

## **A. INTRODUCTION AND PRINCIPAL CONCLUSIONS**

Cornwall Commons, LLC (the “Applicant”) is the project sponsor for a proposed mixed-use development known as Cornwall Commons (the “Proposed Project” or “Project”), on approximately 197 acres located northwest of US Route 9W in the Town of Cornwall.

This EAF Part 3 examines the potential environmental impacts associated with the proposed amendments to the Town of Cornwall Zoning Code to permit a modification of the Project’s residential program from the previously approved 490-unit age-restricted development to a 480-unit mix, which would include 168 age-restricted units and 312 non-age-restricted units (the “Proposed Action”).

The age-restricted units would comprise one-bedroom and two-bedroom apartments and three-bedroom single-family detached residences. The non-age-restricted units would comprise two-bedroom apartments, two-bedroom townhouse, and three-bedroom single-family detached residences. The age-restricted units would have deed restrictions prohibiting permanent residence by school-age children. The non-age-restricted units would also be available for persons who would qualify for age-restricted housing, but choose to reside in an unrestricted unit.

The only programmatic or design change to the previously approved Project under the Proposed Action would be to permit a portion of the residential units (up to 65%) to be non-age-restricted. The approved subdivision plat and site plan, including building footprints and disturbance limits, would remain the same, except for certain enhancements to the Project’s recreational amenities to provide amenities geared towards the occupants of the non-age restricted units. The proposed amendments to the Zoning Code are consistent with the goals and policies of the Town of Cornwall Comprehensive Plan, adopted March 13, 2012, as well as the recommendations of the Orange County Department of Planning (OCDP) to the Town regarding the Comprehensive Plan.

The Cornwall Commons Project has already been the subject of extensive environmental impact assessment under the New York State Environmental Review Act (SEQRA) (Environmental Conservation Law, Article 8, and its implementing regulations (6 NYCRR Part 617)). The “Original Proposed Project” comprised 60 single-family dwelling units and one (1) million square feet of light industrial uses. It was the subject of a Draft Generic Environmental Impact Statement and Final Generic Environmental Impact Statement. A SEQRA Statement of Findings regarding the Generic SEQRA review was adopted on April 15, 2003.

A Supplemental EIS (SEIS) was completed in 2006 for a Project modification that changed the 60 single-family dwelling units to 490 age-restricted dwelling units in a “Planned Adult Community” (PAC), and modified the light industrial component to a mix of commercial uses more compatible with residential use, and more consistent with other development within the Town of Cornwall and Village of Cornwall-on-Hudson (the “2006 Proposed Project”). The

Town of Cornwall Planning Board issued a SEQRA Statement of Findings for the 2006 Proposed Project on December 1, 2008. The 2008 SEQRA Findings Statement supplements the GEIS and 2003 SEQRA Findings.

The purpose of this EAF is to determine whether the Proposed Action would have the potential to generate any new significant adverse environmental impacts not previously identified and studied in the SEIS for the 2006 Proposed Project (or, as appropriate, the GEIS for the Original Proposed Project and the 2003 SEQRA Findings). This EAF will also determine whether a second Supplemental Environmental Impact Statement must be prepared for the Project. For the reasons set forth below, the Proposed Action does not have the potential to generate any new significant adverse environmental impacts not previously identified or analyzed in prior SEQRA environmental review.

The analysis below of potential impacts from school-age children, for example, concludes that approximately 125 public school-age children are anticipated. The students would be phased into the school district over the 7 to 10 year build-out of the Cornwall Commons Project. This would result in approximately 12 to 18 school children entering the School District during each year of construction. Property taxes generated by the Project would more than compensate for any additional costs to the School District. It is estimated that the Current Proposed Project would generate approximately \$2.0 million in net benefit to the School District. Also, the School District has available capacity given declining enrollments of approximately 30 to 40 students per year (see below). Similar to the school children analysis, this EAF further demonstrates that allowance of non-age-restricted units would not result in any new significant environmental impacts in any of the other relevant areas of environmental concern, as compared to the 2006 Proposed Project.

Accordingly, as the Proposed Action would not have impacts exceeding the thresholds established in the 2008 SEQRA Findings, an SEIS is not required for the Proposed Action.

## **B. DESCRIPTION OF THE PROPOSED ACTION**

### **PROJECT LOCATION SITE DEFINITION**

The Cornwall Commons Project Site consists of approximately 197.716 acres identified on the Town of Cornwall Tax Map as Section 9, Block 1, Lot 25.22, and is located in the Planned Residential Development (PRD) Zoning District (the “Project Site”). The Project Site is now located entirely within the Town of Cornwall, but is adjacent to the New Windsor municipal border. The Project Site includes approximately 53.86 acres of land that had previously been located in the Town of New Windsor, but was annexed into the Town of Cornwall in October 2005. The Project Site is located on the northwest side of US Route 9W next to the former O&W Railway line.

### **DESCRIPTION OF THE PROPOSED ACTION**

The Proposed Action would amend the Town of Cornwall Zoning Code to permit the modification of the Cornwall Commons Project unit mix to include up to 65% non-age-restricted units, while the remaining 35% would be age-restricted units (the “Current Proposed Project”).

The Project Site would continue to be subdivided into ten building lots, pursuant to previous environmental review and approvals. Lots 1 through 9 would contain commercial development and Lot 10 would be planned residential, including a mix of single-family and multi-family units

for both age-restricted and non-age-restricted households. The Planning Board granted Conditional Final Subdivision Approval of the proposed subdivision on March 5, 2012. The Proposed Action would not modify the subdivision or site plan layout. Ten (10) of the previously approved single-family homes would not be built due to a recent proposal by Central Hudson Gas & Electric to relocate certain gas lines.

The Town Board granted a Special Use Permit for a Planned Adult Community on the Project Site on June 5, 2006.

**Table 1** summarizes the proposed residential unit allocation between non-age-restricted and age-restricted units by type and bedroom count. All of the commercial elements of the 2006 Proposed Project would be retained in the Current Proposed Project.

**Table 1**  
**Residential Development Program**

		Current Proposed Project
		<i>Dwelling Units</i>
<b>Non-age-restricted</b>		
Single-Family Detached	3-bedroom	242
Single-Family Detached	2-bedroom	0
Townhouse	2-bedroom	14
Multi-Family	2-bedroom	56
Multi-Family	1-bedroom	0
<b>Age-Restricted</b>		
Single-Family Detached	3-bedroom	62
Single-Family Detached	2-bedroom	0
Townhouse	2-bedroom	0
Multi-Family	2-bedroom	53
Multi-Family	1-bedroom	53
<b>TOTAL</b>		<b>480</b>

The total amount of recreational space provided within the Project Site is approximately nine (9) acres of active recreation areas, and over 3,000 linear feet of trails. The residential units would be served by a centrally located club house near the entrance to the community, and other recreational amenities, including tennis courts, swimming pool, and walking trails. With the inclusion of non-age-restricted dwelling units, the Current Proposed Project would expand the recreational offerings on the Project Site to accommodate the anticipated age range of its residents (see **Table 2**). The new recreational facilities would include, for example, a tot lot (young child playground), basketball court (two half-courts or one full court), a ball field, and three (3) additional pocket parks dispersed throughout the Project. The new facilities would generally be constructed within the same land area previously designated for recreational use (e.g., basketball courts replace bocce courts). In addition to providing these recreational facilities on the Project Site, the Applicant would still pay approximately \$735,000.00 in recreational fees to the Town.

**Table 2**  
**Recreational Amenities**

2006 Proposed Project	Current Proposed Project
Clubhouse	Clubhouse
Pool	Pool
Walking Trails	Walking Trails
Great Lawn	Great Lawn
3 Bocce Ball courts	2 Bocce Ball Courts
Shuffle Board Courts	Shuffle Board Courts
2 Tennis Courts	2 Tennis Courts
Chip n' Put (putting green)	Chip n' Put (putting green)
Croquet Greens	Croquet Greens/Flex Court
	Basketball Court (or two ½ courts)
	Field for soccer or touch football
	Tot Lot (young child playground)
	3 additional pocket parks throughout the development

The Current Proposed Project also includes a school bus pick-up area located along the public loop road, near the main entrance, which can serve as a central location for pick-up/drop-off of school children.

Parking for the residential component of the Proposed Project would continue to exceed Town of Cornwall Zoning Code requirements. There would be no change in the number of parking spaces required or the number of parking spaces provided with the current proposed mix of age-restricted and non-age-restricted units. The Town Zoning Code requires the provision of 1,129 parking spaces (consistent with both §159-16 and §158-21.X(6)(e)). Approximately 1,943 parking spaces are proposed for the residential component.

The Proposed Project would be implemented in multiple phases, both as a result of the infrastructure phasing necessities and in response to market demand for the different uses. However, key elements of the infrastructure serving the entire Project (e.g., water, sewer, roadway, utilities) must be provided in the initial phases. Within the first infrastructure phase of the Project, just to get to the entrance loop road and associated infrastructure constructed to the first “circle” (providing access to approximately 60% of the commercial and 30% of the residential) will cost a minimum of \$4.5 million. Not only is this work necessary for any access, but it also makes it possible to implement commercial projects concurrent with the residential based on market demands.

The Project’s current mix of commercial and residential is critical to support the substantial upfront, and future, infrastructure costs, as well as ensuring that the Project remains economically feasible. These infrastructure costs must be distributed and absorbed across all of the uses in the Project and are ultimately factored into the sales prices. Reducing the residential density would not result in a corresponding reduction in infrastructure costs. The main entrance road, the utilities, and the amenities would all still have to be built regardless of the unit count to service the site. But those costs would then have to be spread over less uses, placing an increased and additional cost burden on the remaining units thereby driving up the sales prices to unrealistic levels in excess of market thresholds. Requiring higher than market prices for the

project to work then threatens the Project's ability to secure financing, rendering the Project infeasible. The Project needs all of the residential units and commercial square footage to share in the infrastructure costs.

As the prior SEQRA reviews and this EAF demonstrate, the Project's 480 residential units would not result in any unmitigated significant adverse environmental impacts, and therefore a density reduction is not needed to protect public health and safety. In addition, any reduction in density would decrease the overall tax benefits to the Town and other taxing jurisdictions. The Town's Comprehensive Plan also does not recommend a reduction in density when supporting a change in a portion of the product mix to unrestricted units.

### **PURPOSE AND NEED**

The Proposed Action would adjust the Project's unit mix to comprise 65% non-age-restricted and 35% age-restricted dwelling units. While this change is proposed in response to market conditions, it is supported by the goals of the Town of Cornwall's 2012 Comprehensive Plan, and is in accordance with the recommendations made by the Orange County Department of Planning (OCDP) on that plan.

As addressed in the Comprehensive Plan "Cornwall Commons has not progressed to completion because of a lack of market." The overall weakened economy, particularly its effect on housing and the age-restricted sub-market of housing, has altered the market. "Several large residential development projects, such as the Cornwall Commons, have not progressed to completion because of a lack of a market" (Town of Cornwall Comprehensive Plan Section 5.0, page 47).

There is a growing market trend away from age-restricted housing. New Jersey, for example, passed a State law that allowed the conversion of age-restricted units (existing, under construction, and those in the pipeline) to non-age restricted. Locally, in the Hudson Valley Region, the Town of Goshen, the City of Middletown, the Town of Fishkill, and the Town of New Windsor have all either eliminated or altered their age restriction regulations in acknowledgement of these current conditions. The Town of Cornwall has also experienced this senior-housing market pressure with respect to the Canterbury Green project. The issue of potential significant environmental impacts from additional density and diversity has been fully addressed by the Town Board and/or Planning Board in the 2005 Comprehensive Plan, the PAC zoning provisions, the 2012 Comprehensive Plan, the OCDP Comprehensive Plan GML 239 review letter, and the EIS, SEIS and Statement of Findings for the Cornwall Commons project.

The OCDP review of Cornwall's Comprehensive Plan emphasized the necessity of mixed housing to accommodate a more diverse age population in order for the town to help sustain long term viability. There are various well recognized state-wide goals for smart growth projects at the local level which the development embodies.

The Proposed Action is based on sound planning that ensures that the age-restricted units are kept together and in close proximity to the clubhouse and related amenities for easy access to those and the commercial uses and bus stop.

As part of the Proposed Action, the Zoning Code would be amended to require "no less than 35% age restricted dwelling units" as part of a PAC. This restriction satisfies the goals set forth in the Town's Comprehensive Plan, recommendations made by the OCDP, and current planning and development trends.

**SUMMARY OF EXISTING PERMITS AND APPROVALS**

The Cornwall Commons Project has received the following permits and approvals from the involved agencies listed below, which are incorporated by reference into this EAF:

- Town of Cornwall Planning Board: The Town Planning Board has granted conditional final subdivision approval for Lot Nos. 1-10.
- Town of Cornwall Town Board: The Town Board has granted the special use permit approval for the development on the Applicant's property and approved the extension of the water, sewer, refuse and garbage and ambulance special districts, and the establishment of a drainage district to serve the entire Project. All improvements are the financial responsibility of the Applicant.
- Village of Cornwall-on-Hudson: The Village Board of Trustees has approved an agreement with the Applicant to provide water service to the Project.
- Orange County Department of Health: The Department of Health has reviewed and approved the proposed extension of the existing municipal water system to the Project Site (Lots 1-10, offsite and private improvements) for up to 314,200 gallons per day. All improvements are the financial responsibility of the Applicant.
- New York State Department of Transportation: NYSDOT has reviewed and approved the proposed site access and highway improvements to US Route 9W and NYS Route 218 and the work in the State-owned roadway right-of-way necessary to extend the municipal water and sewer services to the project site via letter dated September 9, 2011. All improvements are the financial responsibility of the Applicant.
- New York State Department of Environmental Conservation: NYSDEC has issued an acknowledgment of Notice of Intent for coverage under the State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from construction activity dated March 3, 2011, and an approval letter dated March 23, 2011 for the proposed extension of the existing municipal sewer system to the site. All improvements are the financial responsibility of the Applicant.
- New York State Office of Parks, Recreation and Historic Preservation: NYS OPRHP has reviewed and approved the Phase I Cultural Resources Survey for the entire Project Site.
- US Army Corps of Engineers: The wetlands on the property have been delineated and received a written jurisdictional delineation approval on October 16, 2012.

**C. POTENTIAL IMPACTS OF THE PROPOSED ACTION**

**ZONING AND COMPREHENSIVE PLAN**

*ZONING*

The Project Site is currently zoned PRD which permits the development of a Planned Adult Community (PAC). A PAC allows detached single-family dwellings, attached single-family dwellings, multi-family units, club houses, recreational amenities, congregate care and/or assisted living dwelling units, commercial retail, office, hotel/motel, medical/dental clinics, personal service and food service, restaurant buildings, day care facilities, and other ancillary facilities intended to provide convenient services to the residents of the PAC.

The Proposed Action would amend the Town of Cornwall Zoning Code to permit the construction of non-age-restricted units in a PAC. The Proposed Action would not alter the other uses permitted within the PRD Zoning District. As further discussed below, this proposed change is consistent with the 2012 Town of Cornwall Comprehensive Plan.

### *PUBLIC POLICY*

#### *Town of Cornwall Comprehensive Plan (2012)*

In 2012, the Town of Cornwall updated its Comprehensive Plan. The Comprehensive Plan specifically discussed Cornwall Commons and its barriers to development. The zoning amendments included as part of the Proposed Action are consistent with the goals and policies of the Town's Comprehensive Plan. Specifically, the Comprehensive Plan affirmed the following goals which were originally presented in the 2005 Comprehensive Plan:

- Land Use Goal: Allow for future new development and the conversion of existing uses that will provide a desirable diversity of land uses necessary to meet long-term population need as well as the fiscal stability of the community. (Section 3.2, "Review of Goals and Objectives from 2005 Comprehensive Plan," page 28)
- Housing Goal: Make provisions for residential development that will provide quality housing opportunities for present and future Cornwall residents of all ages and income levels. (Section 3.2, "Review of Goals and Objectives from 2005 Comprehensive Plan," page 29)
- Economic Development Goal: Promote economic development in Cornwall that will expand the Town's tax base, retain its small town character and will provide existing and future residents with a range of business, employment and career opportunities. (Section 3.2, "Review of Goals and Objectives from 2005 Comprehensive Plan," page 29)
- Utilities Goal: Provide public sewer and water in areas planned for additional medium density residential and major non-residential development in support of the Land Use Goal. (Section 3.2, "Review of Goals and Objectives from 2005 Comprehensive Plan," page 29)
- Aesthetic Resources Goal: Encourage existing and future development to complement the existing scenic beauty of Cornwall. (Section 3.2, "Review of Goals and Objectives from 2005 Comprehensive Plan," page 29)

The Town of Cornwall Comprehensive Plan identifies the Town's barriers to economic development, noting the regional, if not nationwide, economic downturn and collapse of the housing market. It specifically states that, "several large residential development projects, such as the Cornwall Commons, have not progressed to completion because of a lack of a market" (Section 5.0, "Land use and Housing Plan," page 47).

As noted in the Comprehensive Plan, certain changes within the Town have occurred over the past 10 years.

- "Young adults are locating elsewhere" (Section 2.1, "Population," page 13)
- "The high proportion of citizens in the 60-years and older age group, with 19.4% in the Town and 21.2% in the Village of Cornwall-on-Hudson, as compared to only 13.4 in the County as a whole, is notable." (Section 2.1, "Population," page 14)

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- Married couple families have decreased since the 2000 Census, and now comprise just under 50% of households [in 2010] as compared to about 58 percent in 2000..." (Section 2.1, "Population," page 17)
- "Only 62 percent of households in the Town were family households [in 2010], decreased from nearly 70 percent of households in the year 2000. (Section 2.1, "Population," page 16)

The Town of Cornwall referred the draft Comprehensive Plan to the OCDP in accordance with NYS General Municipal Law Section 239-M. The Town Board received a report dated November 17, 2011, which provided the following comments:

*"2) ...County Planning is of the opinion that limiting all housing in one defined area or Project to a certain age groups and/or income would not be economically sustainable. Although a high percentage of older age groups are evident based upon the 2010 census, **our office recommends limiting the amount of designated senior citizen housing in the Town in order to prevent the community from being dominated by a single demographic.** Based upon the analysis approved in comment no four (4) below and in an effort to establish a sustainable community, **our office recommends not limiting all housing in one defined area or Project to a certain age group and/or income.** This would allow for socioeconomic integration of the community and make housing obtainable by young adults, young families and senior citizens alike.*

*"4) ...A number of conclusions are made based upon the 2010 Census that may need further consideration: A higher percentage of older age groups are evident; Young adults are locating elsewhere...A community cannot solely count on a certain age group to function; a range of households are important in achieving a sustainable community...Through attracting the aforementioned demographics, a more diverse set of businesses may look to establish themselves in the Main Street and Commercial Corridors."*

The Cornwall Commons Project, as modified, is consistent with many of the Town's goals and issues relating to housing. It would create a diversity of housing stock, including smaller building lots and smaller home sizes that would be attractive to young professionals, families, and empty nesters. The only changes to the Site Plan are those related to the recreational amenities, which would be diversified and enhanced to appeal to a greater age range of users.

The Comprehensive Plan emphasizes that the Town must evolve with the changing economy and demographics. Specifically, Section 5.11, "Goals of the Land Use and Housing Plan" (page 61) states the following"

*"Maintaining the Town's traditional character and preserving the balance between commercial, residential and environmental interests does not mean that no changes should be made. The Town is not, nor can it be, "frozen in time." Appropriate changes and adjustments must be made in order to provide a desirable diversity of land uses to meet the needs of the population and allow for fiscal stability."*

*"In light of the changes in the local economy, there is a clear need to reevaluate the provisions of the Town's Zoning Code regarding residential development."*

*"The goals of the Land Use & Housing Plan also extend to limiting growth in property and school taxes. The extent to which the Town's Zoning Code allows or encourages residential*



*development should be tempered by regard for the burdens such development will or may place on the School District. By the same token, the extent to which the Town's Zoning Code allows or encourages commercial development should be informed by regard for the extent to which new tax ratables contribute toward payment of the community's tax burden."*

The 2010 census shows that population growth between 2000 and 2010 slowed to almost no growth. The predicted growth in population in the Town and Village of Cornwall is 3.2% over the next 10 years. This predicted level of growth will not sustain the normal increases in maintaining the town expenses and infrastructure. This could result in increased tax burdens for Town residents. Municipal and school costs can be expected to rise over the next 10 years, and there will be a smaller population to support those increased costs. The expansion of tax paying growth, in population and ratables, may offset these costs.

A recent inventory found approximately 15 empty store fronts in the downtown Cornwall area, as well as several deteriorating structures. The Comprehensive Plan states on page 33, "[t]he areas could likely benefit from some additional anchor retail/specialty shops and some additional restaurants." While these statements are true, current population levels may not support new businesses. New households are needed to spend money within the community.

The Town of Cornwall, in the midst of the 2008 economic downturn, sought to revisit its 2005 Comprehensive Plan based on changes to the Town. The Comprehensive Plan creates a vision and future for the benefit of the Town. The Proposed Action is consistent with the goals of the Comprehensive Plan, and would preserve the traditional character of the community and the balance between commercial, residential and environmental interests, while providing a new opportunity to market housing to a broader range of households.

## **COMMUNITY FACILITIES AND SERVICES**

As indicated above, the Current Proposed Project would result in a net decrease in 10 dwelling units. However, the Proposed Action would permit the Applicant to change the housing occupancy to allow a certain portion of non-age-restricted units, which may have different impacts than age-restricted housing.

### *POTENTIAL IMPACTS TO TOWN SERVICES*

The change with the Current Proposed Project to a mix of non-age-restricted and age-restricted housing units would not significantly change any of the previous conclusions from the 2006 Proposed Project relating to emergency service provision or solid waste collection. The Current Proposed Project decreases the total number of dwelling units to 480 dwelling units and introduces non-age-restricted housing. Theoretically, this change will reduce demand for both emergency service providers (age-restricted units may require greater demand for paramedics) and the Town's solid waste collection (fewer units in comparison to the 2006 Proposed Project). Since the Proposed Action would not allow for an increase in total housing units within the Current Proposed Project, no additional impacts to Town services are anticipated. Any additional demand for Town services would be offset by the property tax revenues generated by the Proposed Project, as described below. Furthermore, the Applicant has agreed to limit the number of housing units constructed in any one year to 80 units in order to minimize the total number of new residents in any one year and to encourage a more "organic" growth of the new community within the Town of Cornwall. The Cornwall Commons Homeowners Association (HOA) would pay for regular maintenance of the private roads within the Project and for snow plowing and snow removal, thereby avoiding a potential cost to the Town of Cornwall.

*POTENTIAL IMPACTS TO SCHOOL DISTRICT*

The Cornwall Commons Project is located within the Cornwall Central School District. The 2006 Proposed Project included 490 age-restricted housing units that were anticipated to generate very few, if any, school-age children. With the introduction of non-age-restricted housing units, an analysis of potential school-age children generation was performed.

There are two primary methods routinely used by Lead and Involved Agencies, and planners, in SEQRA reviews to estimate the number of school-age children (SAC) and public school-age children (PSAC) that would be generated by a project:

- 1) use of a “multiplier” (i.e., an average) of the number of SAC per housing unit based on US Census data and specific to housing unit type, size (e.g., bedroom count), and median value/rent; and
- 2) use of case study data of comparable residential building types identifying the number of registered public-school students per address.

The use of average “multiplier” values that are derived from large sets of actual data is an accepted industry practice in SEQRA review. Like school children, potential impacts on traffic, sewer, water and solid waste, for example, are similarly projected using multipliers or standards that are based on established averages. An individual household may use more or less water on a given day, or generate more or less school children, for example, but on average the multipliers are reliable predictors of impacts on a community. The multiplier method, as augmented by local case studies when such data are available, is widely used by agencies throughout New York as an effective method for anticipating potential effects of new development in a SEQRA review.

*Residential Multipliers*

The standard approach for applying multipliers is to use United States Census Bureau 5-percent Public Use Microdata Sample (PUMS) data that provide the number of SAC and PSAC by housing type, bedroom count, and housing value. These data allow for the calculation of anticipated populations using data from comparable housing units.

The Rutgers University CUPR, a component of the Edward J. Bloustein School of Planning and Public Policy, has been a recognized leader over the last four decades in the preparation and distribution of data relating to environmental impact assessment and fiscal impact assessment. CUPR uses US Census data to develop statistically reliable multipliers for a number of different potential community impact categories: including the number of PSAC.

In June 2006, CUPR released a series of reports entitled “Residential Demographic Multipliers: Estimates of the Occupants of New Housing” based upon the 2000 US Census 5% Public Use Microdata Sample (PUMS) data. Separate reports were prepared for the states of New York, New Jersey, Connecticut, and Massachusetts. Each report provides specific multipliers for the total number of people per dwelling unit by age, the total number of SAC by grade level, and the total number of public school-age children (PSAC) by grade for new housing units. Each of these values is provided based upon the type of housing unit (single-family detached, single-family attached, multi-family owner-occupied, multi-family renter occupied, and mobile homes), the number of bedrooms, and the value of the housing unit expressed in terms of top-third, middle-third, and lower-third of value.

These multipliers are the same multipliers relied upon by the Town of Cornwall in its Comprehensive Plan and by the Orange County Department of Planning in its review of residential subdivision projects. It should be emphasized that not every single-family house with three (3) bedrooms will generate two (2) or more school-age children. Many single-family houses are occupied by households with fewer or no children, depending on the stage of life that family is in. The census data reflect that neighborhood demographics change over time as families move between the child-rearing years and the empty-nest years. Thus, as mentioned above, since the multipliers reflect averages based on actual data, a three-bedroom house might have a multiplier for school-age children that is less than one (1).

Table 3 presents the multipliers for PSAC for each proposed housing unit type and bedroom count in the Current Proposed Project. For each housing type, the multiplier for the highest value unit was selected. It is assumed that the age-restricted housing units would be deed restricted to not allow any permanent PSAC.

As noted in Table 3, the Current Proposed Project would generate approximately 125 PSAC at full build-out. With a proposed seven (7) to ten (10) year build-out, that equates to approximately 12 to 18 students added to the Cornwall Central School District in each year of the build-out (or approximately one (1) to two (2) children per grade level per year) and a stabilized total of 125 students at full build-out. The Applicant would also voluntarily limit the number of unrestricted single family homes that could be sold in any one calendar year to 80. This would further limit the potential number of children that would enter the School District in any given year.

**Table 3**  
**Cornwall Commons Public School-Age Children**

Non-age-restricted Units		No. DUs	PSAC	
			Multiplier	No.
Single-Family Detached	3-bedroom	242	0.500	121.0
Townhouse	2-bedroom	14	0.110	1.5
Multi-Family	2-bedroom	56	0.050	2.8
Multi-Family	1-bedroom	0	0.100	0.0
		<b>312</b>		<b>125.3</b>
<b>Age-Restricted Units</b>				
Single-Family Detached	3-bedroom	62		
Townhouse	2-bedroom	0		
Multi-Family	2-bedroom	53		
Multi-Family	1-bedroom	53		
		<b>168</b>		
	<b>Total Units</b>	<b>480</b>		<b>125.3</b>
<b>Notes:</b>				
Multipliers for Non-age-restricted Units all assume For Sale units with highest value. Multi-Family units in buildings with 5+ units.				
"PSAC" = Public School-Age Children				
<b>Source:</b> "Residential Demographic Multipliers: Estimates of the Occupants of New Housing (New York State)," Rutgers University Center for Urban Policy Research, June 2006. Calculation of demographic multipliers from US Census 2000 Public Use Microdata Sample (PUMS) for housing constructed between 1990 and 2000 in New York State.				

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The residential multipliers that were used recently in a project in the Town of Tuxedo corroborate the multipliers utilized in this EAF for the Cornwall Common Project as shown in Table 3. By way of background, the New York State multipliers reflect a state-wide analysis of the PUMS data. It is widely recognized that urban areas (e.g., cities of 100,000 or more persons) typically contain a greater proportion of multi-family housing units than single-family residential units and that urban families with children will opt to live in multi-family housing due to factors not found in suburban communities. It is also widely recognized that many urban families making less than the area median income cannot afford larger urban multi-family housing units and so will often have greater numbers of children per bedroom than urban families making more than the area median income. Thus, the state-wide values are considered skewed high due to the effects of demographics within New York City.

The Town of Tuxedo recognized these influencing factors and in 2010 retained Bay Area Economics (BAE), a highly-regarded economic consulting firm, to advise the Town on the appropriate multipliers to use in evaluating the proposed Tuxedo Reserve (now known as the “Tuxedo Farms”) project. BAE’s evaluation included a refined PUMS analysis that excluded housing units and persons in areas with population of 100,000 or more and housing units within the lower decile (lowest 10 percent) in value. The study area utilized by BAE included the greater New York metropolitan area including all of Long Island, northern New Jersey, the Hudson River Valley in New York, and the western half of Connecticut. The calculated SAC multipliers for Rental and For Sale apartments within this study area are presented in **Table 4**. Application of the BAE multipliers to the Current Proposed Project would yield 131 students, comparable to the previous analysis.

### *Case Studies*

A 2006 case study analysis conducted by the Monroe-Woodbury School District conducted a census of its enrollment of PSAC within 21 separate newer residential developments. Of the 2,705 dwelling units surveyed, there were a total of 919 PSAC – a ratio of 0.34 PSAC per dwelling unit. (That census did not differentiate generation rates between different housing types or bedroom counts).

Applying the 0.34 PSAC per dwelling unit rate to the number of non-age-restricted housing units within Cornwall Commons would achieve approximately 106 PSAC. This number is less than, but of a similar order of magnitude to, the approximation of 125 PSAC derived using the residential multiplier.

### *Enrollment Data*

Total enrollment in the Cornwall Central School District has varied in the last 10 years with increases associated with pre-recession new housing being replaced with decreases following the recession. While a 2007 enrollment projection completed by the School District forecasted steadily increasing enrollments, actual enrollments following 2007 have not kept pace with the projections and have actually *decreased* from the recent historic high in the 2010-2011 academic year, based on data obtained from the NYS Education Department web-site. Additional data on Cornwall Central School District’s own web-site present slightly different enrollment data, indicating that enrollment may have been declining since the peak in 2009, when there were 3,486 students enrolled. **Table 5** summarizes actual and projected enrollments for the Cornwall Central School District for the 10-year period between the 2003-2004 academic year and the 2012-2013 academic year – the last year for which official New York State BEDS data are available. As would be expected with any kind of demographic projection, actual enrollment was

very close to projected enrollment for the first three (3) years following the projection, but varied considerably for subsequent years. The decreases in enrollment are not surprising given regional demographic trends within Hudson River valley communities that show many school districts struggling to maintain enrollment levels. In an analysis prepared by Hudson Valley Pattern for Progress, 82 percent of school districts surveyed showed either flat or declining enrollment, with half of those declining districts predicted to shrink by 10 percent or more from their peak enrollments over the past 20 years.<sup>1</sup>

**Table 4**  
**Bay Area Economics Residential Multipliers**

Housing Type/Bedroom Count	PSAC
Single-Family Detached	
1 BR	0.499
2 BR	0.140
3 BR	0.524
4 BR	0.880
Single-Family Attached	
1 BR	0.207
2 BR	0.074
3 BR	0.343
4 BR	0.677
For-Sale Apartments	
1 BR	0.036
2 BR	0.064
3 BR	0.332
4 BR	0.556
Rental Apartments	
1 BR	0.051
2 BR	0.232
3 BR	0.644
4 BR	0.396
<b>Source:</b> Bay Area Economics memorandum to Town of Tuxedo consultants, dated March 16, 2010, regarding the Tuxedo Reserve Development project.	

<sup>1</sup> Hudson Valley Pattern for Progress, "Empty Classroom Syndrome," May 2013. <http://pattern-for-progress.org/sites/default/files/2013%20School%20Report%20FINAL.pdf>

**Table 5**  
**Cornwall Central School District Enrollment**

Academic Year	Actual Enrollment	Projected Enrollment	Difference
2003-2004	3,093		
2004-2005	3,216		
2005-2006	3,231		
2006-2007	3,256		
2007-2008	3,370		
2008-2009	3,385	3,395	-10
2009-2010	3,434	3,430	+4
2010-2011	3,457	3,453	+4
2011-2012	3,440	3,516	-76
2012-2013	3,368	3,536	-168

**Sources:** Actual enrollment data for 2003-2004 to 2007-2008 academic years from CCSD 2007 enrollment report, "Grades K-12 Base Cohort Enrollment Projections 2008-2018," (page 14).  
 Actual enrollment data for 2008-2009 to 2012-2013 academic years from NYS Education Department web-site.  
 Projected enrollment represents average of low, mid, and high range estimates from CCSD 2007 enrollment report, "Grades K-12 Base Cohort Enrollment Projections 2008-2018," (page 14).

Thus, based on collective data from the NYS Department of Education and the School District, there have been declining enrollments of approximately 30 to 40 students per year. Given the recent trend in declining enrollments, and the projected addition of 125 school-age children to the Cornwall Central School District over a seven (7) to ten (10) year build-out (i.e., 12 to 18 school children per year), it is not anticipated that the Cornwall Commons Project – with the inclusion of non-age-restricted housing – would create significant adverse impacts to the School District. Any additional cost to the School District for provision of educational services would be offset by new property taxes generated by both the residential and commercial components of the Cornwall Commons Project (see below).

*OPEN SPACE AND RECREATION*

The total amount of recreational space provided within the Proposed Project is approximately nine (9) acres of active recreation areas, and over 3,000 linear feet of trails. At full build-out it is estimated that the Current Proposed Project would be home to approximately 1,067 people.<sup>1</sup> The ratio of open space to population equates to approximately 8.4 acres per 1,000 population, well in excess of the one (1) to two (2) acre per 1,000 population for a neighborhood park recommended by the National Recreation and Park Association (NRPA).<sup>2</sup> A neighborhood park, according to the NRPA “serves as the recreational and social focus of the neighborhood [with a

<sup>1</sup> Based on demographic multipliers for new housing units in New York State (Rutgers University, Center for Urban Policy Research, “Residential Demographic Multipliers: Estimates of the Occupants of New Housing (New York State),” June 2006. Persons per age-restricted household estimated at 1.3 persons per unit (Source: Dutchess County Department of Planning and Development, Pendell Commons Case Study, <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/21967.htm>).

<sup>2</sup> National Recreation and Park Association, “Recreation, Park and Open Space Standards and Guidelines,” 1983.

focus on] informal active and passive recreation” for a population located between one-quarter and one-half mile distance uninterrupted by non-residential roads and other physical barriers. The NRPA further suggests that a five (5) acre neighborhood park is considered minimum size with five (5) to ten (10) acres optimal.<sup>1</sup>

The recreation facilities within the Current Proposed Project, including open play field areas, will generally be located within one-quarter mile (1,320 feet) of all residential units, making them accessible as part of a neighborhood recreational amenity – consistent with accepted planning standards for neighborhood-scale open spaces.<sup>2</sup> The Current Proposed Project would include recreational facilities that are specifically geared towards families and young children. These include, for example, a tot lot (young child playground), basketball court (two half-courts or one full court), a ball field, and three (3) additional pocket parks dispersed throughout the Project. The new facilities would generally be constructed within the same land area previously designated for recreational use (e.g., basketball courts replace bocce courts). The Applicant would contribute to any additional demand for larger, community recreational facilities within the Town of Cornwall through the recreation fees of approximately \$735,000, which the Applicant has agreed to pay to the Town of Cornwall even though sufficient recreation facilities are provided within the Project Site to meet the Project’s recreational demands.

#### *WATER SUPPLY & DISTRIBUTION*

The Proposed Action would allow the Applicant to provide a mix of non-age-restricted and age-restricted dwelling units. Water demand for projects is estimated using the NYSDEC "Design Standards for Wastewater Treatment Works -- 1988". That document does not differentiate water demand by non-age-restricted and age-restricted. Thus, the Proposed Action would not result in any change to water demand from the 2006 Proposed Project.

In fact, there will be a reduction in water demand since ten (10) of the single-family three-bedroom houses will not be constructed due to the Central Hudson gas line project. The water demand would be reduced by approximately 4,000 gallons per day (gpd).

Since the Current Proposed Project would continue to be below the threshold of 200,000 gpd originally evaluated for the Original Proposed Project (and memorialized in both the 2002 SEQR Findings and 2008 SEQR Findings), and well below the 314,200 gpd maximum included in the Orange County Department of Health permits issued for the Proposed Project, the Proposed Action would not have any new potential significant adverse impacts to water demand. No supplemental environmental review is required related to water demand.

The Applicant has received confirmation from the Village of Cornwall-on-Hudson that the Village has sufficient capacity to serve the Proposed Project.

#### *SANITARY SEWAGE*

Sanitary sewage from Cornwall Commons would be served by sewers in the Town of Cornwall and would be treated at the Town of Cornwall wastewater treatment plant on Shore Road. A

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<sup>1</sup> National Recreation and Park Association, “Park, Recreation, Open Space and Greenway Guidelines,” 1996.

<sup>2</sup> Turner Miller Group, letter to Town Board dated April 19, 2013.

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Developer's Agreement between the Town and the Applicant requires the Town to reserve sewer treatment capacity to handle sanitary sewage flow from the Project.

Since the Proposed Action would not result in any change to water demand or sanitary sewage generation as compared to the 2006 Proposed Project, and since demand estimates for sanitary sewage are "subject to a wide potential variation based on the actual needs of lot users," as stated in the 2002 SEQR Findings, the Applicant would need to demonstrate sanitary sewage flow at the time of application for Site Plan approval. Per the 2003 and 2008 SEQR Findings, sanitary sewage generation in excess of 200,000 gpd may require additional study.

### ***POTENTIAL FISCAL BENEFITS***

The Cornwall Commons Project will generate several significant streams of additional tax revenue to compensate for additional demand on community services. Consistent with the 2006 Proposed Project, the Current Proposed Project would continue to generate significant new tax revenues to the Town.

The following revenue projections (based on current tax rates) are anticipated from the Cornwall Commons project:

- Approximately \$925,000 in Town property tax revenues.
- Approximately \$2 million in school tax revenues in excess of the cost of educating children for Cornwall Commons.
- Approximately \$735,000 in recreation fees, which will enable the Town to improve and maintain its existing facilities (Cornwall Commons has its own self-sustaining recreational areas).
- \$200,000 to the Town for sewer service (\$100,000 has been paid to date which will assist the Town in upgrading its facility).
- Approximately \$578,625 in building permit fees.
- Approximately \$1,104,000 in mortgage recording taxes.
- Approximately \$552,000 in conveyance taxes.
- Approximately \$400,000 in Orange County Taxes.

In addition, the estimated construction cost of approximately \$138 million over a period of seven (7) to ten (10) years would generate substantial new employment and direct, indirect, and induced economic activity within the Town of Cornwall, Village of Cornwall-on-Hudson, and surrounding communities.

Even if only the residential component of the Proposed Project were to be built, the net tax revenues to the School District (in excess of additional costs) would be approximately \$1 million per year using current tax rates and current educational costs.

### **CULTURAL RESOURCES**

Previous SEQRA analysis of the Proposed Project considered the possibility of cultural resources impacts of site development, including the possibility of visual impacts on any nearby structure or facility of cultural, historical, or archeological importance. A cultural resources analysis was conducted in the fall of 2005, and was submitted to the NYS Office of Parks,



Recreation and Historic Preservation in a report dated February of 2006. Phase I-B shovel tests were performed on the Site. The results concluded that the Site had little value as an archeological resource. The State concurred that no further work was needed in this regard. Since the Proposed Action would not change the overall limits of disturbance but would only permit a different mix of residential dwelling units, it is not anticipated to result in any new significant adverse impacts to cultural resources as compared to the 2006 Proposed Project.

The DEIS for the Original Proposed Project and the SEIS for the 2006 Proposed Project confirm that the nearest historic structure is the Knox Headquarters but that no visual impacts to this resource would result from the Proposed Project, as further discussed below.

### **VISUAL QUALITY AND COMMUNITY CHARACTER**

As noted in the previous SEQRA analysis of the Project Site, the primary visual changes that will result from subdividing the property and the future use and development of the Site will be the removal of large portions of existing tree cover and vegetation, and the construction of a road network, drainage and utility network with future buildings in accordance with the zoning on the site.

Sensitive visual resources within the Study Area include the Moodna Creek and the Palisades Interstate Park Commission Gorge Trail, Knox Headquarters state historic site, and Storm King Mountain. The DSEIS evaluated the potential visual impacts of the Lot 10 development on key vantage points, including line-of-sight profiles for seven locations: Knox's Headquarters state historic site, two locations along the PIPC Moodna Gorge Trail, and four locations from Spaulding Farm (67 Forge Hill Road). Views from the Route 9W site access were also considered. This analysis found that, due to topography and screening, no significant adverse visual impacts would result from the development of Lot 10.

The Proposed Action does not incorporate any changes that would alter these findings. The Proposed Action would continue to include landscaping and site appropriate lighting. As such, no new significant adverse visual quality or community character impacts are anticipated as compared to the 2006 Proposed Project.

### **GEOLOGY, SOILS, AND TOPOGRAPHY**

As noted in the previous SEQRA analysis of the Project Site, the Project Site is a gently rolling property that drops in overall grade towards the north. The highest elevation is a knoll on the western portion of the property at approximately 240 feet above mean sea level; the lowest point is 142 feet on the north side near the bounds of the former railroad right-of-way (ROW). At least 80% of the site is sloped at 10% or less. The rail ROW lies in a steep-sided cut below the rest of the property. None of the former rail ROW is located within the bounds of the site.

Soil testing was performed in October 2006 by Melick-Tully Associates (MTA), which found that buildings can be supported by conventional shallow foundations in undisturbed extant soils, shale, or fill material. Due to a high water table, shallow perched water seepage could be encountered seasonally, and therefore de-watering operations may need to be carried out during construction. While blasting may be required in some areas of sound bedrock, there is substantial separation between the Project Site and existing development making off-site impacts unlikely. Further, any blasting operations would be conducted in accordance with New York State and Town of Cornwall regulations which are designed to safeguard adjoining property owners.

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The development of Lot 10 would result in a net surplus of approximately 23,500 cubic yards of material. While grading plans have not been developed for Lots 1-9, adequate area exists on the site to provide temporary stockpile areas pending its removal or re-use elsewhere within the overall site.

The grading plans limit the need for retaining walls, but the walls which are needed are shown on the site plan for lot 10, and most of them range from between 2 to not more than 4 feet in height. One wall ranges from 3 to 5 feet, and two others are up to 8 feet high in portions. The walls are proposed to be modular block construction. Split rail fencing or box beam railings, depending on the location of the walls, are shown on the plans for safety purposes where appropriate.

Erosion is a potential impact wherever land disturbance takes place. To mitigate this impact, erosion control measures are proposed. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared and will be implemented at the site in compliance with state regulations.

The Proposed Action does not introduce any new development, or propose changes to the layout of the development, that would substantially alter the conclusions of the previous SEQRA Findings. As such, no new significant impacts to geology, soils, or topography are anticipated as compared to the 2006 Proposed Project.

### **WATER RESOURCES**

The Project Site drains to the northwest by way of a series of small undefined streams and sheet surface water flow towards the Moodna Creek. A portion of the site drains eastward, towards a small stream known as the Funny Child Creek, a tributary of the Moodna Creek located just east of Route 9W. Both creeks are designated class "C" streams, and both streams are located offsite.

The Project Site contains six wetland areas, none of which are New York State Department of Environmental Conservation (NYSDEC) regulated wetlands. Two of the wetlands are "isolated" and thereby ineligible for federal regulation, however the remaining four are Army Corps of Engineer (ACOE) regulated wetlands. A Jurisdictional Determination was issued October 16, 2012 :

- Wetland "A" is a narrow, elongated body that is 3.91 acres in size that incorporates a poorly defined drainage way emptying into a culvert under Rt. 9W, draining to the southeast. It is a red-maple wooded wetland originating on the site. This wetland is located southwest of and parallel to the proposed looped town access road into the site.
- Wetland "B" is 1.401 acres in size and is located in the extreme western part of the site in the vicinity of existing residential development located offsite on Schofield Lane and Howard Street. This wetland lies west of the NYC Aqueduct easement. This area is fed by drainage from both on and off the site, including drainage from the two town roads, and drains offsite to the north.
- Wetland "C" is a 3.59-acre shallow, isolated, non-jurisdictional wetland, containing red maple, swamp white oak, spicebush and tussock sedge and surrounded by mixed hardwood forest upland. This wetland contains vernal pools, and spotted salamander eggs were found within these pools. Despite its large size, it is non-jurisdictional as it has no outlet. It originates on and is wholly contained within the site, at the center of the site.
- Wetland "D" is a 3.698-acre wooded wetland located at the southwest portion of the site, behind existing offsite residential properties at the end of Frost Lane, and tapering off to the

east in an undefined, long narrow drainage course towards the Willow Woods/Stone Hollow subdivision. This wetland is dominated by swamp white oak, and was found to contain spotted salamander eggs and wood frog tadpoles. As reported in the DGEIS from studies performed in early spring of 2002, weak stellate sedge (*Carex seorsa*), which is listed as a threatened species by New York State, was found on the site only at the border of Wetland D.

- Wetland "E" is just over a half-acre in size (0.518 acres). It is located in small depression and flows offsite to the west, towards the former railroad ROW and thence toward the Moodna Creek. It too was found to contain spotted salamander eggs and wood frog tadpoles.
- Wetland "F" is an elongated wooded wetland that is 1.021 acres in size, located northwest of Wetland D. This is an isolated, non-jurisdictional wetland.

All of the Project Site wetlands are located on Lot 10. The previous SEQRA analysis of the potential wetland impacts focused on both direct and indirect potential impacts that may harm the wetlands and disrupt their function. Direct impacts result from direct disturbance to a wetland, such as grading or placing fill in the wetland. Indirect impacts result from other disturbances, such as allowing pollutants to drain into a wetland and to disrupt its functions, or from disrupting a wetland's hydrologic regime. The 2006 SEQRA Findings included mitigation measures such as the preparation of a Stormwater Pollution Prevention Plan (SWPPP), disturbance avoidance to the greatest extent practicable, the retention of 25 foot wide buffers where feasible, and the replanting of disturbed areas with native plantings.

Two wetlands and two non-regulated non-jurisdictional isolated wetlands will be disturbed during the construction of the Project. Wetland A located along the front of the Project in the southeasterly corner, will be temporarily disturbed to allow for the installation of a storm drainage line from the loop road to the stormwater pond. A permanent access-way to this stormwater pond for maintenance will be provided via easement and is depicted on the site plan for Lot No. 10. Wetland E, which is ±0.518 acres in size, will have ±0.006 acres of permanent disturbance, as a portion of a proposed road passes over the upper tail end of the wetlands. Non-regulated non-jurisdictional isolated Wetland C located to the left of the clubhouse, and ±3.591 acres in overall size, will have ±0.225 acres of permanent disturbance for the construction of the loop road around the clubhouse area. Nonregulated non-jurisdictional isolated Wetland F located in the south westerly portion of the project, and being ±1.021 acres in size, will have ±0.844 acres of permanent disturbance for the construction of a road and single-family homes.

The Proposed Action does not substantially alter the layout of the proposed development. Only certain enhancements to the recreational areas are proposed to ensure there are adequate recreational uses for families and young children. All development would conform to the mitigation measures identified in the Findings Statement. As such, no new significant adverse wetland impacts would result as compared to the 2006 Proposed Project.

## NATURAL RESOURCES

The previous SEQRA analysis of the Project Site included an assessment of the natural resources on the Project Site. As described in the GEIS, the northern third of the Project Site is a nearly impenetrable thicket of non-native invasive species such as black locust, multiflora rose, buckthorn, winged euonymus, greenbriars, and Asiatic bittersweet. The former industrial land near the old railroad ROW at the northern part of the Project Site has been highly disturbed by

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cuts, drains, and other manmade disturbances. The southern two-thirds of the Project Site were historically used as pastureland. This portion of the Project Site has since converted to a mixed red and white oak upland forest, containing red maple swamps in the low areas, and abundant hemlock growth in the more mesic areas. Some older oaks in the open-grown "cabbage form" were also identified in this area.

The Proposed Action would not substantially alter the proposed site plan. It would retain most of the wooded wetland areas intact, and additional wooded areas would be retained contiguous to these wooded wetlands, thus increasing the habitat value in the maturely forested areas of the site. A wooded strip of land would be retained at the northwestern boundary of the site. As such, approximately 52.8 acres of undisturbed wooded land at the site would be retained. In addition, the Proposed Project incorporates a Naturalistic Planting Plan as a mitigation measure to help reestablish an additional 5.41 acres of rear yard and transitional areas along edges of disturbance in native mixed shrub and tree plantings for habitat purposes. These mitigation measures, which were previously reviewed and approved by the Planning Board during the SEQRA process, would be maintained.

The DSEIS incorporated additional site-specific investigation, evaluating the site for habitat suitability and the potential presence of two endangered species, the Indiana Bat (seeking the presence of summer roosts and maternal colonies) and the Bog Turtle. The site did not contain suitable Bog Turtle habitat, nor was it considered likely to contain potential Indiana Bat habitat; but to avoid possible direct impacts to individual Indiana Bats, the DSEIS indicated that clearing and tree removal activities will take place between October 1 and March 30. This limitation is part of an ACOE Nationwide Permit limitation and applies to the entire site, and is not affected by the Proposed Action.

As evaluated in the SDEIS, some of the wetlands on the site, are used for amphibian breeding purposes. The GDEIS had indicated that non-jurisdictional Wetland C was used by spotted salamanders, a type of mole salamander, and the FGEIS had expanded this report to include vernal pools within Wetlands jurisdictional D and E being used for this purpose and also for wood frog reproduction. Mole salamanders are terrestrial and burrow under leaf litter, rocks or locks in wooded areas, burrowing tunnels underground or making use of tunnels excavated by small mammals. They commonly breed in woodland vernal pools. The salamanders observed on the site were listed as species of special concern in New York State. Consistent with the Site Plan analyzed in the Findings Statement, the Proposed Action would continue to retain Wetlands C, D, and E, almost in their entirety to minimize impacts to spotted salamander breeding. Roughly a quarter acre of disturbance at the southern edge of Wetland C is proposed, and additional upland woodland areas adjoining this wetland are also being preserved. Two amphibian crossings designed consistent with those provided on other projects are being provided under Road B in the vicinity of Wetland C. Wetland D is being retained undisturbed along with adjoining upland woodland areas, and Wetland E is being disturbed minimally (0.006 acre) and adjoining woodlands along the fringe of the property are being preserved. Stream corridor buffers are being preserved as shown on the plan, and stormwater that has been routed through water quality devices is being directed towards the wetlands.

Previous SEQRA analysis found no species of flora or fauna listed as "endangered," either federally or in New York State, to be present on the site, nor was suitable habitat for the same documented to be present. Special investigation had been undertaken to search for the presence of a rare plant species, the weak stellate sedge (*Carex seorsa*) a wetland edge species which is listed as a threatened species in New York State, and according to the State Botanist is fairly

common in the region around Cornwall. The Proposed Action would continue to avoid leave Wetlands A, C, and D substantially undisturbed to avoid impacts to this sedge.

None of the site directly adjoins the Moodna Creek, and the site is well set back and above any critical tidal estuaries. Therefore, no such species as would be found in estuarine habitats, including any endangered species, would occur on the site.

For the reasons identified above, no new significant adverse impacts to natural resources not previously identified regarding the 2006 Proposed Project would result from the Proposed Action.

### **STORMWATER MANAGEMENT**

As identified in the previous SEQRA analysis of the Project, erosion, siltation and other stormwater pollution impacts will be mitigated by implementing the Stormwater Pollution Prevention Plan (SWPPP) prepared for the site in compliance with state regulations. The SWPPP addresses the needs for the maximum potential build-out of the entire site, including all ten lots and the roadway. As previously required, the Homeowners Association (HOA) will maintain the stormwater management facilities.

A SWPPP will be implemented as part of the Proposed Project. While some minor amendments may be required as a result of the changes to the recreational facilities, the overall SWPPP will remain the same, and the HOA will maintain the stormwater management facilities. As such, no new significant adverse stormwater impacts are anticipated to result from the Proposed Action. The Applicant has already filed a Notice of Intent to obtain coverage under the NYSDEC SPDES General Permit for Construction Activities. Accordingly, the Proposed Action would not result in any new significant adverse stormwater impacts that were not previously studied as part of the 2006 Proposed Project.

### **HAZARDOUS MATERIALS**

The NYSDEC EAF Mapper identified DEC Site No.: 336028 (Majestic Weaving Co.) as being in the vicinity of the Project Site. This property is on the Registry of Inactive Hazardous Waste Disposal Sites in New York State, and is located at 2 Mill Street, Cornwall, NY 12518. It is not on or immediately adjacent to the Project Site, and therefore has no effect on the Project Site or the Proposed Action.

### **TRAFFIC**

Previous SEQRA analysis of the Proposed Project included a Traffic Impact Study (TIS). The following intersections were evaluated in the TIS:

1. Routes 9W and 218 (Academy Avenue) interchange
2. Route 218 (Academy Avenue) and Main Street/Faculty Road
3. Route 9W and Caesar's Lane
4. Route 9W and Forge Hill Road
5. Willow Ave (CR 32) and Route 9W interchange
6. Route 9W and southerly site access road (consisting of one entering and two exiting lanes, and requiring the construction of separate left and right turn lanes onto Route 9W)

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7. Route 9W and northerly site access road

The Original Proposed Project analyzed in 2000 (concluding with a SEQRA Findings adopted on April 15, 2003) was a 60-lot single-family subdivision of the land previously located in the Town of New Windsor plus one million square feet of light-industrial space in the Town of Cornwall. Trip generation for the Original Proposed Project is summarized in **Table 6**.

In 2006, the Applicant petitioned the Town to permit a Planned Adult Community (PAC) on Lot 10 of the subdivided property and a modified mix of commercial uses on Lots 1 through 9. The trip generation for the 2006 Proposed Project is summarized in **Table 7**.

The Traffic Impact Study completed for the Original Proposed Project noted that significant impacts would exist at the intersection of Main Street/Faculty Road & Route 218. The Applicant originally agreed to a fair-share contribution for signalization of this intersection.

The Supplemental Traffic Study completed for the 2006 Proposed Project (including the 490 age-restricted (active senior) residential units) concluded that trip generation for the AM and PM peak hours would be significantly lower than trip generation for the Original Proposed Project. Even with the reduction in trip generation, the Supplemental Traffic Study noted that significant impacts would exist at the intersection of Main Street/Faculty Road & Route 218. In recognition of the reduced trip generation for the 2006 Proposed Project, the SEQRA Findings adopted on December 1, 2008 modified the mitigation at Main Street/Faculty Road & Route 218 to a requirement to monitor traffic operating conditions at this intersection after completion of Lot 10 development and to coordinate with NYSDOT on whether the new volumes met traffic signal warrants.

The Traffic Engineer for the Proposed Project conducted an assessment to determine if the additional traffic associated with non-age-restricted housing units, which would have more commuters during the AM and PM peak hours, could be accommodated within the roadway network. See the memorandum dated June 23, 2014 attached to this EAF. **Table 8** summarizes the trip generation if the Proposed Project were to include 490 units of non-age-restricted housing. This represents the maximum, or worst case, potential trip generation for the residential component of the project.

**Table 6**  
**Trip Generation for Original Proposed Project**

Use	Units	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Phase 1</b>							
Single-Family Residential	60 du	13	39	52	43	24	67
<b>Phase 2</b>							
Light Industrial	1 M sf	1,005	112	1,117	182	1,115	1,297
<b>TOTAL</b>		<b>1,018</b>	<b>151</b>	<b>1,169</b>	<b>225</b>	<b>1,139</b>	<b>1,364</b>
<b>Note:</b>	Institute of Transportation Engineers (ITE) "Trip Generation," 6th edition, 1997.						
<b>Source:</b>	Maser Consulting						

**Table 7**  
**Trip Generation for 2006 Project with Planned Adult Community (PAC)**

Use	Units	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Age-Restricted Housing	490 du	59	93	152	93	59	152
Shopping Center	45k sf	44	29	73	139	139	278
High-Turnover Restaurant	15.5k sf	70	65	135	77	50	127
Office Building	50k sf	95	13	108	23	112	135
Hotel	80 rms	19	12	31	25	22	47
Congregate Care	70 beds	6	6	12	5	11	16
<b>TOTAL</b>		<b>293</b>	<b>218</b>	<b>511</b>	<b>362</b>	<b>393</b>	<b>755</b>

**Note:** Institute of Transportation Engineers (ITE) "Trip Generation," 7th edition, 2003.  
Numbers may not sum due to rounding.

**Source:** Maser Consulting

**Table 8**  
**Trip Generation for 490 Non-age-restricted Dwelling Units**

Use	Units	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Non-age-restricted Housing							
Single-Family Detached	314 du	39	160	199	155	81	236
Apartments/Condos	176 du	10	62	72	55	24	79
Shopping Center	45k sf	37	24	61	110	114	224
High-Turnover Restaurant	15.5k sf	57	47	104	57	38	95
Office Building	50k sf	97	13	110	23	112	135
Hotel	80 rms	25	17	42	24	24	48
Congregate Care	70 beds	8	4	12	5	10	15
<b>TOTAL</b>		<b>272</b>	<b>326</b>	<b>598</b>	<b>429</b>	<b>402</b>	<b>831</b>

**Notes:** Institute of Transportation Engineers (ITE) "Trip Generation," 9th edition, 2012.  
A 25% pass-by credit and 15% internal trip credit was taken for the retail and restaurant uses.  
Numbers may not sum due to rounding.

**Source:** Maser Consulting

The analysis conducted by the Traffic Engineer concluded that, even with an increase of up to 17% in AM and 10% in PM peak hour trips, the distribution of vehicles within the study area and the provision of internal trips would minimize any potential impacts to the roadway network, and that any mitigation previously identified – such as traffic signal timing changes at the intersection of Route 9W with Forge Hill Road and the intersection of Route 9W with Ceaser's Lane – would be sufficient to accommodate a change in housing type.

The Current Proposed Project seeks to modify the mix of age-restricted and non-age-restricted housing units (while reducing the total dwelling unit count from 490 dwelling units to 480 dwelling units). With a mix of both non-age-restricted and age-restricted units, the anticipated volume of traffic would be less than what is estimated in Table 8, but more than what is estimated in Table 7.

Given the SEQRA Findings in 2008 concluded that monitoring of traffic operating conditions at the intersection of Main Street/Faculty Road & Route 218 in conjunction with a potential NYSDOT traffic signal warrants study, this change in the total number of trips between the 2006 Proposed Project and the Current Proposed Project would not cause the assessment of potential impact at this location to change.

An analysis of background traffic volumes in the immediate vicinity of the Project Site indicates that traffic volumes along US Route 9W have increased only approximately 1.5% over the last five (5) year period. The previous traffic analysis was based on utilization of a 2% per year background growth factor as well as the inclusion of other potential background developments most of which have not yet been built. Therefore, the background traffic volume projections are still appropriate and, in fact, are conservatively high.

Accordingly, as documented by the analysis completed by Maser Consulting, including up to 65% of non-age restricted units in the Project would not result in any new traffic impacts as compared to the 2006 Proposed Project. Both the 2006 Proposed Project, and the Current Proposed Project, would still result in less traffic as compared to the Project studied in the original GEIS, and memorialized in the 2003 Findings Statement. The traffic improvements that were planned to be completed to accommodate the Original Proposed Project would accommodate the additional trips from both a 100% age restricted development, as well as from the current proposed 65%/35% mix.

#### **NOISE**

Previous SEQRA analysis of the Proposed Project determined that the Project would not result in any significant adverse noise impacts. Since the Proposed Action would not result in any significant change in traffic volumes, potential noise increases would be insignificant. Therefore, the Proposed Action would not result in any new significant adverse noise impacts that were not studied in the 2008 Findings.

#### **CONSTRUCTION IMPACTS**

The Proposed Action would not alter the sequencing of construction activities. As such, the Proposed Action would not result in any new potentially significant adverse construction impacts from those evaluated in the previous analysis of the Project under SEQRA in 2008.

#### **D. ADDITIONAL COMMERCIAL SCENARIO**

The Current Proposed Project includes the same commercial program as included in the 2006 Proposed Project:

- 45,000 square-foot retail shopping center
- 15,500 square-foot high-turnover restaurant
- 50,000 square-foot office building
- 80 room hotel
- 70 bed congregate care facility

The SEIS conducted for the 2006 Proposed Project included detailed analysis of potential impacts including this commercial development.



No specific application for site plan approval of any commercial development is pending at this time. The Applicant intends to submit applications for commercial site plan approval in the future based on market conditions and absorption of the residential units.

If the Town desires, the Applicant would increase the commercial component of the Project, provided that any such increase does not exceed the thresholds and conditions established in the existing approvals from all the outside agencies. Such potential increase in commercial uses could include a combination of one or more of the following: increasing the number of congregate care/assisted living units, increasing the number of rooms in the hotel, and/or increasing the commercial square footage spread over various commercial uses.

If the Town determines that a change in the amount or mix of commercial uses is desirable, the Applicant will consult with the Town Board and Planning Board regarding the relevant analysis and documentation to be submitted at the time of Site Plan application for the relevant commercial phase(s) of the Project.

## **E. CONCLUSIONS**

As a result of the analyses detailed above, this EAF concludes that the Proposed Action would not result in any new significant adverse environmental impacts not previously identified in the environmental review conducted under SEQRA for the 2006 Proposed Project. Amending the Town of Cornwall Zoning to permit a mix of age-restricted and non-age-restricted dwelling units within a Planned Adult Community would not significantly alter the conclusions of any of the technical analyses or findings contained in prior environmental studies. Therefore, a second Supplemental Environmental Impact Statement is not required in the Town of Cornwall's review and consideration of the Proposed Action. \*