FREUDENTHAL & ELKOWITZ CONSULTING GROUP, INC.

REVISED EXPANDED ENVIRONMENTAL ASSESSMENT FORM "KINGSWOOD"

INCORPORATED VILLAGE OF RYE BROOK
WESTCHESTER COUNTY, NEW YORK

JANUARY 2007
REVISED JUNE 2008

REVISED EXPANDED ENVIRONMENTAL ASSESSMENT FORM ("EEAF")

APPLICATION OF KF (RYE BROOK), LLC FOR THE PROPOSED "KINGSWOOD" RESIDENTIAL DEVELOPMENT SOUTHWEST CORNER OF ANDERSON HILL ROAD AND KING STREET INCORPORATED VILLAGE OF RYE BROOK WESTCHESTER COUNTY, NEW YORK

PROJECT LOCATION: Anderson Hill Road
Village of Rye Brook, Westchester County, New York
Tax Map Designation: Section 129.035 - Block 1 - Lot 13
Town of Greenwich, Fairfield County, Connecticut
Tax Map Designation: Map 28, Lot 1

APPLICANT: KF (Rye Brook), LLC
126 East 56th Street
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(631) 979-3000

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DATE OF PREPARATION: January 2007
Revised June 2008

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PART 1 – ENVIRONMENTAL ASSESSMENT FORM

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Proposed "Kingswood" at Rye Brook
Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

website

Date

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Proposed "Kingswood" at Rye Brook

Location of Action (include Street Address, Municipality and County)

Intersection of Anderson Hill Road and King Street, Incorporated Village of Rye Brook, Westchester County, New York and Town of Greenwich, Connecticut

Name of Applicant/Sponsor KF (Rye Brook), LLC

Address 126 East 56th Street

City / PO New York State New York Zip Code 10022

Business Telephone (631) 979-3000

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The proposed action consists of an application for site plan approval and other requisite approvals for the proposed "Kingswood" residential development. Specifically, "Kingswood" would consist of the construction of a 30-unit, luxury, residential development with associated appurtenances and parking. While the subject site is located in both the Incorporated Village of Rye Brook, New York, and the Town of Greenwich, Connecticut, all development will be confined within the boundaries of the Incorporated Village of Rye Brook, New York (see Expanded Environmental Assessment Form for complete project description).

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
   ☐ Forest ☐ Agriculture ☒ Other Undeveloped - Predominantly vegetated

2. Total acreage of project area: 15.44± acres. (12.73± acres are situated in the Incorporated Village of Rye Brook, New York and 2.71± acres are situated in the Town of Greenwich, Connecticut)

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	2.36± acres	0.30± acres
Forested	7.79± acres	2.58± acres
Agricultural (Includes orchards, cropland, pasture, etc.)	0 acres	0 acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	5.25± acres	4.85± acres
Water Surface Area	0.03± acres	0.03± acres
Unvegetated (Rock, earth or fill)	0 acres	0 acres
Roads, buildings and other paved surfaces	0 acres	3.98± acres
Other (Indicate type) Lawn/Landscaping	0 acres	3.36± acres
Other Detention Areas	0 acres	0.34± acres

3. What is predominant soil type(s) on project site? Ridgebury loam, 0 to 3 percent slopes (RdA), Urban land - Woodbridge complex, 2 to 8 percent slopes (UwB); Woodbridge loam, 3 to 8 percent slopes (WdB), Woodbridge - Urban land complex, 0 to 8 percent slopes (245B).

   a. Soil drainage: ☒ Well drained 0 % of site ☒ Moderately well drained 50± % of site.
   ☒ Poorly drained 50± % of site

   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

   a. What is depth to bedrock >60 (in feet) (from Soil Survey of Putnam and Westchester County, New York)

5. Approximate percentage of proposed project site with slopes:

   ☒ 0-10% 96± % ☒ 10- 15% 2.5 % ☒ 15% or greater 1.5± %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? * (in feet) *According to the soil boring conducted by Soil Mechanics Drilling Corp., perched water was found at a depth of four-feet-six-inches, and no groundwater was detected to a depth of 26-feet-7-inches.

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No (Inc. Village of Rye Brook GIS)

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Draft Environmental Impact Statement for the Hilton Garden Inn at Rye Brook, August 2000, prepared by Cleary Consulting.

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

However, Anderson Hill Road and King Street are within the Scenic Roads Overlay District.

15. Streams within or contiguous to project area:

Unnamed stream.

a. Name of Stream and name of River to which it is tributary

Unnamed stream.

16. Lakes, ponds, wetland areas within or contiguous to project area:

A freshwater wetland runs through the central-eastern portion of the site.

b. Size (in acres):

5.25± acres.

17. Is the site served by existing public utilities? ☒ Yes ☐ No (utilities exist along Anderson Hill Road)

a. If **YES**, does sufficient capacity exist to allow connection? ☒ Yes ☐ No

b. If **YES**, will improvements be necessary to allow connection? ☒ Yes ☐ No (on-site connection)

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No (Westchestergov.com website)

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☒ Yes ☐ No (Westchester County Airport - 60 Ldn Noise Contour)

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 15.44± acres.

b. Project acreage to be developed: 7.68± acres initially; 7.68± acres ultimately.

c. Project acreage to remain undeveloped: 7.76± acres.

d. Length of project, in miles: N/A (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. N/A %

f. Number of off-street parking spaces existing 0 ; proposed 131

g. Maximum vehicular trips generated per hour: 22 (upon completion of project)? Peak P.M. Hour

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	N/A	N/A	N/A	0
Ultimately	N/A	N/A	N/A	30

i. Dimensions (in feet) of largest proposed structure: 30± height; 105± width; 73± length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 1,937± ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 7,340± tons/cubic yards.

3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☒ N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 7.28± acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 24± months, (including demolition)

7. If multi-phased: N/A

   a. Total number of phases anticipated _____ (number)

   b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

   c. Approximate completion date of final phase: _____ month _____ year.

   d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 100± ; after project is complete 4 (plus five seasonal gardeners once per week)

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

    If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

    a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

    b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type Sanitary sewage will be handled by municipal sewer system

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

    If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☒ Yes ☐ No

    a. If yes, what is the amount per month? 4.9± tons

    b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No

    c. If yes, give name Westchester County Solid Waste Facility ; location White Plains, New York

    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☒ Yes ☐ No

e. If yes, explain:

Some waste may be recycled.

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☒ Yes ☐ No (routine residential landscaping)

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

Typical residential electrical and fuel usage.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 9,000± gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

See Attachment

			Type	Submittal Date
City, Town, Village Board	☐ Yes	☐ No		
City, Town, Village Planning Board	☐ Yes	☐ No		
City, Town Zoning Board	☐ Yes	☐ No		
City, County Health Department	☐ Yes	☐ No		
Other Local Agencies	☐ Yes	☐ No		
Other Regional Agencies	☐ Yes	☐ No		
State Agencies	☐ Yes	☐ No		
Federal Agencies	☐ Yes	☐ No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment	☐ Zoning variance	☐ New/revision of master plan	☒ Conservation Subdivision
☒ Site plan	☐ Special use permit	☐ Resource management plan	☐ Other

2. What is the zoning classification(s) of the site? (State of New York Portion)

"H-1" Hotel District and "R-20" One-Family Residential District (Incorporated Village of Rye Brook)

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

43 multi-family units per "so-ordered" Stipulation of Settlement.

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

The predominant land uses within a 1/4-mile radius of the proposed action include residential, recreational and commercial.

The predominant zoning classifications within a 1/4-mile radius within the State of New York include Planning Unit Development ("P.U.D.") Residential District, "R-15" One-Family Residential District and "R-20" One-Family Residential District.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? Conservation subdivision only--see the *Subdivision Map of Kingswood*

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

See the Expanded Environmental Assessment Form annexed hereto.

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Revised June 2, 2008
Revised July 17, 2007

Applicant/Sponsor Name KF (Rye Brook), LLC, by Freudenthal & Elkowitz Consulting Group, Inc. Date January 5, 2007

Signature

Theresa Elkowitz

Title Principal

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

APPLICATION OF KF (RYE BROOK), LLC FOR
THE PROPOSED "KINGSWOOD" RESIDENTIAL DEVELOPMENT
CORNER OF ANDERSON HILL ROAD AND KING STREET
INCORPORATED VILLAGE OF RYE BROOK
WESTCHESTER COUNTY, NEW YORK

Part 1 - EAF Attachment

Page 8 of 21, Approvals Required.

Agency	Permits, Approvals and Waivers[1]
Village Board of the Incorporated Village of Rye Brook	• Site Plan Approval • Conservation Subdivision Approval • Site Development Permit or Waiver • Excavation Permit or Waiver • Wetlands Permit or Waiver • Steep Slopes Permit or Waiver • Tree Removal Permit or Waiver • Waivers of Village Code §§250-6(A)(4)(b), 250-34(b) and 250-7(F) and Chapter 118, as necessary • Scenic Roads Overlay District Waiver
Building Department of the Incorporated Village of Rye Brook	• Building Permit • Stormwater Management Control Permit
Village Engineer of the Incorporated Village of Rye Brook	• Approval of Stormwater Pollution Prevention Plan
United Water Westchester (Successor to Aquarion Water Company)	• Water Availability
Westchester County Department of Public Works	• Review and Approval of Building Permit Application and Curb Cut (Anderson Hill Road), pursuant to General Municipal Law §239-f • Westchester County Building Approval • Westchester County Permit[2]
Westchester County Planning Board	• Review and Recommendation regarding Site Plan, pursuant to General Municipal Law §239-m

[1] Waivers are pursuant to Village Code §21-1, and as addressed in the Stipulation of Settlement.
[2] Westchester County Permit may be required for possible alteration of drainage, sewer, water pipe, conduit, or other serviceable item on, above, or beneath County road or right-of-way (Anderson Hill Road).

Agency	Permits, Approvals and Waivers[1]
	• Review and Recommendation regarding Subdivision Plan, pursuant to General Municipal Law §§239-f and 239-n
Westchester County Department of Environmental Facilities	• Sewer Connection
Westchester County Department of Health	• Sewer Installation Approval
New York State Department of Environmental Conservation	• SPDES Permit
New York State Department of Transportation	• Approval of Curb Cut (King Street)
United States Army Corps of Engineers	• Determination of Eligibility for Nationwide Permit

REVISED EXPANDED ENVIRONMENTAL ASSESSMENT FORM

1.0 INTRODUCTION

This Revised EEAF has been prepared to evaluate the potential environmental impacts associated with the development of the proposed subdivision of "Kingswood," a 30-unit, luxury, residential development on a 15.44±-acre property, situated on the southwest corner of Anderson Hill Road and King Street, in the Incorporated Village of Rye Brook, New York and the Town of Greenwich, Connecticut (hereinafter the "subject property"). All development would be confined to property situated within the Incorporated Village of Rye Brook, New York.

This Revised EEAF provides a description of the proposed project, the State Environmental Quality Review Act ("SEQRA") history and the project history, and addresses the impact issues identified by the Incorporated Village of Rye Brook (hereinafter the "Village") and its consultants (see Appendix A[1]), which include the following:

1. Wetlands;
2. Steep slopes analysis for created steep slopes, if appropriate;
3. Analysis of impacts to wetlands and a plan to mitigate potential wetland and wetland buffer impacts;
4. Visual Analysis of the proposed homes and site features, including architectural plans, elevations and renderings or photo-montages depicting potential views of the developed site from surrounding roadways;
5. A stormwater management plan compliant with Village Code requirements, including water quality measures, and erosion and sediment control plans;
6. Preliminary Construction Plan;

[1]A substantial number of the comments received relate to issues with respect to the plans and required modifications thereof. Numerous plan modifications have been made to address those comments, and the latest plans were submitted to the Village Attorney on May 7, 2008. Pursuant to consultations with the Village Attorney, Nicholas Ward-Willis, Esq., 20 additional full sets of plans were submitted to the Village on June 2, 2008, and copies were not to be provided within this Revised EEAF. The May 7, 2008 cover letter transmitting the plans is included in Appendix A of this Revised EEAF.

7. An updated traffic study coordinated with Frederick P. Clark ("FPC"), the Village's environmental consultant;
8. An analysis of population growth and fiscal and other impacts to community services and schools;
9. A Landscape Plan;
10. A Photometric Lighting Plan for street, entrance and signage lighting;
11. List of all required approvals;
12. Preliminary guidelines for future home expansions as part of a zoning analysis; and
13. Adequacy and availability of utilities.

To address the above issues, this Revised EEAF has been organized into the following topic areas:

1. Description of the Proposed Action;
2. Demolition and Construction Activities;
3. Required Permits and Approvals;
4. Grading, Drainage and Stormwater Management;
5. Wetlands;
6. Landscape Plan;
7. Utilities;
8. Transportation;
9. Photometric Lighting Plan;
10. Socioeconomics;
11. Community Services and Facilities;
12. Visual Analysis; and
13. Coastal Consistency.

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 Project History and SEQRA History

The Hilton Garden Inn at Rye Brook was previously-proposed for development on the subject property, and that application consisted of a 145-room, limited-service hotel and associated parking and appurtenances. The Board of Trustees, after review of the previously-proposed application, declared itself to be the "lead agency," and issued a positive declaration, on or about June 15, 1999, thereby requiring the preparation of a Draft Environmental Impact Statement ("DEIS"). The DEIS was prepared and submitted, and the Board of Trustees held a hearing on the DEIS, the then-proposed zoning amendments, the site plan application, and the wetlands permit application on September 26, 2000. Numerous oral and written comments were made on the DEIS.

Starting in January 2001, to address the comments made on the DEIS, a Final Environmental Impact Statement ("FEIS") was prepared and submitted to the Board of Trustees. The Board of Trustees, through its consultants, issued comments on the January 2001 version of the FEIS, and additional versions of the FEIS were submitted to the Village in April 2001, July 2002, April 2003, and August 2004.

The Board of Trustees did not accept any of the aforesaid versions of the FEIS for filing, and the Applicant, KF (Rye Brook), LLC subsequently commenced litigation against the Village. The litigation culminated in a "Stipulation of Settlement between Petitioners/Plaintiffs and Respondents/Defendants," which was so-ordered by the Hon. Louis A. Barone, Justice of the Supreme Court (hereinafter the "Stipulation").

Pursuant to the aforesaid Stipulation, the Village was obligated, among other things, (1) to consider filing the FEIS, as revised to include certain stipulated revisions, issuing a SEQRA Findings Statement for the Applicant's hotel application, and issuing a site plan approval and wetlands permit for construction of a hotel containing no fewer than 125 guest rooms, and appurtenances, on the subject property, (2) to introduce and act upon proposed legislation (the "Residential Amendments") to amend the Village Code to allow the portion of the subject property lying within the Village to be used, in addition to the hotel use permitted under the "H-1" zoning classification of the subject property, and without need of any variances, for (a) conservation subdivisions, (b) no fewer than 43 attached or detached single-family or multi-family residential dwelling units, together with appurtenances, and (3) to comply with SEQRA and its implementing regulations in connection with review of the Residential Amendments and development pursuant to those Residential Amendments. A copy of the aforesaid Stipulation and the 43-unit conceptual plan that was annexed thereto is included as Appendix B to this Revised EEAF.

Also pursuant to the aforesaid Stipulation, the Applicant was obligated to submit to the Village and thereafter diligently pursue, within 90 days after the adoption of the Residential Amendments, applications for all Village approvals required to develop the property pursuant to the Residential Amendments.

As explained above, as part of the aforesaid Stipulation, the Applicant was required to revise the FEIS for its previously-proposed hotel development of the subject property, and the revised FEIS, dated December 2005, was filed by the Board of Trustees. A Findings Statement was then adopted by the Board of Trustees on February 28, 2006 (see Appendix C) and, in accordance with the requirements of the Stipulation, various approvals were granted for the development of the hotel.

The Village's Board of Trustees, on October 10, 2006, adopted amendments to the Village Code (i.e., the aforesaid Residential Amendments) to allow residential development of the subject property. Moreover, in accordance with the aforesaid Stipulation, the Applicant submitted, together with an initial EEAF (dated January 2007), applications to the Village for development of the subject property pursuant to the Residential Amendments adopted by the Village.

The Village and its consultants reviewed the aforesaid applications and the initially-submitted EEAF, and provided various comments thereto. To address those comments, a *Supplemental Environmental Information* document was prepared and submitted in July 2007. Thereafter, additional comments were made by the Village and its consultants, and the applicant and its consultants made various plan revisions to address those comments. This Revised EEAF has been prepared to update information provided in the initially-submitted EEAF, such that all relevant environmental impact analyses associated with the proposed "Kingswood" development are presented in one document.

2.2 Existing Site Conditions

The subject property is a 15.44±-acre parcel that is located at the southwest corner of Anderson Hill Road and King Street in the Incorporated Village of Rye Brook, New York, and Town of Greenwich, Connecticut. The tax map designation for the portion of the subject property that is situated in the Incorporated Village of Rye Brook is Section 129.035 – Block 1 – Lot 13 and the tax map designation for the portion of the subject property that is situated in the Town of Greenwich, Connecticut is Map 28, Lot 1. The majority of the site is wooded, and it contains a 5.27±-acre wetland. The subject property is situated in the "H-1" Hotel District and "R-20" One-Family Residential District of the Incorporated Village of Rye Brook.[2]

The following existing site coverage data were provided by the project engineer, Barrett, Bonacci & Van Weele, P.C. (hereinafter "BBV"):

[2] The portion of the subject property situated within the Town of Greenwich is within the "R-20" One-Family Residential zoning district. However, no development is proposed within the Town of Greenwich.

Table 1 – Existing Site Coverage

Land Use	Existing Condition Acreage (Percent of Total)
Meadow or Brushland	2.36± (15.3±%)
Forested	7.79± (50.5±%)
Wetland	5.25± (34.0±%)
Water Surface Area	0.03± (0.2±%)
Total	15.44± (100±%)*

*Does not add due to rounding.

2.3 Proposed Project

The proposed action consists of an application for site plan approval and other requisite approvals (see Section 4.0 of this Revised EEAF) for the proposed "Kingswood" residential development. Specifically, "Kingswood" would consist of the construction of a 30-unit, luxury, residential development on the subject property. As previously indicated, while the subject property is located in both the Incorporated Village of Rye Brook, New York, and the Town of Greenwich, Connecticut, all development will be confined within the boundaries of the Incorporated Village of Rye Brook, New York.

According to the *Alignment Plan* (Sheet 2 of 16) prepared by BBV, 15 two-unit buildings (for a total of 30 units), 131 parking spaces and appurtenances will be constructed on the subject property. The parking spaces would consist of 60 spaces in the garages, 49 spaces in the driveways and 22 spaces on the street. A tennis court is also proposed, and the applicant is proposing a gated entrance.

The project architect, Sullivan Architecture, P.C. (hereinafter "SA"), has indicated that it has designed the residential units to be two-stories and 30 feet in height (as shown on *Units A&B Elevations* [Sheet A3], *Unit C Plans & Elevations* [Sheet A4] and *Unit D Plans & Elevations* [Sheet A5]), in conformance with the Village Code. Four different unit types are proposed (i.e., "A," "B," "C" and "D"), each containing three bedrooms. Data regarding the area of each unit type is presented in Table 2.

Table 2 – Area of Each Residential Unit Type

Unit Type	Number of Units	Dimensions (Width x Depth)	Total Area (square feet)
"A"	3	96±' x 82±'	2,879±
"B"	3	96±' x 82±'	2,940±
"C"	14	99±' x 67'-4±"	2,948±
"D"	10	105±' x 73'-4±"	2,987±

Access to the site would be via Anderson Hill Road, and an emergency access would be provided via King Street. The proposed development would be served by public water and municipal sewer.

According to the project engineer, the existing and proposed site coverages for the overall property are as follows:

Table 3 - Existing and Proposed Site Coverages for the Entire 15.44±-Acre Site

Land Use	Existing Condition Acreage/(Percent of Total)	Proposed Condition Acreage/(Percent of Total)
Meadow or Brushland	2.36± (15.3%)	0.30± (1.9%)
Forested	7.79± (50.5%)	2.58± (16.7%)
Wetland	5.25± (34.0%)	4.85± (31.4%)
Water Surface Area	0.03± (0.2%)	0.03± (0.2%)
Roads, buildings and other paved surfaces	0± (0%)	3.98± (25.8%)
Lawn/Landscaping	0± (0%)	3.36± (21.8%)
Detention Area	0± (0%)	0.34± (2.2%)
Total	**15.44± (100%)**	**15.44± (100%)**

According to the project engineer, the existing and proposed site coverages for the portion of the site situated within the Village are as follows:

Table 4 - Existing and Proposed Site Coverages for the Portion of the Site Situated within the Village

Land Use	Existing Condition Acreage/(Percent of Total)	Proposed Condition Acreage/(Percent of Total)
Meadow or Brushland	1.85± (14.5%)	0.05± (0.4%)
Forested	5.94± (46.7%)	0.47± (3.7%)
Wetland	4.90± (38.5%)	4.50± (35.3%)
Water Surface Area	0.03± (0.3%)	0.03± (0.3%)
Roads, buildings and other paved surfaces	0± (0%)	3.98± (31.3%)
Lawn/Landscaping	0± (0%)	3.36± (26.4%)
Detention Area	0± (0%)	0.34± (2.7%)
Total	**12.73± (100%)**	**12.73± (100%)**

A review of the site coverage data for the portion of the subject site that is situated within the Village indicates that 5.05± acres would remain in a natural state, and 7.68± acres would be disturbed for the construction of the residential community.

Future Home Expansion

According to the Applicant, following completion of the development and improvements contemplated in the pending site plan application for the subject property, future exterior improvements (e.g., alterations to main building, deck, walkway, patio, and driveway expansions and additions, additional sheds, and additional impervious coverage) will not be permitted. The Applicant is prepared to execute and record a "Declaration of Covenants and Restrictions" memorializing the aforesaid prohibition of future exterior improvements and additional impervious coverage, should the Village Board of Trustees require same.

Entry Sign

The project architect, SA, designed an attractive entry sign for the residential development, which is depicted on the *Architectural Site Plan & Entry Sign & Entry Wall Elevation* (Sheet A1). The entry sign compliance data, which is presented in Table 5, below, was also prepared by the project architect, and demonstrates the proposed sign conforms to the zoning requirements of the Incorporated Village of Rye Brook.

Table 5 – Comparison of the Post-Construction Sign Data and Village Code (Section 250-34)

	Required/Permitted	Provided
Number of Signs Allowed	1	1
Area	20 s.f.	15 s.f.
Height	10 ft.	5 ft. 6 in.
Setback	40 ft. or 1/2 distance (minimum) from edge of road to front of building (gate house), whichever is less	Sign meets the 1/2 distance requirement, as the gate house is 28 ft. 8 in. from road, and sign is 14 ft. 6 in. from road (greater than ½ of 28 ft. 8 in.)

Zoning Compliance Table

As appears on the *Alignment Plan* (Sheet 2 of 16) and the *Zoning Compliance Table* thereon, the proposed residential development of the subject property is compliant with Village zoning and other land use regulations, except that waivers may be required of:

1. The 15-acre minimum parcel size requirement of Village Code §250-34(b), for residential development in the "H-1 Hotel District," if the area of the subject property located in the Town of Greenwich is deemed not to be includible in the "parcel size" (this interpretation would be incorrect, in view of the fact that the overall "parcel" to be developed, as shown on the *Alignment Plan*, includes 2.71 acres in the Town of Greenwich, for a total area of 15.44+/- acres for the subject property, although the portion of the parcel that lies in Greenwich is not proposed to be developed);

2. The limitation imposed by Village Code §250-6(A)(4)(b), which allows, in relevant part, no more than 25 percent of the minimum lot area requirement to be satisfied by land that is either defined as a wetland by the Village Wetlands Law or is defined as steep slopes by the Village Steep Slopes Law;

3. The provisions of Village Code Chapter 245 ("Wetlands and Watercourses"), including, but not limited to, the required 2:1 mitigation for loss of "wetland/watercourse buffers" set forth in Village Code §245-9(A)(3), to the extent necessary to permit the development set forth in the site plan application for residential development of the subject property;

4. The "Scenic Roads Overlay District" regulations set forth in Village Code §250-7(F), to the extent necessary to permit the proposed development and the proposed access roadways, entry structures, and landscaping provided in the plans submitted for the site plan application for residential development of the subject property;

5. The provisions of Village Code Chapter 118 ("Erosion and Sediment Control"), to the extent necessary to permit the development set forth in the site plan application for residential development of the subject property;

6. The provisions of Village Code Chapter 213 ("Steep Slope Protection"), to the extent necessary to permit the development set forth in the site plan application for residential development of the subject property; and

7. The provisions of Village Code Chapter 235 ("Trees"), to the extent necessary to permit the development set forth in the site plan application for residential development of the subject property.

The 175-foot minimum front yard (which would be increased to a minimum of 262.5 feet, applying the "Scenic Roads Overlay District" provision at Village Code §250-7[F]), 175-foot minimum rear yard, 175-foot minimum side yard, and 12 percent total coverage requirements set forth in Village Code §250-34 are, by the terms of Village Code §250-34, applicable only to "hotels" in the "H-1 Hotel District," and do not apply to the proposed residential development of the subject property.

The Applicant respectfully submits that the foregoing waivers are warranted because:

1. Pursuant to Paragraph "7" of a Court-ordered "Stipulation of Settlement between Petitioners/Plaintiffs and Respondents/Defendants," filed and entered December 23, 2005 in an action entitled KF (Rye Brook), LLC, and Border Properties, Inc., Plaintiffs, against Village of Rye Brook and Board of Trustees of the Village of Rye Brook and two related CPLR Article 78 proceedings (Westchester County Index Nos. 18632-2004, 19939-2004, and 02532-2005) (hereinafter referred to as the "Stipulation of Settlement"), the Village Board of Trustees was obligated, among other things, to:

> *"introduce legislation (hereinafter the 'Residential Amendments') to amend the Zoning Code and other provisions of the Village Code (including, but not limited to, Chapter 245 ['Wetland and Watercourses'] and the 'Scenic Roads Overlay District' provisions of the Zoning Code) as necessary to allow the portion of the subject property lying within the Village to be used, in addition to the hotel use permitted under the subject property's 'H-1' zoning classification (which zoning classification and permitted hotel use shall not be altered by the Municipal Defendants), and without need of any variances, for (1) conservation subdivisions, as described in Section 219-42[3] of the Village Code, and (2) no fewer than forty-three (43) attached or detached single-family or multi-family residential dwelling units averaging no less than 2,600 square feet of habitable floor area (i.e., floor area not including areas devoted to cellars, basements, garages, attics, storage areas, or exterior structures) per unit, together with appurtenances substantially as shown on the Concept Plan annexed hereto as Exhibit 'A' (the 'Specified Residential Development')...."* (emphasis added)

The Board of Trustees has chosen to execute the foregoing Court-ordered obligation by, among other things, adopting a new Chapter 21 of the Village Code, Section 21-1 of which (entitled "Jurisdiction; authority to waive or modify Code provisions") allows the Board of Trustees, by resolution, to, among other things:

> *"[w]*aive *or modify the provisions of any chapter of the Village Code regarding applications, permits, authorizations, and/or determinations that the Board of Trustees finds, in its absolute discretion, involve a development of substantial public importance and the exercise of this discretion results in a benefit to the community."*

[3] Actually Section 219-34.

The Board of Trustees, in accordance with Chapter 21 of the Village Code, has, by resolution adopted January 23, 2007, determined that (a) the proposed application is a "development of substantial public importance in the H-1 Hotel Zoning District" and (b) the Board of Trustees shall reclaim jurisdiction and be the approving authority for the application for site plan and subdivision approval and the wetlands and water course permit and the steep slopes permit and any and all other approvals that may be required for the subject project;

2. The subject waivers will facilitate the residential development of the subject property contemplated in the "Stipulation of Settlement," which residential development is preferred by the Village and the nearby "Doral Greens" community over the previously-proposed and approved hotel development of the subject property;

3. Strict compliance with the "Scenic Roads Overlay District" restrictions would preclude the residential development as contemplated by the Stipulation and the conceptual plan annexed thereto (see Appendix B) as well as the current plans for the "Kingswood" development;

4. Even with the aforesaid substantial reduction in the proposed number of residential units from the minimum 43 units provided for under the "Stipulation of Settlement," the area of wetland buffers that will be impacted by the proposed development cannot be mitigated in accordance with the 2:1 standard set forth in Village Code §245-9(A)(3);

5. If the Village does not grant waivers necessary to permit the proposed residential development of the subject property, the Applicant has the right, under the aforesaid "Stipulation of Settlement" to proceed with hotel development of the subject property, which development, as set forth above, is not preferred by the Village or the nearby "Doral Greens" community; and

6. The subject waivers will result in a benefit to the community by, among other things, (a) allowing the Village to fulfill its obligations under the "Stipulation of Settlement," (b) allowing for the preferred residential development of the subject property, as opposed to the previously-approved hotel development of the subject property, (c) allowing for a 30-unit residential development of the subject property that is substantially less dense than the minimum 43-unit residential development contemplated in the "Stipulation of Settlement," and (d) allowing for a residential development of the subject property that results in the preservation, through site design and imposition of conservation easements, of substantially greater wetland areas than the minimum 43-unit residential development contemplated in the "Stipulation of Settlement."

The Applicant is proposing several measures to mitigate the impacts from the foregoing waivers. These mitigation measures include:

1. Voluntary reduction in the number of proposed residential units from the minimum 43 units provided for under the "Stipulation of Settlement" to the 30 units proposed in the development plan set forth in the site plan application for the subject property;

2. Extensive landscape screening along Anderson Hill Road and King Street, as set forth in the *Overall Landscape Plan* (Sheet 11 of 16), prepared by BBV;

3. Extensive screening along the boundary between the subject property and the adjoining property of The Blind Brook Club, Inc., as set forth on the *Overall Landscape* Plan (Sheet 11 of 16), prepared by BBV; and

4. Placement of conservation easements on all areas containing existing or to-be-created wetlands.

3.0 DEMOLITION AND CONSTRUCTION ACTIVITIES

3.1 Demolition

The demolition phase of the proposed development would include the removal of some of the existing vegetation. According to the *Tree Preservation Plan* (Sheet 9 of 16), prepared by BBV, 1,110 caliper inches of the existing trees are proposed to be removed and replaced with 1,569.5 caliper inches of trees and shrubs. Thus, the total caliper of the trees that are proposed to be planted exceeds the total caliper of the trees that are proposed for removal. Where these trees are adjacent to construction areas, they will be protected by the use of snow fencing. Demolition and site clearing is expected to take approximately eight weeks from the issuance of the tree removal permit.

3.2 Construction

According to the project engineer, the overall construction of the proposed residential development is expected to occur over a 24±-month period, including demolition work. Construction activities will occur during normal daytime hours on weekdays. All construction will be done in accordance with all prevailing regulations regarding such activities.

The construction sequence can be divided into several phases: preliminary site work; exterior and interior building; and final site work.

The preliminary site work phase includes the following tasks: tree stake-out; tree protection; installation of erosion and sedimentation control measures; receipt of demolition permit; and demolition.

The site will then be cleared and grubbed, and regrading will occur. As fill will be imported to the site, it is estimated that approximately 102 truck trips using 30 cubic yard trucks would be associated with the importation of the fill material. In addition, utilities and drainage features will be installed within the internal roadways and parking areas. The proposed 30 residential units and appurtenances will be constructed, upon completion of the general site work. Final site work, such as implementation of the wetland mitigation plan, landscaping and signage, will occur once the units are completed.

4.0 REQUIRED PERMITS AND APPROVALS

In order to implement the proposed action, the following permits, approvals and/or waivers are required.

List of Permits, Approvals and Waivers

Agency	Permits, Approvals and Waivers[4]
Village Board of the Incorporated Village of Rye Brook	• Site Plan Approval • Conservation Subdivision Approval • Site Development Permit or Waiver • Excavation Permit or Waiver • Wetlands Permit or Waiver • Steep Slopes Permit or Waiver • Tree Removal Permit or Waiver • Waivers of Village Code §§250-6(A)(4)(b), 250-34(b) and 250-7(F) and Chapter 118, as necessary • Scenic Roads Overlay District Waiver
Building Department of the Incorporated Village of Rye Brook	• Building Permit • Stormwater Management Control Permit
Village Engineer of the Incorporated Village of Rye Brook	• Approval of Stormwater Pollution Prevention Plan
United Water Westchester (Successor to Aquarion Water Company)	• Water Availability
Westchester County Department of Public Works	• Review and Approval of Building Permit Application and Curb Cut (Anderson Hill Road), pursuant to General Municipal Law §239-f • Westchester County Building Approval • Westchester County Permit[5]
Westchester County Planning Board	• Review and Recommendation regarding Site Plan, pursuant to General Municipal Law §239-m

[4] Waivers are pursuant to Village Code §21-1, and as addressed in the Stipulation of Settlement.
[5] Westchester County Permit may be required for possible alteration of drainage, sewer, water pipe, conduit, or other serviceable item on, above, or beneath County road or right-of-way (Anderson Hill Road).

Agency	Permits, Approvals and Waivers[4]
	• Review and Recommendation regarding Subdivision Plan, pursuant to General Municipal Law §§239-f and 239-n
Westchester County Department of Environmental Facilities	• Sewer Connection
Westchester County Department of Health	• Sewer Installation Approval
New York State Department of Environmental Conservation	• SPDES Permit
New York State Department of Transportation	• Approval of Curb Cut (King Street)
United States Army Corps of Engineers	• Determination of Eligibility for Nationwide Permit (copy annexed in Appendix D)

5.0 GRADING, DRAINAGE AND STORMWATER MANAGEMENT

5.1 Site-Specific Topography

At the request of the Village, a revised topographic survey was prepared for the subject property by Ward Carpenter Engineers, Inc., and is presented on the *Existing Conditions Plan* (Sheet 1 of 16). According to these plans, which contain updated topographic information, the existing elevations on the subject property range from 314± feet above mean sea level ("msl") in the northeastern area and 311± feet above msl in the northwestern area of the subject site, to 299± feet above msl in the central area of the subject property. The existing elevations in the southern portion of the site range from 306± feet above msl in the southeastern portion of the site to 292± feet above msl in the southwestern tip of the site. There are areas of steep slopes on the subject property. Additional off-site survey work was also performed, at the request of the Village's consultants, and is depicted also on the *Existing Conditions Plan*.

The *Grading & Drainage Plan (North)* (Sheet 3 of 16) and *Grading & Drainage Plan (South)* (Sheet 4 of 16) (hereinafter collectively the "*Grading & Drainage Plan*"), prepared by BBV, depict the existing and proposed site-specific topography for the subject property. The proposed elevations in the northeastern and central areas of the subject property would be unchanged, as this area would remain undeveloped. The northwestern area, where the proposed buildings and internal roadway would be situated, would range from 311± feet above msl to 298± feet above msl along the central-western section of the subject property. Berms would be created on the western border of the subject site. The southern area of the subject site would consist of proposed buildings, internal roadway and man-made ponds. The elevations in the area of the proposed buildings and internal roadway would range from 295± feet above msl to 300± feet above msl. The elevations in the area of the proposed pond that would be situated near units 17 and 18 would range from 295± feet above msl to 305± feet above msl, and the proposed pond near unit 19 would range from 293± above msl to 304± feet above msl.

As two ponds would be constructed as part of the stormwater management system, cut and fill calculations have been prepared by the project engineer, BBV, based upon the *Grading & Drainage Plan*. It is estimated that 7,340± cubic yards of natural material would be cut, and 10,388± cubic yards of fill would be imported, for a net of 3,048± cubic yards of imported material. All fill imported to the site would be clean. Using 30 cubic yard trucks, there would be approximately 102 truck trips associated with the importation of this material.

Due to the grading proposed for the creation of the ponds, there is a potential for impacts to wetlands, soil and topography. Erosion and sedimentation are the two most likely impacts, as some vegetation, which normally stabilizes soils, would be removed, and there would be an interval between the removal activities and permanent stabilization. In addition, drainage patterns can be temporarily altered due to the movement of earth on the site. These impacts would be mitigated through the implementation of the stormwater management system, through the use of erosion and sediment control measures and through the proper sequencing of the construction process. A *Storm Water Pollution Prevention Plan* ("*SWPPP*") (Sheet 10 of 16) has been prepared by BBV to address these issues and to assure that significant erosion and sedimentation impacts do not result during construction (see Section 5.3 of this Revised EEAF).

5.2 Steep Slope Analysis

Table 6 presents data regarding the existing slopes on the subject property. While the majority of the on-site slopes are within the zero to ten percent range (i.e., 96.0± percent of the slopes), 2.5± percent of the slopes are in the 10 to 15 percent range, 1.1± percent of the slopes are in the 15 to 25 percent range, 0.2± percent of the slopes are in the 25 to 35 percent range, and 0.2± percent of the slopes are in the greater-than-35 percent range.

Table 6 – Existing Slopes

Range of Slopes	Percentage with Existing Slopes
0 - 10%	96.0±%
10 - 15%	2.5±%
15 - 25%	1.1±%
25 - 35%	0.2±%
> 35%	0.2±%

The existing steep slope areas (greater than 15 percent) are primarily located along the banks of the existing wetlands swales and depressions that will remain undisturbed according to the proposed plan.

BBV prepared the site grading plans (i.e., *Grading & Drainage Plan [North]* [Sheet 3 of 16] *and Grading & Drainage Plan [South]* [Sheet 4 of 16]) in accordance with the objectives of the "Steep Slope Protection Law of the Village of Rye Brook" (Chapter 213 of the Village Code), and such plans achieve the following:

- Proposed cut and fill slopes are provided, and a maximum slope of one (vertical) to three (horizontal) is proposed in all locations, except within the wet areas of the proposed ponds where the maximum slope was increased to one (vertical) to two (horizontal) in order to maximize the storage capacity of the ponds;
- The alignment of the proposed roads, buildings and driveways are designed to follow the natural topography;
- All proposed re-grading is blended with the existing, natural contours of the land;
- Cut and fill areas are shaped to eliminate sharp angles at the top, bottom and sides of proposed slopes;
- As previously discussed, existing natural steep slope areas will remain undisturbed;
- Tops and bottoms of cut and fill slopes are set back from the property lines at least 10 feet; and
- The use of explosives is not anticipated to be necessary in order to grade the site.

As shown in Table 7, the proposed slopes will differ somewhat from the existing slopes, primarily due to the creation of the proposed ponds for the proposed drainage system

Table 7 – Comparison of Existing and Proposed Slopes

Range of Slopes	Percentage with Existing Slopes	Percentage with Proposed Slopes
0 - 10%	96.0±%	81.3±%
10 - 15%	2.5±%	5.8±%
15 - 25%	1.1±%	5.2±%
25 - 35%	0.2±%	4.6±%
> 35%	0.2±%	3.0±%

The proposed ponds will be located in the southeastern area of the subject property (see the *Grading & Drainage Plan [South]*). While the majority of the proposed on-site slopes will be located within the zero to ten percent range (i.e., 81.3± percent), 5.8± percent will be in the 10 to 15 percent range, 5.2± percent will be in the 15 to 25 percent range, 4.6± percent will be in the 25 to 35 percent range, and 3.0± percent will be in the greater-than-35 percent range.

According to the *SWPPP* (Sheet 10 of 16), prepared by BBV, the slopes created during site grading would be stabilized with temporary and permanent vegetation in accordance with the *Westchester County Best Management Practices Manual for Erosion and Sediment Control* (1991) in order to reduce erosion potential. In addition, the disturbance of existing vegetative ground cover shall not occur more than seven days prior to commencing grading and construction. Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.

Erosion and sediment control measures that would specifically protect steep slopes would include vegetative slope stabilization; silt trapping (using silt fence, straw bales, etc.); placement of geotextile, jute netting, or other mechanical stabilizer; and dust control. Pollution control measures, which are presented in the *SWPPP*, would be in accordance with the standards of the United States Environmental Protection Agency ("USEPA") General Permit.

5.3 Stormwater Runoff and Drainage

Stormwater runoff is generated by precipitation events and is divided into three components: surface runoff, interflow and base flow. Surface runoff is that portion of the stormwater that remains after a precipitation event and is not captured by depression storage or ponding, does not infiltrate the surface and is not evapotranspired from the earth's surface. Interflow is that portion of stormwater that infiltrates the surface into the soil zone and moves in a horizontal direction until reaching a surface water body. Finally, the base flow is that portion which infiltrates the surface and soil profile to reach groundwater.[6] It should be noted there are no existing on-site drainage structures.

Pursuant to Section 402 of the Clean Water Act, stormwater discharges from certain construction activities to "Waters of the United States" are unlawful unless they are authorized by a National Pollutant Discharge Elimination System ("NPDES") permit or by a state permit program. The New York SPDES Permit is an NPDES-approved program with permits issued in accordance with the Environmental Conservation Law ("ECL"). The SPDES program also extends permitting coverage to discharges of pollutants to all other "Waters of New York State," such as groundwater.[7]

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[6] *Reducing Impacts of Stormwater Runoff From New Development*, published by the New York State Department of Environmental Conservation ("NYSDEC"). As indicated on the NYSDEC website (www.dec.state.ny.us). "[t]his document provides guidance on site planning and stormwater management including an example of a model stormwater ordinance. The document is out of print at this time because it is being revised and updated. Watch this web page for the update."

[7] As excerpted from the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-02-01).

The United States Environmental Protection Agency ("USEPA") stormwater program was promulgated in 1990 under the Clean Water Act and was recognized as the *Phase I Rule*. The *Phase I Rule* required a NPDES permit to control stormwater runoff from (1) "medium" or "large" municipal separate storm sewer systems ("MS4s") generally serving populations of 100,000 or greater, (2) construction activity disturbing five acres or greater, and (3) ten categories of industrial activity. On March 10, 2003, the USEPA expanded the scope of its stormwater management program to include smaller construction sites and the operators of MS4s in urbanized areas, and the expanded program is known as the *Storm Water Phase II Final Rule*. Specifically, the *Storm Water Phase II Final Rule* (hereinafter referred to as the "Phase II Stormwater Regulations") expanded permit coverage to "operators of small construction activities that disturb equal to or greater than one and less than five acres of land."

For construction activities involving site disturbance (one to five acres, or five acres or greater), a SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-08-001) (hereinafter referred to as the "SPDES General Permit") must be obtained, and requires that a Notice of Intent ("NOI") be filed with the New York State Department of Environmental Conservation ("NYSDEC"), after completing a SWPPP. The SWPPP includes two plan components: (1) Erosion and Sediment Control ("ESC") plan, and (2) Water Quality and Quantity Control ("WQQP") plan. As the proposed action would involve over one acre of disturbance, a SPDES General Permit is required and would be obtained prior to the commencement of any construction activities on the site.

The NYSDEC provides technical standards for each of the above plan components. For erosion and sediment control, the technical standards are included in the *New York Standards and Specifications for Erosion and Sediment Control* published by the Empire State Chapter of the Soil and Water Conservation Society (March 2003). For the design of water quality and quantity controls (post-construction stormwater control practices), the technical standards are detailed in the *New York State Stormwater Design Manual*.

As included in the *New York Standards and Specifications for Erosion and Sediment Control*, the preservation of existing groundcover is the most effective way to protect the soil surface and limit erosion. According to this publication, "where land disturbance is necessary, temporary seeding or mulching must be used on areas which will be exposed for more than 14 days. Permanent stabilization should be performed as soon as possible after completion of grading."

Chapter 5 of the *New York State Stormwater Design Manual* outlines five main groups of acceptable stormwater management practices ("SMPs"), including stormwater ponds; stormwater wetlands; infiltration practices; filtering practices; and open channel practices. All of the acceptable SMPs are based on the following criteria:

- *Capture and treatment of the full WQv* [Water Quality Volume];
- *Capable of removal of 80 percent TSS*[8] *and 40 percent TP*[9];
- *Acceptable longevity in the field; and*
- *Pretreatment mechanism.*

The design of SMPs requires an approach that considers land use, physical feasibility, watershed/regional factors, stormwater management capability, and community/environmental factors. These considerations are summarized in the Land Use Selection Matrix (Table 7.1) in the *New York State Stormwater Management Design Manual*, and, according to same, the proposed development would be characterized as residential within an urbanized environment. As such, the selection matrix specifies that applicable treatment practices include, among other methods, infiltration or filters.

[8] Total Suspended Solids (suspended inorganic and organic material)
[9] Total Phosphorus

With respect to stormwater management, the existing central wetlands area will continue to drain via sheet flow to the west, but will be required to pass through a new inlet control structure and culvert located under the development's proposed access road. The flow from the proposed culvert will be collected in a proposed vegetated swale located along the western property line of the site. Overflow from this vegetated swale will be directed towards the existing swale and wetlands located in the southwest corner of the property. The capacity of this existing swale is outlined in Appendix F.

Accordingly, the stormwater management system has been designed to:

- Provide on-site storage in excess of the Water Quality Volume ("WQv") in order to meet pollutant removal goals dictated by the NYSDEC;
- Provide on-site storage of the one-year, 24-hour storm event for the protection of down-site channels;
- Control the peak discharges from the site for the 10 and 100-year storms to 75% of predevelopment rates for overbank and extreme flood control; and
- Minimize the adverse effects of erosion and sediment transport.

The current location of the proposed stormwater retention/water quality basins, at the southeast portion of the property, was primarily selected because it would not require wetland disturbance. The relocation of the basins to the southwest would require additional wetland disturbance, solely for the handling of stormwater. The standard policy of the NYSDEC and the United States Army Corps of Engineers ("USACOE") is that it is not acceptable to discharge untreated stormwater directly into naturally existing wetlands. This is primarily because direct, untreated discharges can overload the natural wetland system and make it impractical to manage, often resulting in contamination of the wetland. Direct discharges may also alter the hydrology and hydroperiod of the natural wetland, which can significantly alter the vegetative community therein. According to Evans Associates Environmental Consulting, Inc. (hereinafter "EAEC"), natural wetlands should only be used for final polishing after pretreatment by a practice or a combination of practices (e.g., stormwater basins) that meets the design requirements set forth in the *New York State Stormwater Design Manual*, the method that is being proposed by the Applicant. Therefore, stormwater runoff must be treated outside of wetlands before ultimately discharging into them. Accordingly, from a wetland protection perspective, it is not prudent to relocate the proposed stormwater retention/water quality basins from the proposed location to the southwest corner of the property as (a) it would result in additional direct wetland disturbance, and (b) it would not provide for the same level of stormwater treatment prior to discharge as that currently proposed.

The proposed action will create stormwater management basins for stormwater runoff peak rate attenuation, and for water quality improvement purposes. In addition, as mitigation for proposed impacts to the on-site wetlands, creation of new wetlands, enhancement of the existing on-site wetlands and enhancement of buffers are proposed. The stormwater management basins and wetland mitigation areas will be planted with a variety of native trees, shrubs, and groundcovers that have been chosen based on hardiness, sun exposure and the hydrologic environments of the stormwater management basins and wetland creation areas (see the *Wetland Impact Map* [Sheet 13A of 16], *Overall Wetland Mitigation Plan* [Sheet 13B of 16], *Wetland Mitigation Enlargement Plan Areas C, D, E* [Sheet 13C of 16], *Wetland Mitigation Enlargement Plan Areas E, F, G, H, I, J and K* [Sheet 13D of 16], *Wetland Mitigation Enlargement Plan Areas L, M, P, R, S, T and U* [Sheet 13E of 16], *Wetland Mitigation Enlargement Plan Off-Site Sewer & Area N* [Sheet 13F of 16] and *Stormwater Basins Planting Plan* [Sheet 13G of 16]).

The purposes of the plantings are to (1) stabilize the side slopes of the stormwater management basins, reducing the risk of erosion of the graded surface; (2) provide a diverse habitat that will be attractive to wildlife (e.g., songbirds, amphibians, reptiles and some mammals); and (3) provide some shade over the permanent pool of the basin, which would be beneficial to amphibians and fish species. All plantings and seed mixture applications associated with the stormwater management basins and wetland mitigation areas shall be accomplished in accordance with the approved plans, and completed within the first growing season after the grading is complete.

EAEC prepared the *Post Construction Monitoring and Maintenance of Stormwater Basin and Wetland Mitigation Plantings* (hereinafter the "EAEC Report"), which can be found in Appendix E of this Revised EEAF. After the installation of the plant materials, the Environmental Monitor shall receive a list of the plant materials that have been installed by the Applicant, and shall inspect the installed plantings for compliance with the approved plans. The Environmental Monitor shall note any deficiencies in the installation of the plant materials, and these deficiencies will be corrected at the earliest possible time. When all deficiencies have been corrected, the Environmental Monitor shall prepare an initial compliance report for the Village, and the monitoring period shall commence.
Pursuant to Section 245-10 of the Village Code, compliance monitoring will occur on a quarterly basis for three full growing seasons after the installation of the stormwater management basin plantings and wetland mitigation. Thereafter, monitoring may continue on an as-needed basis, depending on the results of the initial monitoring.

Photographs of the wetland mitigation areas will be taken at least once per year during the growing season, preferably during July or August, from established stations, to allow for comparison from one inspection to the next. Monitoring will consist of an assessment of the following:

- Stability of the substrates and physical structures of the wetland and stormwater management basins;
- Stability of the vegetation communities;
- Diversity of the vegetative communities;
- Wetland hydrology correctness according to the design;
- Elimination of undesirable plant and animal species; and
- Provision of wildlife habitat.

Monitoring reports, based on the monitoring data forms included in the EAEC Report, shall be used during each quarterly inspection to monitor each stormwater management basin, wetland mitigation area and the temporary off-site disturbance restoration area. Quarterly inspections will be summarized in an annual report, including photographs, which will be submitted to the regulatory agencies including the Village and the USACOE. Field changes associated with the grading within the wetland or wetland buffer, replanting, or modifications to the hydrology within the wetland will be reviewed by the appropriate regulatory agencies, and described in the annual report.

As an additional requirement of post-construction monitoring, the existing stream channel will also be monitored in conjunction with the wetland mitigation areas. Photographs and visual observations will be collected prior to construction, and the channel will be observed quarterly for changes in stability or hydrological impacts. A brief, narrative summary of the stream channel observations will be included with the monitoring reports of the other mitigation areas.

The Applicant has agreed to provide a qualified Environmental Monitor, at its expense, to monitor construction activities at times when any wetland disturbance and/or restoration is being conducted. Prior to receipt of final site plan approval, the Applicant will submit to the Board of Trustees a wetland monitoring plan identifying the monitor, his/her qualifications, specific activities to be monitored, actions to be undertaken in the event that the monitor identifies construction activities in or adjacent to wetlands that are contrary to the approvals granted by the Village and/or activities that threaten to cause damage to the wetlands. Following its establishment for the subject development, a homeowners' association ("HOA") shall be responsible for continuing the wetland monitoring plan and shall bear all expenses associated therewith, including the expenses of the Environmental Monitor.

Erosion and Sediment Control Measures During Construction

Erosion and sediment control measures have been designed by BBV, pursuant to Chapter 118 of the Village Code. They are depicted on the *Stormwater Pollution Prevention Plan* ("*SWPPP*") and are detailed in the *Kingswood Stormwater Management Narrative* (see Appendix F of this Revised EEAF). Prior to construction, haybales and silt fencing would be installed and would be maintained throughout the duration of construction to ensure no disturbance to any areas that are to remain natural. Furthermore, those measures located along Anderson Hill Road and King Street would be installed and maintained so as to prevent stormwater runoff from entering the existing rights-of-way.

Existing vegetation to remain on the site would be protected and would remain undisturbed. Clearing and grading would be scheduled to minimize the duration and size of the exposed areas. The length and steepness of cleared sloping areas would be minimized to reduce runoff velocities, and sediments would be trapped on-site. Furthermore, erosion control installation and maintenance would be in accordance with the practices established in the *New York Guide for Urban Erosion and Sediment Control* manual. For additional erosion control notes and details, see the *Kingswood Stormwater Management Narrative* included in Appendix F of this Revised EEAF.

Although a comprehensive plan has been prepared and will be implemented, certain erosion control measures would be determined in the field. Conditions would be observed and additional erosion control measures would be installed, as required, to address field conditions and to ensure that erosion and sedimentation are properly controlled throughout the construction process.

Post-Development Stormwater Volume

The proposed stormwater management system will collect surface and roof runoff in a series of catch basins and inlet structures located throughout the subject property. These catch basins will be interconnected by an underground pipe system that flows, via gravity, to the on-site stormwater detention ponds. As indicated on the *Grading & Drainage Plan*, there are two stormwater detention ponds proposed in the southwestern corner of the site to accommodate stormwater runoff from paved and landscaped areas. An analysis of the stormwater detention ponds and the required and proposed stormwater volumes is presented in the *Kingswood Stormwater Narrative* (see Appendix F of this EEAF), and same concludes the proposed stormwater management system will accommodate a 1-year, 24-hour rainfall event. In addition, the peak discharge from the subject property during 10- and 100-year storm events would not exceed 75 percent of those from the existing conditions.

In order to effectively mitigate potential impacts associated with erosion and sedimentation and stormwater runoff during and after construction, the following mitigation measures will be employed:

- The SWPPP would be implemented pursuant to the requirements of the NYSDEC and the Village of Rye Brook (see *SWPPP* [Sheet 10 of 16] and Appendix F of this Revised EEAF [*Kingswood Stormwater Narrative*]). The SWPPP provides for, among other things, the installation and maintenance of erosion and sediment control measures throughout the site;

- The erosion and sediment control devices would be installed prior to the commencement of construction on the site, would be regularly maintained and would remain in place until after permanent vegetation is planted and/or impervious surfaces have been installed, whichever is applicable;

- Haybales and silt fencing would be furnished, installed and maintained as required for the duration of construction and would be used to prevent stormwater from entering the existing rights-of-way along Anderson Hill Road and King Street;

- Haybales and silt fencing would be furnished, installed and maintained, as required, for the duration of construction and would be used to prevent disturbance to any areas that are to remain natural;

- Haybales would be placed along the entire perimeter of the construction area, and would be configured in a row with ends tightly abutting the adjacent bales. They would be embedded a minimum of four inches in the soil. The bales shall be securely anchored in place by either two stakes or re-bars driven through the bale;

- Silt fences would be fastened securely to fence posts with wire ties or staples;

- Construction debris would be stored in containers to be carted off the site by a licensed hauler;

- All work would be conducted in accordance with the New York State Guidelines for Urban Erosion and Sediment Control Manual and the New York State Stormwater Management Design Manual, latest editions;

- Dust control would be performed, as needed, to ensure that no fugitive dust, due to land disturbance, leaves the site. Specific controls include wetting or spraying of surfaces with water and use of stone at construction entrances and on construction roads. Dust control measures would be maintained through dry weather periods and until all disturbed areas are stabilized; and

- A permanent stormwater management system would be installed to handle post-development stormwater.

6.0 WETLANDS

A 5.27±-acre freshwater wetland runs through the central portion of the subject property. The on-site wetlands are regulated by the Incorporated Village of Rye Brook and the USACOE.

6.1 Accuracy of Wetland Delineation

During the review of the application for the previously-proposed hotel, the Village's Planning Board questioned the accuracy of the wetland boundaries on the subject property as they were last delineated in 1999. It is important to note that the wetlands on the site have been extensively investigated to ensure that the delineation was accurate and that their quality was evaluated. Wetlands on the subject site were originally delineated by Evans Associates on March 5, 1997 for the Summerfield Hotel Corporation. The wetland boundary was survey-located at that time by Ward Carpenter Engineers, Inc. At the request of the Village, the wetland boundary was reviewed by April Moulaert of FPC on May 21, 1999, and minor modifications were made based on Ms. Moulaert's review. The resulting modifications to the wetlands boundary added to the wetland area in some locations and added to the upland area in other locations. The new wetland boundary was then survey-located, and reflected on the plans for the previously-proposed hotel.

To determine whether the wetland boundary remained accurate, a field investigation was again undertaken by Evans Associates on April 16, 2003. Numerous wetland boundary flags were still visible on the site, particularly those placed in 1999, during the inspection by April Moulaert of FPC. Based on the April 16, 2003 investigation, during which time Evans Associates took several soil samples, the wetland boundary was determined to be the same as the wetland boundary that was previously surveyed. In a June 4, 2003 memorandum to the Planning Board, FPC confirmed "the delineation and functional assessment of wetlands present on the site are accurate and complete" (see Appendix C of this Revised EEAF).

For the purpose of responding to FPC's request to again confirm the wetlands boundaries, the wetlands flagging was reset by the project surveyor, Ward Carpenter Engineers, Inc. in late 2006, based on the previously-delineated and confirmed wetland line on the site. On October 26, 2006, a Certified Soil Scientist and a Wetlands Biologist from Evans Associates inspected the flagged wetlands and wetland boundary on the subject property. Based on the field investigation, the wetlands boundary was again found to be accurate as previously delineated and confirmed by FPC. According to Evans Associates, the wetlands boundary on the subject site has not changed since the 1999 delineation, and is accurate as depicted on the current *Existing Conditions Plan.*

It is also noteworthy that, on September 21, 2007, the USACOE made a determination that the proposed project "qualifies for the Nationwide Permit" (see Appendix D of this Revised EEAF).

6.2 Functional Qualities of the Wetlands

To evaluate the impacts to the wetlands, it is important to understand the functional qualities thereof, which were described in detail in Section II.A. of the *Draft Environmental Impact Statement, Garden Inn at Rye Brook* (Cleary Consulting, August 2000), and a Wetland Delineation Report, prepared by Evans Associates, was included in the Appendix to the DEIS. The DEIS explained that functions and values of freshwater wetlands are determined by biological and physical characteristics, including the position of the wetland in the landscape, the geology and hydrology of the site, and the substrate and vegetation comprising the wetland. Several methodologies have been developed to assess, in a semi-quantitative manner, the relative functional values of freshwater wetlands. The Hollands and Magee (1985) method was used to evaluate wetland functions on the subject site.

Pursuant to this method, the wetlands on the site, which field investigation has revealed to be Palustrine forested wetlands, were evaluated for biological functions, hydrologic support functions, groundwater protection functions, storm and flood water storage functions, water quality maintenance functions and cultural, economic, recreational, aesthetic and educational functions. The results of the functional evaluation of the wetlands are summarized in the following table:

Table 8 – Wetland Functional Model Scores[10]

Function or Value	Site Score	Regional Range	Regional Mean
Biological	80	29-158	93
Hydrologic Support	47	6-70	36
Groundwater	45	20-68	44
Flood Water Storage	81	31-123	77
Water Quality Maintenance	69	18-98	58
Cultural and Economic	53	11-57	34
Recreational	39	11-74	42
Aesthetic	40	9-66	37
Educational	18	7-24	15

The wetlands on the subject site provide hydrologic support to the surrounding area by accommodating surface water drainage from the contributing watershed to the north and east as well as groundwater discharge from the underlying water table. Water quality maintenance functions include nutrient assimilation by plants, adsorption of nutrients to soil particles and sediment settling.

Some of the factors that allow the wetland to provide the relatively-valuable water quality maintenance function include a high vegetative density of trees and shrubs and no large areas of open water present. The same factors that enhance the water quality maintenance function generally also contribute to the wetlands performing the flood water storage function.

[10] Hollands and Magee determined that certain wetland characteristics are of greater importance than others in evaluating a particular function, and the elements were weighted based upon the authors' professional judgment. The derived scores set forth in Table 8 are relative rather than absolute rankings. For example, if a particular wetland is found to have a derived score that is equal to the mean score provided, it has an average functional score relative to other wetlands in the region. Scores for an individual wetland can therefore be compared with the model mean to place it in the context of a large number of wetlands in a particular region.

Although the wetlands on the site received a below average score (see Table 8) for the biological function compared to other wetlands in the region, they do serve several important biological functions. Some of the biological functions associated with the wetlands include provision of habitat for wetland plant species and provision of wildlife habitat. The small seasonally and perennially-ponded areas in the wetlands on the site provide good amphibian breeding habitat. Other factors that increase the value of the wetlands for plant and wildlife habitat include a general lack of exotic invasive species and microtopographical features such as hummocks, snags, swales and downed trees present in the wetlands.

The upland areas surrounding the wetlands are characterized by secondary growth, young mixed deciduous forest dominated by maple and ash. A large portion of the site within the Village of Rye Brook has been cleared and was formerly used as part of the driving range for the adjacent golf course. There is very little understory within the upland areas on the site, and the ground cover is primarily made up of exotic species such as Garlic Mustard. The uplands on this site therefore provide little in the way of wildlife habitat, and the presence of two major roads on the east and north of the site further limit the functional value of this upland habitat.

6.3 Potential Impacts

According to the project engineer, it is estimated that 0.42 acre of the on-site wetlands will be disturbed and 0.02 acre of off-site wetlands would be temporarily disturbed in order to connect the proposed development to the sanitary sewer system. The construction of the sanitary sewer through the wetland is only a temporary impact. Once the sanitary sewer is constructed through the wetland, the ground surface will be restored with appropriate wetland vegetation.

The specific location of the 0.02-acre off-site wetlands disturbance is depicted on the *Alignment Plan* (Sheet 2 of 16) and *Utility Plan and Profiles* (Sheet 8 of 16). The reason for the temporary wetlands disturbance is to connect the proposed residential community to the existing underground sewer system. The location of the off-site temporary disturbance is west of the southwest corner of the subject property. The 0.02-acre of disturbance would be located within an existing 20-foot sanitary sewer easement.

The *Wetland Mitigation Enlargement Plan Off-Site Sewer & Area N* (see Sheet 13F of 16), prepared by EAEC, depicts the detailed restoration plan for this area of temporary, off-site wetland disturbance. According to this plan, after the sewer connection is complete, the trench will be backfilled and restored to its pre-disturbance grading. In addition, the area of disturbance will be seeded with New England Wetmix.

The *Wetlands Mitigation Plan*, prepared by Evans Associates, depicts the wetland line previously delineated by Evans Associates, as well as areas of mitigation planting within wetlands and the wetland buffer, and proposed stormwater management basin planting. The plan also includes lists of proposed plant materials to be installed in the above noted areas. Additional supporting documents will be submitted which will include: a plant growth chart; a preliminary monitoring and maintenance plan for any created or enhanced wetlands and wetlands buffers; and compliance analysis for the wetland buffer enhancement. The *Wetland Impact Map* (Sheet 13A of 16) identifies ten locations where wetlands will be impacted (i.e., nine on-site areas and one off-site area). A total area of 0.44 acre of wetlands will be impacted (i.e., 0.42 acre of permanent wetland impacts and 0.02 acre of temporary wetland impacts). Table 9 identifies the ten areas of wetland impacts with the associated acreage.

Table 9 – Wetland Impact Summary

Impact Area Number	Acreage
1	0.02
2	0.03
3	0.04
4	0.04
5	0.09
6	0.01
7	0.17
8	0.01
9	0.01
Off-site	0.02
Total	**0.44**

According to the *Overall Wetland Mitigation Plan* (Sheet 13B of 16), 22 areas of wetland mitigation are proposed. Of these, five areas will consist of wetlands that will be created (i.e., areas C, G, K, N and R), eight areas will consist of wetlands that will be enhanced (i.e., areas B, E, H, J, M, P, S and T), and nine areas will contain buffer enhancement planting (i.e., areas A, D, F, I, L, O, Q, U and V). Table 10 specifies each area of wetland mitigation, with the associated acreage and the type of mitigation proposed. The total area of direct wetland mitigation (wetland creation and wetland enhancement) is 0.646 acre, and the total area of buffer mitigation (buffer enhancement) is 0.485 acre. Details regarding the creation and enhancement of the wetland areas can be found in the "Mitigation Summary Narrative" on the *Overall Wetland Mitigation Plan.*

The *Wetland Mitigation Enlargement Plan Areas C, D, E* (Sheet 13C of 16), *Wetland Mitigation Enlargement Plan Areas E, F, G, H, I, J, K* (Sheet 13D of 16), *Wetland Mitigation Enlargement Plan Areas L, M, P, R, S, T, U* (Sheet 13E of 16), *Wetland Mitigation Enlargement Plan Off-Site Sewer & Area N* (Sheet 13F of 16) and *Stormwater Basins Planting Plan* (Sheet 13G of 16) provide detailed planting plans, and grading plans, where applicable, for the wetland mitigation areas. Plant lists are specified and the locations of the plants are depicted.

Table 10 – Wetland Mitigation Summary

Mitigation Area Number	Acreage	Mitigation Type
A	0.08	Buffer Enhancement
B	0.04	Wetland Enhancement
C	0.11	Wetland Creation
D	0.007	Buffer Enhancement
E	0.07	Wetland Enhancement
F	0.02	Buffer Enhancement
G	0.05	Wetland Creation
H	0.06	Wetland Enhancement
I	0.06	Buffer Enhancement
J	0.06	Wetland Enhancement
K	0.006	Wetland Creation
L	0.008	Buffer Enhancement
M	0.01	Wetland Enhancement
N	0.12	Wetland Creation
O	0.11	Buffer Enhancement
P	0.03	Wetland Enhancement
Q	0.03	Buffer Enhancement
R	0.03	Wetland Creation
S	0.03	Wetland Enhancement
T	0.03	Wetland Enhancement
U	0.06	Buffer Enhancement
V	0.11	Buffer Enhancement
Total	**1.131**	

As previously indicated, the total area of permanent and temporary wetland impacts is 0.44 acre, the total area of direct wetland mitigation (wetland creation and wetland enhancement) is 0.646 acre, and the total area of buffer mitigation (buffer enhancement) is 0.485 acre. Therefore, the ratio of direct wetland mitigation[11] to permanent and temporary wetland impacts is 1.47 to 1. Accordingly, no significant adverse wetlands impacts are expected.

[11] Exclusive of buffer enhancements.

It is also noteworthy that, on September 21, 2007, the USACOE made a determination that the proposed project "qualifies for the Nationwide Permit" (see Appendix D of this Revised EEAF).

In order to ensure that the wetlands and wetland buffers will be properly protected, the following mitigation measures are proposed to reduce the potential impacts:

- During construction activities, the Applicant will provide a qualified monitor, at its expense, to monitor construction activities at times when any wetland disturbance and/or restoration is being conducted;

- A comprehensive wetland mitigation plan will be implemented; and

- To ensure long-term protection of wetlands, the Applicant is offering to impose conservation easements on all existing and proposed wetlands areas of the subject property. The proposed form of "Conservation Easement" for the portion of the subject property within the Village can be found in Appendix G of this Revised EEAF. The location and limits of the areas of the subject property, within the Village, that are proposed to be covered by the "Conservation Easement" are set forth on the *Subdivision Map of Kingswood* prepared by BBV. The areas of the subject property, within the Village, to be covered by the "Conservation Easement" will be specifically described, by metes and bounds, in "Schedule B" to the "Conservation Easement."

7.0 LANDSCAPE PLAN

Overall, the subject property is vegetated area. The upland areas surrounding the wetlands are characterized by secondary growth, young mixed deciduous forest dominated by maple and ash. A large portion of the site within the Village of Rye Brook has been cleared and was formerly used as part of the driving range for the adjacent golf course. There is very little understory within the upland areas on the site, and the ground cover is primarily made up of exotic species such as Garlic Mustard. With regard to landscaping, there are no lawn or landscaped areas on the subject property, as it is undeveloped.

7.1 Tree Preservation

As previously mentioned, a review of the data in Table 3, which compares the pre-construction site coverage data with the post-construction site coverage data, indicates that 7.76± acres would remain in an undisturbed state. The wooded area would be reduced from 7.79± acres to 2.58± acres.

The *Tree Preservation Plan* (Sheet 9 of 16) was prepared by BBV for the proposed action, and it specifies the trees that will be removed and the trees that will remain. The trees presented on the plan have a minimum diameter at breast height ("dbh") of 12 inches. As indicated on the *Tree Preservation Plan*, 1,110 caliper inches of the existing trees are proposed to be removed and replaced with 1,569.5 caliper inches of trees and shrubs. Thus, the total caliper of the trees that are proposed to be planted exceeds the total caliper of the trees that are proposed for removal.

7.2 Landscaping

An Overall Landscape Plan (Sheet 11 of 16) and *Typical Unit Landscape Plans* (Sheet 12 of 16) were prepared by William Johnson ("WJ") for the proposed residential development. The *Overall Landscape Plan* depicts the layout of the proposed structures and proposed internal roadways as well as the areas to remain natural. An overall site plant list is provided, and same specifies the quantity, key, botanical name, common name, size and associated remarks for each proposed plant species. The *Typical Unit Landscape Plans* provides the typical unit landscape plans for each type of unit (i.e., "A," "B," "C" and "D"), planting details and planting notes. According to the planting notes, all plant materials are to be maintained with fertilizer and other required materials to maintain a neat and healthy appearance, all plant materials are to be irrigated with an automatic irrigation system, drip irrigation is to be installed where possible, all plant materials to be of the highest quality nursery grown stock, and all plant materials to be guaranteed for a period of one year after planting.

A landscaped median is proposed to be constructed at the entrance to the development. According to the *Overall Landscape Plan*, a 40±-foot vegetative buffer comprised of the existing trees would be retained on either side of the driveway and along the length of the property that is situated on Anderson Hill Road. Furthermore, a vegetative buffer comprised of predominantly evergreens would be interspersed in the area between the existing trees and the proposed residential community.

Landscaping is also proposed along the internal roadway and sidewalks, and along the exterior perimeter and the interior area of recreational facilities. In addition, vegetation is proposed between the residential buildings for screening purposes.

A dense vegetative buffer would also be created along the Applicant's western property line, which adjoins The Blind Brook Club, Inc. (hereinafter "the Club"). It should be noted that the vegetative buffer would be bermed. The Applicant has consulted with the Club with respect to the landscaping to be installed along the western property line, and the Club has confirmed that all landscaping in this area should be on the subject property. The *Overall Landscape Plan* reflects this position.

According to the *Overall Landscape Plan*, a vegetative buffer consisting of predominantly evergreens are also proposed to be planted along King Street just north and south of the vegetative buffer and the emergency access in order to enhance the existing vegetation and reduce visual impacts. Thus, the on-site, densely-vegetated buffer along King Street would remain natural and would be enhanced with the addition of the proposed vegetative buffer, and the emergency access would appear natural, as a grass crete surface would be installed.

The Applicant does not intend to undertake any landscaping or other activities on any portion of the subject property that lies within the Town of Greenwich, which portion is beyond the jurisdiction of the Village.

8.0 UTILITIES

8.1 Water Supply

Water in the area is provided by United Water Westchester (formerly known as "Aquarion Water Company" and "New York - American Water Company"). In 1999, the water service in the area was improved via the installation of a water booster pump station, 20,000-gallon hydropneumatic tank, emergency generator vault, water pipes, and valves, which are situated within an easement area along Anderson Hill Road. These improvements served to address historical water pressure issues in the area.

According to the project engineer, the proposed residential development would generate a potable water demand of approximately 9,000 gallons per day. Consultations were undertaken with the Aquarion Water Company, regarding its ability to supply such water. A letter of availability, dated December 14, 2006, was provided by the Aquarion Water Company which indicated, in pertinent part that " ... it has sufficient supply and pressure to meet the estimated demands (i.e., average day demand of 9,000 gpd) ..." for the proposed residential development (see Appendix H of this Revised EEAF).[12]

It is also noteworthy that on December 15, 2000, the New York-American Water Company issued a water availability letter with respect to the hotel application, which was projected to use 27,000 gallons per day of potable water. That letter stated, in pertinent part that: "... New York-American Water Company can provide adequate water and minimum pressures for service to the . . .hotel – Rye Brook Garden Inn without adversely affecting water pressures and supply in the surrounding area or adversely affecting any current water company customers" (see Appendix H of this Revised EEAF).

[12] United Water Westchester is the new water company. The project engineer, BBV, consulted with United Water Westchester, who indicated that a new letter of water availability will be issued after the final water plans are submitted and reviewed. BBV is in the process of finalizing the water plans.

Given that a letter of water availability has been granted for the proposed residential development by Aquarion Water Company, and that the proposed residential development will utilize approximately 18,000 gallons of potable water per day less than the previously-proposed hotel, no significant adverse impacts to water supply are expected.

8.2 Sanitary Sewage Disposal

The subject site is located within the boundaries of the Blind Brook Sewer District, which is under the auspices of the Westchester County Department of Environmental Facilities. According to the project engineer, it is anticipated that 9,000± gallons of sanitary sewage would be generated per day by the proposed residential development, and this sewage would be directed to a sanitary sewer line and handled by the facilities of the Westchester County Department of Environmental Facilities. At the request of the Village's consultants, flow monitoring was conducted, and the results and report have been submitted to the Village for review (see Appendix H).

The project engineer consulted with the Westchester County Department of Environmental Facilities to determine whether it could accommodate the projected sanitary flow from the proposed residential development. A letter of availability, dated December 21, 2006, was secured by the project engineer, and is included in Appendix H of this Revised EEAF. This letter indicates there is sufficient capacity to accommodate the estimated 9,000 gpd of sanitary sewage that is expected to be generated by the proposed development.

It should also be noted that on September 18, 2003, the Westchester County Department of Environmental Facilities issued correspondence indicating that there was sufficient capacity to accommodate the 27,000 gallons of sanitary flow per day for the previously-proposed hotel (see Appendix H of this Revised EEAF).

Given that the Westchester County Department of Environmental Facilities has advised that it can accommodate the projected sanitary flow from the proposed residential development and that it could accommodate the sanitary flow from the previously-proposed hotel, which would have generated 18,000 gallons per day more sanitary flow than the currently-proposed residential development, no significant adverse impacts to sewage facilities are expected.

9.0 TRANSPORTATION

TRC Raymond Keyes (hereinafter "TRC") prepared a comprehensive traffic study for the previously-proposed hotel and has also prepared a supplemental traffic study for the proposed residential development, based upon consultations with Michael Galante, P.E. of FPC. In correspondence dated August 20, 2007, from FPC to Gary Zuckerman, Chairman of the Village Planning Board, and the Village Planning board, FPC states that Michael Galante, of FPC, "...found the analyses presented in both studies to be adequate to determine traffic impacts of the residential development proposed and concluded that the potential impact to traffic created by the proposed residential development would be insignificant" (see Appendix I of this Revised EEAF). A summary of the relevant findings of the supplemental traffic study is provided below, and a complete copy of the supplemental traffic study and associated correspondence is included in Appendix I of this Revised EEAF.

9.1 Traffic Counts and Volumes

TRC conducted manual turning movement traffic counts on Thursday, September 14, 2006 from 7:00 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m. at the intersection of Anderson Hill Road and the Doral Greens driveway. In the A.M. peak hour, 600 vehicles were counted at this intersection. In the P.M. peak hour, 593 vehicles were counted at this intersection.

The following table provides the traffic counts previously collected by TRC and also sets forth the difference between the 2006 counts and the prior counts, which were collected as part of the DEIS and FEIS prepared for the prior hotel application.

Table 11 – Comparison of Traffic Volumes
Anderson Hill Road Two-Way Traffic Volume West of King Street

Count Date	Previous Counts		**Difference[13]**	
	AM	PM	**AM**	**PM**
DEIS Volumes	618	612	**-18**	**-19**
May 27, 1998	672	723	**-72**	**-130**
December 7 and 8, 1999	851	595	**-251**	**-2**
November 21, 2000	671	663	**-71**	**-70**
March 28 and 29, 2001	589	643	**+11**	**-50**
January 16 and 17, 2002	496	657	**+104**	**-64**
June 25, 2002	591	727	**+9**	**-134**

As illustrated in Table 11, the 2006 traffic volumes are lower than the majority of the previously-counted traffic volumes, collected during the SEQRA review conducted for the previously-proposed hotel. In addition, the 2006 traffic volumes incorporate the background growth and adjacent developments that have been constructed since the time the DEIS and FEIS were prepared for the hotel. Therefore, as explained by TRC, the traffic volumes utilized in the DEIS and FEIS prepared for the previously-proposed hotel are still valid for current conditions, and the use of those counts in the traffic study provides a more conservative analysis, as, in most cases, the previous counts are higher than the traffic volumes experienced under current conditions.

9.2 Trip Generation Comparison

The Seventh Edition of the ITE *Trip Generation* was utilized to determine the trips to be generated by the proposed 30 residential units (Residential Condominium/Townhouse, Land Use Code 230). TRC determined that in the A.M. peak hour, a total of 20 trips would be generated, and in the P.M. peak hour, a total of 22 trips would be generated. As explained in the analysis conducted by TRC, contained in Appendix I of this FEIS, the trips that would have been generated by the previously-proposed hotel are far greater than those that are expected to be generated by the proposed residential development.

[13] Represents the count date traffic volume difference from the 2006 traffic volumes.

9.3 Levels of Service

Based upon the analysis included in the filed FEIS for the previously-proposed hotel, the then-proposed site driveway was projected to operate at a Level of Service "C" or better, under stop sign control.

As the proposed residential development will generate far fewer vehicular trips than the previously-proposed hotel, the site driveway is expected to operate at Level of Service "C" or better (see Appendix I of this Revised EEAF). Furthermore, as the background traffic volumes are similar or less than previously analyzed, and the projected trips for the proposed residential development are substantially less than that associated with the previously-proposed hotel, the proposed action would not be expected to adversely impact the Levels of Service at the surrounding intersections.

9.4 Traffic Signal Warrant Analysis

The New York State official compilation of codes, rules and regulations, Title 17 – Transportation (Volume B), Chapter V – Uniform Traffic Control Devices, Subchapter F – Traffic Signals, contains eleven Warrants in Part 271. A warrant is a set of threshold values to be met or exceeded to establish a need for traffic signal control. The satisfaction of a traffic signal warrant or warrants does not in itself require the installation of a traffic control signal, but generally justifies the need. The different warrants are based upon traffic volumes over various time periods, as well as other criteria such as pedestrian volumes, school crossings, etc.

The New York State Traffic Signal Warrants, which are generally used to justify the need for a traffic signal, were analyzed in the filed FEIS for the previously-proposed hotel, and were determined not to be met. Accordingly, a traffic signal was not warranted for the hotel. As the current traffic volumes along Anderson Hill Road are less than those previously counted, and as the proposed residential development would generate far less traffic than the previously-proposed hotel, the traffic signal warrants would not be met for the proposed residential development (see Appendix I of this Revised EEAF for the Warrant). Accordingly, based on the analysis conducted by TRC, a traffic signal is not warranted at this location.

9.5 Conclusions

Based upon the updated traffic analysis prepared by TRC, the currently-proposed residential development is expected to generate significantly less traffic than that projected for the previously-proposed hotel. Moreover, post-development levels of service are expected to be Level of Service "C" or better, and a traffic signal is not warranted. Accordingly, the proposed residential development is not expected to result in significant adverse traffic impacts, and no traffic mitigation is required. FPC reviewed the traffic study and determined that same is adequate (see Appendix I of this Revised EEAF).

10.0 PHOTOMETRIC LIGHTING PLAN

Fixture Schedule and Details plans (Sheets SL-2 and SL-3) were prepared by Accurate Engineering Assoc. (hereinafter "AEA"). The *Fixture Schedule and Details* plans provide a fixture schedule, street light detail, signage uplight photometrics and associated notes.

A *Photometric Plan* (Sheet SL-4) was prepared by AEA, which depicts the layout of the residential buildings and appurtenances with photometric data. According to information provided by the project architect, SA, the *Photometric Plan* demonstrates that there will be minimal light levels at the property perimeter, and that the street lamp poles have been set at a ten-foot height, in order to reduce glare and light spread.

11.0 SOCIOECONOMICS

11.1 Property Taxes

According to tax bills, which are included in Appendix J of this Revised EEAF, the assessed value of the subject property is $5,884,500.00. The taxes levied for the subject property originate from three sources: (1) the Blind Brook - Rye Union Free School District ("UFSD"), which levied taxes in the amount of $114,200.07 for 2006-2007; (2) the Incorporated Village of Rye Brook, which levied taxes in the amount of $40,229.25 for 2006-2007; and (3) Westchester County (including the Town of Rye), which levied taxes in the amount of $24,458.04 for 2006.

The Applicant has indicated that the average value of each unit is expected to be approximately $2,000,000. To confirm the accuracy of this value, on April 9, 2007, an Internet search was conducted regarding the prices of townhouses in the Village. Specifically, "for sale" listings of luxury townhouses with three bedrooms were sought. The listings found on the Internet consist of townhouses located in the Doral Greens community, and the range in selling prices is $1,375,000 to $1,495,000 (see Appendix J of this Revised EEAF). These existing residences are smaller and provide fewer amenities than the units proposed for the subject property. Thus, it would be expected that the residences on the subject property would be worth more than the townhouses listed on the Internet.

Based on the market prices found on the Internet, the following potential selling prices for each "Kingswood" unit were chosen: (1) $1,400,000; (2) $1,500,000; and (3) $1,700,000. These potential unit values and the $2,000,000 projected unit value (for the purpose of comparison) are provided in Table 12, with the corresponding tax revenues generated from the proposed development, the total number of students that could be supported by the school district portion of the tax revenues, the total number of projected students (based on the school-aged children analyses presented in Section 11.3 of the Revised EEAF), the cost of education for the projected students and the net benefit to the Blind Brook - Rye Union Free School District ("UFSD").

According to the school-aged children analyses presented in Section 11.3 of the Revised EEAF, in the most conservative case, the proposed action is expected to generate between five and 22 school-aged children. A review of Table 12 indicates that the tax revenues of even the lowest potential unit price (i.e., $1,400,000) of the proposed development would exceed the cost of educating the maximum number of projected school-aged children (i.e., 22 students) who would be expected to attend the Blind Brook - Rye UFSD. Thus, net benefits to the school district, which would range from $44,028 (unit price of $1,400,000) to $657,540 (unit price of $2,000,000), would be expected from the proposed action, and no significant adverse impacts to the Blind Brook - Rye UFSD are anticipated.

It is anticipated that, upon development, each unit would generate approximately $41,400 in annual tax revenue, and the entire residential community would be expected to generate approximately $1,242,000 in annual tax revenue. Of the projected $1,242,000± in overall annual tax revenue, it is estimated that the Blind Brook - Rye UFSD would receive 62± percent, or $770,040± annually; Westchester County would receive 20± percent, or $248,400± annually; and the Village of Rye Brook would receive 18± percent, or $223,560± annually. These estimates illustrate an increase in tax revenue of $655,839.93± to the school district, $223,941.96± to the County and $183,330.75± to the Village.

Table 12 – Analysis of Net Benefits to School District

Unit Pricing	Total Tax Revenue	Total School District Tax Revenue	Total Number of Projected Students[14]	Cost of Educating Projected Students[15]	Net Benefit to School District
$1,400,000	$869,400±	$539,028±	5 to 22	$112,500 to $495,000	$44,028± to $426,528±
$1,500,000	$931,500±	$577,530±	5 to 22	$112,500 to $495,000	$82,530± to $465,030±
$1,700,000	$1,055,700±	$654,534±	5 to 22	$112,500 to $495,000	$159,534± to $542,034±
$2,000,000	$1,242,000±	$770,040±	5 to 22	$112,500 to $495,000	$275,040± to $657,540±

[14] The possible number of students that may be generated by the proposed action (i.e., between five and 22 students) was projected in the school-aged children analyses presented in Section 11.3 of the EEAF.

[15] As discussed in Section 11.3 of the EEAF, according to correspondence, dated December 8, 2006, from Dr. Ronald D. Valenti, Superintendent of Schools for the Blind Brook - Rye UFSD, current per pupil expenditure is $22,500.

11.2 Population and Housing

According to 2000 Census information for the Rye Brook Village Census Designated Place ("CDP"), the population was 8,062 persons. In addition, there were 3,247 total housing units within the Village, and 604 housing units, or approximately 19 percent, consist of multiple dwellings (i.e., two or more units).

The proposed action consists of 30 housing units. Based on the average household size for the Rye Brook Village CDP included in the 2000 Census, the projected population of the proposed development would be approximately 83 persons. Assuming that the projected 83 persons is a direct increase in population (i.e., that none of the residents relocate from other housing in Rye Brook), this would represent a one percent increase in the Village population.

11.3 School-Aged Children

In order to determine the potential number of school-aged children that could be generated by the proposed residential community, an analysis using several different sources/methodologies for the projections of school-aged children was prepared.

The first projection is based upon a national study entitled *School-Aged Children in Multifamily Homes? Very Few*, published by Paul Emrath, Ph.D., National Association of Home Builders Policy Economist (2004). As stated above, it is expected that the average value of each unit will be approximately $2,000,000. In addition, it is proposed that each unit will have three bedrooms, and the units will be housed in buildings containing two units each. While the national study provides a category for "2-4 Unit Multifamily" of owner-occupied housing for new construction, there were insufficient data for this category. Therefore, the category entitled "Multifamily (All)" was used, with a factor of 0.155 school-aged child per unit. As shown in Table 13, it was determined that five school-aged children would be generated by the proposed development. It should be noted that this projection represents the number of school-aged children that would attend both public and private schools.

Table 13 – National School-Aged Children Study

Type of Unit	Number of Units	Multiplier for School-Aged Child per Unit	Total School-Aged Children	
			Actual	Rounded-Up
Multifamily (All)	30	0.155	4.65	5

The second and third projections of school-aged children are based on New York State data using factors from the Rutgers University's Center for Urban Policy Research publication entitled *Research Residential Demographic Multipliers – Estimates of the Occupants of New Housing* for New York (New Brunswick, New Jersey, June 2006) (hereinafter the "Rutgers Study"). The difference between the second and third projections is the inclusion of children attending private school (second projection) and the exclusion of same (third projection).

For the second projection, the total number of school-aged children was calculated based upon the structure type, number of bedrooms and the value of the proposed units. As previously mentioned, it is expected that the average value of each unit will be approximately $2,000,000. In addition, it is proposed that each unit will have three bedrooms, and the units will be housed in buildings containing two units each. Therefore, the category that best describes the proposed development has the following characteristics: owner-occupied, two-to-four housing units per building with three bedrooms per unit, and a value of more than $213,500 per unit. As illustrated in Table 14, using the New York State data, it was determined that 25 school-aged children would be generated by the proposed development. It should be noted that this represents the number of school-aged children that would attend both public and private schools.

Table 14 – New York State School-Aged Children Study (Public and Private Schools)

Type of Unit	Number of Units	Multiplier for School-Aged Child per Unit	Total School-Aged Children	
			Actual	Rounded-Up
2-4 Units-Own, 3 Bedrooms, Value of More than $213,500	30	0.83	24.9	25

The third projection represents those school-aged children living in New York State that attend public school only. Once again, the category that best describes the proposed action has the following characteristics: owner-occupied, two-to-four housing units per building with three bedrooms per unit, and a value of more than $213,500 per unit. A review of Table 15 shows that the proposed residential community would be expected to generate 19 public school students.

Table 15 – New York State School-Aged Children Study (Public School Only)

Type of Unit	Number of Units	Multiplier for School-Aged Child per Unit	Total School-Aged Children	
			Actual	Rounded-Up
2-4 Units-Own, 3 Bedrooms, Value of More than $213,500	30	0.62	18.6	19

The fourth projection is based on 2000 Census data for the Rye Brook Village CDP. It was determined that the percentage of school-aged children, when compared to the total population of the Rye Brook Village CDP, was 18.19 percent. The projected population of the proposed residential community is 83 persons. Therefore, it was determined that 16 school-aged children would be generated by the proposed action (i.e., 18.19 percent of 83 persons). It should be noted that this projection includes the total number of school-aged children (i.e., students attending both public and private schools).

The fifth projection of school-aged children is based upon local data reported by the Blind Brook - Rye UFSD, and found on the website of the National Center for Education Statistics.[16] With a reported 1,107 total students in the school district, and 1,965 total occupied housing units, it can be determined that there is 0.56 school-aged child per owner-occupied housing unit (i.e., 1,107 ÷ 1,965 = 0.56). A review of Table 16 reveals that 17 school-aged children would be generated from the proposed residential development based upon the local school data. It should be noted that this projection specifies only the number of school-aged children attending public school, and does not consider school-aged children that attend private school.

[16] http://nces.ed.gov/surveys/sdds/main1.asp

Table 16 – Local School-Aged Children Study

Type of Unit	Number of Units	Multiplier for School-Aged Child per Unit	Total School-Aged Children	
			Actual	Rounded-Up
Owner-Occupied	30	0.56	16.8	17

Thus, based upon the above analyses, the proposed residential development would be expected to generate between five and 25 total school-aged children. Furthermore, using data from the 2000 Census for the Rye Brook Village CDP, it was determined that 88 percent of the total school-aged children living in the Village attended public school. Therefore, based on the 2000 Census data, the proposed residential community would be expected to generate between five and 22 school-aged children that would attend public school.

According to correspondence, dated December 8, 2006, from Dr. Ronald D. Valenti, Superintendent of Schools for the Blind Brook - Rye UFSD, current per pupil expenditure is $22,500 (see Appendix K of this Revised EEAF). Based on this per pupil expenditure and the approximate annual tax revenue of $770,040 that would be received by the school district upon development of the proposed action, the school district could support an additional 34 school-aged children, if same were generated by the proposed action. In addition, Dr. Valenti indicated, in the aforesaid correspondence, "... our school district is well leveraged to educate the potential students in this new development."

It should also be noted that the Applicant expects to market the proposed residential units in "Kingswood," to persons with demographics similar to that of the majority of the residents of the nearby Doral Greens development. On December 19, 2006, in a telephone conversation between Tammy Hasenzahl of Freudenthal & Elkowitz Consulting Group, Inc. and the Transportation Facilitator for the Blind Brook-Rye UFSD, the Transportation Facilitator indicated that only one school-aged child resides within the Doral Greens community that attends the Blind Brook - Rye UFSD. As the residents of the proposed residential community are expected to have similar demographic characteristics to the residents of the Doral Greens community, the above projections of between five and 22 school-aged children that would be generated by "Kingswood" is extremely conservative.

Therefore, as, in the most conservative case, the proposed action is expected to generate between five and 22 school-aged children, and the school district has indicated that the tax revenues to be generated by the proposed development substantially exceed the cost of educating those students, no significant adverse impacts to the Blind Brook - Rye UFSD are expected.

12.0 COMMUNITY SERVICES AND FACILITIES

12.1 Ambulance Services

The subject site is situated within the service area of the Port Chester-Rye-Rye Brook Emergency Medical Services ("EMS"), which is located in the Village of Port Chester. Correspondence dated November 21, 2006 was forwarded to the EMS Administrator, Mr. Scott T. Moore, advising of the proposed project and requesting information about the EMS (see Appendix L of this Revised EEAF).

In correspondence dated November 27, 2006 (see Appendix L of this Revised EEAF), Mr. Moore advised that the EMS is staffed by 12 full-time and 40 part-time employees who handle approximately 4,500 calls each year. Currently, there are up to four ambulances used during the daytime and early night hours, and two ambulances used during the night. Each ambulance is staffed by an Emergency Medical Technician ("EMT") and a Paramedic who provide advanced life support at the time of contact. When needed in times of high volume, a paramedic response vehicle is employed. The EMS routinely transports patients to Greenwich, White Plains and Sound Shore Hospitals, depending upon the patient's choice, and to the Westchester County Medical Center in the case of trauma or severe burns, or as requested by the patient or the patient's physician.

In correspondence dated November 21, 2006, the EMS was asked to provide information to assist with analyzing the impacts of the proposed development (see Appendix L of this Revised EEAF). In response to said correspondence, dated November 27, 2006, Mr. Scott T. Moore, EMS Administrator, advised that the estimated response time to the subject site would be between two and eight minutes, depending upon the location of the ambulance at the time of the call (see Appendix L of this Revised EEAF). Mr. Moore expressed no specific concerns regarding the proposed residential development of the property. Therefore, no significant adverse impacts to ambulance services are expected.

12.2 Fire Protection

The subject property is situated in the service area of the Village of Rye Brook Fire Department, and its fire station is located on King Street, approximately one-half mile from the subject site. Correspondence was forwarded to Fire Chief Peter Mutz on November 21, 2006, advising of the proposed project and requesting information regarding the Fire Department (see Appendix L of this Revised EEAF).

Chief Mutz responded in correspondence dated December 5, 2006 (see Appendix L of this Revised EEAF), and explained that the Rye Brook Fire Department is a part-time Fire Department, which is comprised of eight fire fighters working two shifts of four personnel, seven days per week from 7:00 a.m. to 7:00 p.m. The Rye Brook Fire Department has one fire engine and one ladder truck with a 75-foot ladder.

In addition, Chief Mutz explained that the Village of Port Chester Fire Department is responsible for the main fire suppression. The Village of Port Chester Fire Department consists of 12 paid fire fighters and 150 volunteer fire fighters. When the Rye Brook Fire Department ends its operation at 7:00 p.m., one paid engine from the Village of Port Chester Fire Department relocates to the Rye Brook Fire Station. The Port Chester Fire Department responds to Rye Brook with one paid engine, two volunteer engines, one ladder truck, one heavy rescue and three volunteer Chiefs. It should be noted that the Chief of the Port Chester Fire Department is also the Chief of the Rye Brook Fire Department. The equipment used by the Village of Port Chester Fire Department consists of seven Class "A" Pumpers, one 100-foot ladder truck, one 95-foot tower ladder truck, one heavy rescue truck and numerous support vehicles. In his correspondence, Chief Mutz stated that in the year 2005, the Port Chester Fire Department responded to over 1,600 alarms. Furthermore, the Fire Department responds to all types of emergencies, and responds as "first responders" to emergency medical services calls only when requested by the local ambulance provider (i.e., the Port Chester-Rye-Rye Brook EMS).

With regard to impacts to fire services, the proposed residential buildings would be constructed according to the prevailing building and fire codes. In addition, each building would have a central station monitoring system installed in each structure for the detection of smoke and fire, and it would be at the unit owner's discretion to connect to same. Furthermore, all residential buildings would be sprinklered. Moreover, in his correspondence, Chief Mutz did not express any specific concerns with respect to the impacts of the proposed development on fire services.

Comments were received from the Village with respect to fire access to the subject property, given that the property is proposed to be gated. The Applicant has advised that front gates are a necessary amenity for the anticipated purchasers of the units in the proposed private residential community and are, in fact, integral to the private character of the proposed community. In fact, such gates were contemplated at the time of the "Stipulation of Settlement," as indicated by the fact that the "conceptual site plan" annexed as Exhibit "A" to the Court-ordered "Stipulation" includes a "gate house" and Paragraph "3" of the "Stipulation of Settlement" expressly refers to a "gatehouse." Accordingly, the proposed site plan continues to include a front gate as part of the proposed residential development of the subject property. The proposed gate has been redesigned, since the initial submission, to be a single arm that can easily be "crashed" by a vehicle. Moreover, emergency access is also being provided from King Street.

Therefore, no significant adverse impacts to fire services are expected.

12.3 Police Protection

The subject property is under the jurisdiction of the Village of Rye Brook Police Department, located at 938 King Street in the Village of Rye Brook. Correspondence was forwarded to Gregory J. Austin, Chief of Police, on November 21, 2006, advising of the proposed project and requesting information relative to service availability (see Appendix L of this Revised EEAF).

Correspondence dated December 5, 2006, from Police Chief Austin, advised that the Police Department currently has 28 officers and two-to-three officers per shift. The Department has 11 police vehicles equipped with lifesaving equipment including Automated External Defibrillator ("AED"), medical first aid and oxygen. The Police Department received approximately 5,500 calls for service including domestic disputes, medical-aided cases, alarms, and general calls for service.

With respect to impacts to police services, a gate house would be constructed at the entryway to the proposed residential community. In addition, the proposed residential buildings would have a central station security monitoring system installed in each structure, which individual unit owners could connect to at their discretion. These measures would help to mitigate potential adverse impacts to police services.

Moreover, the proposed residential development will generate increased property tax revenue to the Village of Rye Brook, which will assist in offsetting the cost of providing police services. In addition, in the correspondence provided by Police Chief Austin, no specific concerns regarding the impacts of the development on police services were identified. Therefore, no significant adverse impacts to police services are expected.

13.0 VISUAL ANALYSIS

13.1 Architectural Elements

Architectural elevations were created for the proposed development by the project architect, SA, as follows: (1) *Architectural Site Plan & Entry Sign & Entry Wall Elevation* (Sheet A1); (2) *Units A&B Plans* (Sheet A2); (3) *Units A&B Elevations* (Sheet A3); (4) *Unit C Plans & Elevations* (Sheet A4); (5) *Unit D Plans & Elevations* (Sheet A5); and (6) *Diagrams for Fire Department Ladder Access & Height/Setback Diagrams* (Sheets A6 and A7). The proposed structures were designed by SA in a classic architectural style that would visually blend with the architecture in the Village, and four unit types are proposed.

The entry to the development is proposed to be situated along Anderson Hill Road, directly aligned with the entrance to the existing Doral Greens residential development, which is situated along the north side of Anderson Hill Road. The entrance will be distinguished by an entry sign and gate house (see the *Architectural Site Plan & Entry Sign & Entry Wall Elevation* [Sheet A1]). The height and dimensions of the proposed sign and an associated zoning compliance table are provided on the *Architectural Site Plan & Entry Sign & Entry Wall Elevation*. That zoning compliance table indicates that the proposed sign complies with Village zoning requirements.

13.2 Photosimulations

In order to evaluate the potential visual impacts associated with the proposed residential development, Creative Visuals, Inc. was retained to prepare photosimulations. In order to prepare these photosimulations, photographs of the site and immediate area were taken by Creative Visuals, Inc. (see Appendix M of this Revised EEAF for the complete visual analysis). Digital and analog photographs were taken from four off-site points (hereinafter "viewpoints") from Anderson Hill Road at the site access drive, at the approximate center of the site frontage along Anderson Hill Road, from King Street at its intersection with Anderson Hill Road, and at the approximate center of the site frontage along King Street.[17]

To depict the proposed buildings in context with the site setting, photosimulations of the post-development condition have been prepared by Creative Visuals, Inc. Creative Visuals, Inc. prepared photorealistic renderings and simulations of the proposed residential development including the residential structures and appurtenances. Digital and analog photographs were taken from the four off-site viewpoints identified above.

[17] These viewpoints represent the same locations from which photosimulations were requested by the Village for the previously-proposed hotel.

Numerous on-site inspections were conducted by Creative Visuals, Inc. to obtain familiarity with the site. Digital and analog photographs were taken on December 9, 2006 between 9:25 a.m. and 2:10 p.m. Weather conditions were sunny skies. Creative Visuals, Inc. and the project engineer, BBV, met at the site in order to identify critical points (hereinafter the "references"). The project engineer set the on-site references, which represent the perimeter of the limit of disturbance (i.e., the line separating the proposed disturbed and undisturbed areas) and the outside limits of the first 200± feet of the proposed entrance along Anderson Hill Road. The engineer prepared a "stake diagram" of the stakes that were set in the field. Creative Visuals, Inc. suspended rope along the stakeout that represented the limit of disturbance. Neon 28-inch-by-22-inch poster boards were suspended from the rope to provide a continuous visible reference delineating the vegetation to be removed from the vegetation that will remain. Furthermore, 25-foot-tall telescopic poles with reflective signs attached to the top and at ten-feet above grade level ("agl") were hand-held at specific references. A minimum of three references was photographed from each viewpoint. These references were used for placement of the simulated residential development onto the photographs.

In addition, the four viewpoint locations and references used during photography were surveyed and located on the digital drawings furnished by the project engineer. Creative Visuals, Inc. used two laser rangefinders and two Global Positioning System ("GPS") units to verify the information prepared by the engineer. All information corresponded accurately.

Photographs were taken during leaf-off conditions, therefore providing a worst-case visual depiction. The digital and analog photographs were taken with a Nikon D200 digital camera and a Nikon F-5 35-millimeter ("mm") analog camera. Two cameras were used to provide an insurance photograph. Fuji Professional NPC 160 print film was used in the analog camera. Multiple lenses were utilized in order to match the field of view from each viewpoint that would best represent the proposed development in view. Several lenses ranging between 38.40 mm and 59.75 mm were used with each camera, and the philosophy regarding the use of the various lenses is detailed in the methodology letter provided in Appendix M of this Revised EEAF.

The process of creating the photosimulations continued with the importation of AutoCAD files into three-dimensional ("3D") software programs to generate 3D files. The project engineer's and architect's digital AutoCAD files were the basis for generating the 3D model of the proposed development. The project engineer, BBV, provided a grading plan in AutoCAD that was used to generate the 3D terrain model. The project architect, SA, provided architectural two-dimensional ("2D") digital files that were converted into 3D photorealistic buildings based upon the building material samples supplied. In addition, the project architect provided the lighting plan that included the specifications of the lampposts and their placement throughout the proposed residential community. The landscape architect, WJ, provided the landscape plans. The model of the landscape trees was generated according to the plant lists, which specified the height of the vegetation after approximately five years of growth and leaf-off conditions to match the conditions at the time of photography. The proposed landscape trees were inserted with their correct placement and scale according to the landscape plans. However, it is important to note that only individual trees were placed within the photosimulations. None of the other dense planting proposed, including all of the shrubs and other proposed understory, were included in the photosimulations. Accordingly, the photosimulations do not reflect the landscape screening that has been designed and identified in the landscape plan.

The proposed residential structures were generated with their actual dimensions as a vectorized 3D model. The 3D model of the infrastructure was set onto the terrain model at the appropriate elevations.

Other software was used to photorealistically render the residential buildings as seen from each viewpoint, maintaining the perspective of the digital photographs. The residential buildings were then assigned "photorealistic" materials. Additional software was used to simulate sunlight on the site, taking into account the site latitude, date and time of day of the viewpoint photographs. The individual tree plantings were rendered and inserted with the correct placement and scale. Finally, the conceptually-rendered residential buildings and appurtenances were inserted and merged into the digitized site photographs. The results of the visual impact analysis, which, as previously indicated reflect winter, leaf-off conditions, are summarized below.

Viewpoint 1. View from along Anderson Hill Road, taken from directly opposite the proposed entrance to the site. The existing conditions photograph depicts a densely-vegetated area with limited views into the subject property shown through the understory, and a utility pole in the foreground. The post-development photographic simulation shows the entrance area to the proposed residential community along with views of the residential buildings and the previously-proposed clubhouse,[18] situated among the proposed landscaping and areas of existing vegetation that will be retained. However, none of the landscaping that has been proposed to provide screening, with the exception of individual trees, has been depicted. Thus, with the proposed landscaping, and with the exception of the gate house, views of the proposed buildings will be partially obstructed by the proposed plantings.

Viewpoint 2. View from Anderson Hill Road's westbound shoulder, taken at the approximate center of the site frontage along Anderson Hill Road. The existing conditions photograph depicts vegetation on the subject site and various utility features within the right-of-way along Anderson Hill Road, including portions of the existing booster station and utility pole and lines. The photosimulation indicates that some of the buildings will be visible from this viewpoint. However, it is important to note that this photosimulation does not reflect any landscaping in this area.

Viewpoint 3. View from the northbound sidewalk along King Street, near the intersection with Anderson Hill Road. From this viewpoint, the existing conditions photograph depicts the subject site as vegetated, with a parking area, utility poles and overhead wires visible from this vantage point. The photographic simulation indicates that, in the post-development condition, the proposed residential community would be barely visible from this location, even though proposed landscaping has not been shown.

[18] The previously-proposed clubhouse has been replaced with a proposed tennis court, which would have a lesser impact than the previously-proposed clubhouse.

Viewpoint 4. View from the sidewalk along King Street, taken at the approximate center of frontage along King Street. The existing conditions photograph taken from east of the subject site shows dense vegetation. As much of this vegetation will be retained, the photographic simulation indicates that, in the post-development condition, only portions of the proposed residential development would be visible from this vantage point.

Overall, therefore, while the photosimulations indicate that portions of the proposed residential development will be visible from the surrounding area, the architectural style proposed will be in character with that in other areas of the Village. Moreover, it must be understood that the photosimulations do not reflect much of the landscape screening that will be installed pursuant to the *Overall Landscape Plan* [Sheet 11 of 16]. The landscaping proposed will help to minimize the visibility of the proposed development from the surrounding area. Accordingly, no significant adverse visual impacts are expected.

14.0 COASTAL CONSISTENCY

The entire Village of Rye Brook is within the New York State Coastal Zone. Pursuant to Dennis Mildner of the New York State Department of State, Division of Coastal Resources, the *Long Island Sound Coastal Management Program* policies take the place of the statewide policies of the New York State Coastal Management Program. The policies are comprehensive and reflect existing state laws and authorities. The policies are the basis for federal and state consistency determinations for activities affecting the Long Island Sound coastal area. The policies are organized under four headings: developed coast policies, natural coast policies, public coast policies, and working coast policies.

The following table presents **in bold type** each of the Long Island Sound Coastal Management policies, as excerpted from Chapter Four of the *Long Island Sound Coastal management Program*, followed by the proposed action's conformance therewith:

DEVELOPED COAST POLICIES	
Policy 1	**Foster a pattern of development in the Long Island Sound coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.** The subject property is situated more than three miles from the coast, accordingly, it is not truly within a "coastal area." Notwithstanding this, given that, pursuant to the Stipulation, a residential community is being developed, it will conform to the character of other proximate residential communities (specifically Doral Greens). With respect to open space, upon completion of development, approximately 7.76 acres will remain in their natural state, and the Applicant has offered to place a conservation easement on all areas containing existing or to-be-created wetlands. Regarding infrastructure, as described in Section 8.0 of this Revised EEAF, public water will be provided by United Water Westchester and sanitary flow will be accommodated by Blind Brook Sewer District, which is under the auspices of the Westchester County Department of Environmental Facilities. Moreover, a comprehensive stormwater management plan has been prepared (see Section 5.3 of this EEAF). Accordingly, the Applicant respectfully submits that, while the subject property is not truly situated in a "coastal location," as explained throughout this Revised EEAF, the development has been designed to minimize potential significant adverse impacts.

Policy 2	**Preserve historic resources of the Long Island Sound coastal area.** As there are no properties proximate to the subject property that are listed on the State or National Registers of Historic Places, this policy is not applicable.
Policy 3	**Enhance visual quality and protect scenic resources throughout Long Island Sound.** As the subject property is situated over three miles from Long Island Sound, it does not contribute to any of the visual quality or scenic resources thereof. Accordingly, development of the subject property would not affect such resources.
NATURAL COAST POLICIES	
Policy 4	**Minimize loss of life, structures, and natural resources from flooding and erosion.** As explained in Section 5.3 of this Revised EEAF and set forth on the *SWPPP* and the *Kingswood Stormwater Management Narrative*, a comprehensive stormwater management plan has been designed to minimize the potential for flooding. Moreover, comprehensive erosion and sedimentation controls have been designed as indicated on the *SWPPP*.
Policy 5	**Protect and improve water quality and supply in the Long Island Sound coastal area.** As previously indicated, the subject property is situated more than three miles from the Long Island Sound, and as such, is not in the "coastal area." With respect to water quality, as explained in Section 5.3 of this Revised EEAF, water will be supplied by United Water Westchester, and sanitary discharge will be handled by Blind Brook Sewer District, which is under the auspices of the Westchester County Department of Environmental Facilities. Accordingly, no sanitary discharge will occur on the subject property. Moreover, as explained in Section 5.3, the stormwater management plan and wetland mitigation plans have been designed to protect surface waters and wetlands.
Policy 6	**Protect and restore the quality and function of the Long Island Sound ecosystem.** As the subject property is situated more than three miles from the Long Island Sound, the proposed development, especially with its comprehensive stormwater management and wetland mitigation plans, will not adversely affect the quality and function of the Long Island Sound ecosystem.
Policy 7	**Protect and improve air quality in the Long Island Sound coastal area.** It is respectfully submitted that the subject development will not adversely impact the air quality in the Long Island Sound Coastal Area.

Policy 8	**Minimize environmental degradation in the Long Island Sound coastal area from solid waste and hazardous substances and wastes.** As previously indicated, no sanitary discharge will occur on site. Furthermore, other than the handling of individual household cleaning chemicals in residential units, no hazardous substances or wastes are expected to be generated from this residential use. With respect to solid waste, waste will be collected by a licensed hauler and disposed of at a licensed facility.
PUBLIC COAST POLICIES	
Policy 9	**Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Long Island Sound coastal area.** As the subject property is not situated along the Long Island Sound, this policy is not applicable.