test units will be excavated at this location, following procedures previously described, to recover what is considered a representative sample of the cultural material present at this site.

Once these test units have been completed, the plow zone will be systematically removed from an area approximately 130 by 130 feet (40 by 40 meters) or 0.4 acres (0.2 hectares) and the exposed soils investigated for the possible presence of cultural features. Again, previously outlined procedures for removing soil, recording data, and dealing with recovered cultural items and soils in the field will be followed.

End of Field Letter

Once field work has been completed as outlined for any site where avoidance of construction impact is considered not to be feasible, an End of Field letter will be submitted to OPRHP confirming the field component of the Phase III Data Recovery has been carried out.

Site Protection

If any site preparation activities are planned for other portions of the Grandview Estates property before Phase III fieldwork has been completed and an End of Field letter submitted to OPRHP, measures to protect the three archaeological sites will be undertaken. A temporary construction fence will be erected around the perimeters of the sites that will include a 50-foot (15-meter) buffer around the location where the archaeological work is being conducted in order to protect the sites from inadvertent intrusion by construction machinery or other equipment.

Comparative Analysis

In order to more thoroughly address the research questions outlined in the preceding section, the material recovered at the Grandview sites will be compared with collections from other excavations of sites of this type in the Black Dirt Area and other parts of the Town of Wawayanda, information repositied at the OPRHP Historic Sites Department will be reviewed, and the work of archaeologists whose research has included the consideration of material remains of sites associated with surficial lithic resources, associated processing stations and stone tool workshops.

Consultation

Consultation will be carried out with the Field Services Bureau during the course of the data recovery to discuss progress, findings and any problems encountered with the aim of refining methods or strategies.

DATA ANALYSIS

Artifacts recovered during the Phase III investigation will be processed and catalogued at the Columbia Heritage laboratory facility. Artifacts will be sorted into material and functional types for analysis and lithics will be sorted into tool categories and debitage based on lithic reduction technology. Attributes of material type, size, and weight will be recorded for each class, thermal alteration will be noted, and tools of all types will be sorted by technological, morphological and stylistic categories where possible. Use wear analysis will be conducted using high power magnification and chert and other source material for culturally modified items will be analyzed for origin. A recognized expert in the analysis of lithic materials with regard to use-wear and morphology will be contracted to examine the lithic assemblage. Any recovered faunal material will be classified and analyzed by a recognized zooarchaeologist and will include species identification and determination of minimum number of individuals.

If appropriate samples of charcoal or burned organic materials are encountered in prehistoric context, radio-carbon dating will be carried out by Beta Analytic, Inc. of Miami Florida.

CURATION

All artifacts and other materials collected, including photographs and other data generated during the performance of the Phase III data recovery will be available for research and educational purposes. A state-approved facility with appropriate long-term curatorial capacities will be contracted as a repository for the archaeological collection. Facilities in the Town of Wawayanda, the Black Dirt Area and Orange County will be given priority in this process, in order for the collection to remain as near to its point of origin as possible. It will be the responsibility of Columbia Heritage, Ltd. to curate and protect the assemblage until final acceptance by the curation facility.

FINAL REPORT

A technical report will be prepared in accordance with the New York Archaeological Council standards of 1994 as adopted by the OPRHP. The report will detail the research design, field methods, analysis and interpretation of the Phase III data recovery. A draft copy will be submitted to OPRHP for review and a final report will be produced once comments are received. Five copies of this report will be submitted to OPRHP and additional copies will be made available for interested local institutions such as the Town of Wawayanda, libraries, and schools. A Compact Disc version of the report will also be submitted to OPRHP.

UNEXPECTED DISCOVERY

Should previously unidentified archaeological resources be encountered during Phase III data recovery efforts or during construction activities, OPRHP will be contacted immediately and all excavations and any construction activities in the vicinity of the discovery will be halted. If such a discovery occurs during Phase III fieldwork, the Principal Investigator will notify the applicant and OPRHP. If the discovery should occur during construction, a qualified archaeologist will be called to inspect the area and determine the extent of the cultural deposit. After being notified of the discovery, OPRHP will comment regarding its significance. If the discovery is determined to be significant, a plan will be submitted by the applicant to OPRHP for its avoidance, protection or mitigation through data recovery.

HUMAN REMAINS

In the event that human remains or burials are encountered during the archaeological investigations or construction activities, all work will cease in the area of the discovery, appropriate steps will be taken to secure the area, and OPRHP, the State Police, and the County Coroner will be contacted. If the remains appear to be Native American, appropriate federally-recognized Native American groups will be contacted. A specialist in forensic anthropology will be contracted to conduct fine-grained analysis of any human remains that might be encountered and excavated. All remains will be left *in situ* until consultation with all concerned parties has taken place. All burials will be treated with dignity and respect.

PUBLIC ACCESS

As part of a community involvement obligation for Phase III investigations, an opportunity will be provided for area schools to visit the site while archaeological excavations are in progress. All arrangements will be made through the appropriate school districts, who will be responsible for all transportation, insurance and parental notification considerations. In addition, as noted above, copies of the final Phase III report will be made available to interested area institutions such as the Orange County Historical Society, local libraries, town halls and schools.

PROFESSIONAL QUALIFICATIONS

Archaeological work carried out in implementing this data recovery plan will be performed by or under the direct supervision of an archaeologist who meets the 1983 Secretary of the Interior's Qualifications Standards. Stephen J. Oberon, who meets these Standards, will serve as the Principal Investigator for this project.