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VIA EMAIL and HAND DELIVERY

November 25, 2020

Mayor Michael Newhard
Village of Warwick
PO Box 369
Warwick, New York 10990

Re: Village View Estates, LLC Subdivision
Application for Special Use Permit

Dear Mayor Newhard and Village Trustees:

Please consider this letter to amend the Special Use Permit application wherein Kirk Rother's cover letter indicated that the application was for 17 additional units. In fact, the application is for 14 additional units to bring the total dwelling unit count to 42.

Enclosed please find my narrative setting forth the considerations to be had on the Special Use Permit application, along with certain portions of the SFEIS referenced in the narrative.

It is requested that this matter be placed on a Village Board agenda in December to confirm the public hearing on January 4, 2021 and to discuss any issues the Board may have. Thank you for your courtesies.

Respectfully,

BLUSTEIN, SHAPIRO, RICH & BARONE, LLP

JAY R. MYROW

cc: Robert Silber
Steven J. Gaba, Esq. (via email)
Kirk Rother (via email)
Susan Roth (via email)

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NOV 25 2020

VILLAGE OF WARWICK
VILLAGE CLERK'S OFFICE

Special Use Permit criteria per Village Code
Application of Village View Estates for additional units for cluster subdivision
Dated: November 25, 2020

Applicant has applied for an increase in the number of the dwelling units permitted for its cluster subdivision pursuant to Village Code § 145-29(D)(4) which provides:

“145-29 Residential Cluster Development

D. Density

4. Once initial density is established, the total number of permitted dwelling units may be increased to the maximum number of units that will fit on a parcel while maintaining all setbacks required herein and maintaining a minimum lot area of 10,000 square feet. Additional units over the number which was established by the Yield Plan shall be subject to a Special Use Permit of the Village Board and shall be subject to a fee established by the Village Board as provided in the Village Schedule of Fees. All payments shall be made prior to the signing of the final subdivision plat.”

Applicant’s as-of-right dwelling unit count is 28 lots as established by its initial yield plan as determined by the Planning Board. Applicant now requests an additional 14 dwelling units per the subdivision plan upon which the Planning Board completed the SEQRA process by adopting its Statement of Environmental Findings on September 8, 2020 (the “Findings Statement”) on the SFEIS (Supplemental Final Environmental Impact Statement). The SFEIS was accepted by the Planning Board on August 11, 2020, distributed to other lead agencies and filed with the DEC on August 14, 2020.

The consideration of a Special Use Permit is governed by Village Code § 145-120 and § 145-160 et seq. Specifically, § 145-120 provides that “The Village Board of Trustees are authorized to approve special permit uses in accordance with Article XVI and § 145-160 of this Zoning Law respectively.” § 145-120 then sets forth specific general conditions and standard for special permit approval.

Village Code § 145-160 and following sections set forth the procedures for consideration of Special Use Permit Applications and also provides:

“145-160 Statutory Authorization

A. . . . The Village Board, in considering any application for a Special Use Permit hereunder, shall exercise such discretion reserved for legislative matters so as to ensure that the public health, welfare and safety are protected and the environmental and land resources of the Village are most efficiently utilized.”

1. Specific criteria in Village Code § 145-160

The considerations set forth in this section are that the public health, welfare and safety are protected and that the environmental and land resources of the Village are most efficiently utilized.

In the course of completing the SEQRA process, the Planning Board and all involved agencies considered all elements of the project that would have any impact on the public health, welfare, safety and/or environment. The specific items considered are best outlined by reference to the table of contents for the Findings Statement:

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The breadth and scope of the considerations undertaken by all involved agencies, including the Village Board, in the SEQRA process constitute a thorough review to protect the public and environmental interests. Reference is hereby made to all SEQRA documents that are made part of the record in consideration of the Special Use Permit application. Specifically, filed herewith is a document containing excerpts from the SFEIS setting forth comments of the Village Board and the responses thereto.

As stated at the Village Board meeting on November 16, 2020, the applicant previously received conditional preliminary approval for a 28-lot subdivision. That approval remains in effect pending approval of the pending alternate plan. Of significant importance in comparing the two plans is the elimination of the disturbance of wetlands and a stream crossing that is accomplished by the pending plan. This positive impact on these resources accomplish the stated goal in § 145-160 “that the environmental and land resources of the Village are most efficiently utilized.” The alternate plan also increases the amount of open space from 2.8 to 8.9 acres which is 44% of the parcel and well in excess of the minimum 20% requirement in the Cluster Regulations.

Based on the content of the FSEIS, the Planning Board approved the following in the Findings Statement:

Section 6: Certification of Approval of Findings

After due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 6-17 of the relevant environmental impacts, facts and conclusions disclosed in the DEIS, SDEIS and SFEIS for the Village View Subdivision Approval, and in the entire record, and after weighing and balancing the relevant environmental impacts with social, economic, and other considerations set forth in the Findings Statement, and more fully evaluated in the specific findings on the preceding pages, the Planning Board of the Village of Warwick, as Lead Agency, certifies, for the reasons set forth in these Findings, that:

1. The requirements of 6 NYCRR Part 617 have been met and complied with in full;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the Proposed Action avoids or minimizes adverse environmental impacts disclosed in the DEIS and SDEIS to the maximum extent practicable.
3. Adverse environmental impacts revealed in the environmental review process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision, the mitigation measures, which have been identified in this Findings Statement in the previous sections in Section 5 in its entirety.

These Findings and all obligations set forth herein, shall be incorporated in any further approvals related to the Proposed Action of the Village View Subdivision approval and shall be deemed a part of any approvals given to the project.

Based on the foregoing, the pending plan protects the public interest and protects the environmental and land resources of the Village

2. Specific criteria in Village Code § 145-120

The general conditions and standards in § 145-120 are set forth in subparagraphs A-D as follows:

“145-120 General Conditions

A. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.

B. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian

and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.

C. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.

D. The proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right.”

As to each consideration:

A. Essentially this condition requires a showing that the project will be in harmony with the zoning district and will not be detrimental to the site or adjoining properties. As set forth in detail in the SEQRA documents, the proposed plan has evolved over the years to its current design based specifically on the objective of conforming to this consideration. The proposed plan significantly improves on the 28-lot plan by eliminating wetland disturbances and a stream crossing and more than doubles the amount of preserved open space. The applicant has agreed to build 10 lower priced units as townhouses to provide a more affordable housing option. The road systems have been improved as confirmed by the traffic study conducted by the applicant. The applicant has reduced the unit count for the proposed plan from 45 to 42 in order to provide for the best design for the site. Finally, the proposed plan meets all cluster development regulations and other regulations in the R Zoning District.

B. This condition requires a showing that the project will properly accommodate pedestrian and vehicular traffic. The proposed plan provides for sidewalks on both sides of the streets that front dwelling units in order to provide a neighborhood feel and for safety purposes. The traffic flow and impacts were studied in detail by Creighton Manning and set forth in a report dated June 21, 2019 by Kenneth W. Wersted, P.E., PTOE which is part of the SEQRA documents. A copy of this report can be found in its entirety in the text and Appendix of the SEIS that was subject to public review on December 10, 2020. The conclusions in the report are as follows:

5.0 Conclusions

The project includes the construction of a residential subdivision with 42 residential homes. Access to the site is proposed via one full access roadway to Sleepy Valley Road and an additional access road on Woodside Drive south of Locust Street. The proposed project is expected to be completed and fully occupied in 2021. The following is noted regarding the proposed project:

- The proposed project is expected to generate 35 new vehicle trips during the AM peak hour and 44 new vehicle trips during the PM peak hour. This magnitude of traffic does not call for detailed evaluation of off-site intersections based on NYSDOT and ITE guidelines; however, the detailed traffic evaluation for this project included five study area intersections in addition to the proposed site driveway intersections.
- The level of service analysis at the study area intersections indicates that all approaches will operate at the same level of service through Build conditions with no approach experiencing an increase in delay greater than two seconds. The existing traffic control at each intersection will accommodate traffic associated with the proposed site development. No mitigation is recommended.

Mr. Kirk Rother
June 21, 2019
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- The Site Driveway on Woodside Drive and the Site Driveway on Sleepy Valley Road are both expected to operate at LOS A during both peak hours. It is recommended that the Site Driveways operate under stop sign control with a single lane entering and exiting the site.
- Given the very low delay increases, traffic from the proposed 42-unit subdivision will have little to no noticeable increase over the approved 28-unit subdivision.
- The road connection through the Town of Warwick parcels will allow for future development of additional lands. The build out of an additional 25 single-family residences will have no significant traffic impact on the surrounding road system. Would-be residents of *Village View* should be advised of the potential for future development.

In addition, Mr. Wersted worked directly with the Village Board to identify any additional traffic control measures to control vehicle speeds along Locust Street and Woodside Drive. As a result, the applicant agreed to off-site installations of an electronic speed radar sign and additional striping which is set forth in the Findings Statement as additional elements of the plan.

- C. This condition requires a showing that the project will properly locate walls and fences on the site, and the nature and extent of landscaping will be appropriate. No issues regarding proposed walls or fences were identified and the Planning Board made the following findings on landscaping in the Findings Statement:

The Planning Board finds that the following mitigation is necessary for this project:

1. The Reduced Scale Subdivision provides more protection of the open space, which reduces the potential for impacts on local fauna that use the site for foraging and shelter. In addition, the higher quality forested wetlands and streams are better protected by the Reduced Scale Subdivision Plan. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.

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2. The SWPPP and site plan landscaping plans are required to utilize native species of trees and plants. Use of native species will aid in the restoration of the lands that are protected to their natural vegetative state

3. To protect the endangered species Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*) the applicant will be required to cut trees between October and March so that summer roosts known to occur in the general area will be minimally disturbed.

4. No other mitigation is required for impacts on Flora and Fauna.

D. This condition requires a showing that the project will not require such additional public facilities or services or create such fiscal burdens upon the Village. In general, the Findings Statement considered this condition as follows:

Section 5.10: Fiscal Impact

A fiscal analysis for the Village property appears in the DEIS, Section III-J, Fiscal Impacts, starting on Page 82. It analyzes the projected impacts of providing services to the new residents and the anticipated costs and revenues to each of those taxing districts. Since the decrease in number of units is minor for the Village (42 instead of 43 proposed units) this analysis was not updated for the SEIS. The impact would be nearly the same, and the study concludes that the new Village residents would pay taxes to cover their fair share of municipal services. All service districts have sufficient capacity to serve the residents in the Village and the Town without expansion. The SEIS included a preliminary analysis of the fiscal impact of the maintenance of the road created in the Town to serve the Village residents, since in the beginning properties would not be developed along the road, and tax generation would be at a minimum. It was determined that by the time that the road needed maintenance other than occasionally snow plowing, that the residential units within the Town would be built, and properties would generate sufficient tax revenue to pay for its share of the road. (For more detailed information on the fiscal impact analysis, please refer to the DEIS, Section III-J, Fiscal Impacts starting on page 82, and the SDEIS starting on page 66.)

Commenters questioned whether the costs to provide services would exceed revenue generated. However it was demonstrated in the analysis that the new properties would be assessed at a

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higher rate than older housing stock within the Town and Village and all costs of providing services would be sufficient.

The Planning Board finds that the following mitigation is necessary for this project:

1. The Fiscal Impact analysis provided in the DEIS and SEIS provides a sufficient basis for determining the impact on local service districts funded by property taxes.

In particular, the applicant has committed to construct at its sole expense a new pump station, to replace the failing Robin Brae facility, which will be dedicated to the Village. The new pump station will service the applicant's development along with other properties connected to the Robin Brae facility. The applicant agreed to fund this improvement to eliminate this expense as

fiscal burden on the Village. It should be noted that the 28-lot approved plan only calls for the applicant to make a fair share contribution to the improvement of the existing Robin Brae facility.

Other considerations.

At the November 16, 2020 Village Board meeting, the applicant advise that the elimination of the stream crossing infrastructure to access the site off of Sleepy Valley Road that is approved on the 28 lot plan would save approximately \$250,000.00 in expense to the applicant. What was not stated is that the elimination of the Sleepy Valley Road access was replaced with more than 1,000 linear feet of road to be constructed on the adjoining Town parcel. While this roadway may service the development of the Town parcel in the future, the installation of the additional roadway for the Village parcel (costing an estimated \$200,000.00) is a current expense that significantly offsets the above stated savings.

Conclusion:

The applicant has demonstrated that it has met all requirements and considerations for the granting of the Special Use Permit pursuant to Village Code § 145-29(D)(4) and other relevant sections. It should be noted that while the applicant is permitted to apply for the “maximum” number of permitted lots, less than the maximum have been proposed in order to provide the best designed plan as contemplated by the Village Zoning Law. The proposed plan evolved from consideration of the input of the involved agencies in the SEQRA process and public comment. Based thereon, the applicant has established its right to the granting of the Special Use Permit.

Excerpts from the Village View Cluster Subdivision SFEIS, dated 7/27/2020 showing Village Board comments and responses

Accepted by the Village Planning Board on August 11, 2020

Village View Cluster Subdivision SFEIS, Last Revised 7/27/2020

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The SDEIS described four possible alternatives that could provide a long-term solution for improved sewage conveyance within the service area. Of the four scenarios, the **Village Board** has determined that the best alternative would be to completely replace the Robin Brae pump station with a new pump station capable of handling the sewage flows from the existing service area including the Village View subdivision.

*DEIS Comment C.2.1: The **Village Board** asks the Planning Board and applicant to look carefully at the stress of the proposal on existing infrastructures. Although mitigations have been described in the DEIS, we believe they do not address the issues completely. The Village Wastewater Treatment Plant is in poor condition and the Village is in the process at this time, of structuring a*

Village View Cluster Subdivision SFEIS, Last Revised 7/27/2020

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Comment DEIS C.2.1 continued Village View Cluster Subdivision, Last Revised 7/27/2020, page 29.

redevelopment plan. The cost of this project is estimated to be twelve to fifteen-million-dollars. Systemwide the weakest link is the Robin Brae Pump Station which has major ongoing issues and would be the receiving pump station for the sewage from this development. I have been told by the system operator that this pump station cannot accept much more material than it does now. (V. Warwick, 2)

DEIS Response C.2.1: The Developer has agreed to construct a new operational pump station immediately adjacent to the existing Robin Brae facility and dedicate it to the Village of Warwick. Upon being placed into service the existing pump station will be disconnected from service and removed by the Developer. The new facility will be dedicated to the Village and, prior to the issuance of any certificates of occupancy for the residential units within the subdivision and prior to receiving sewer connection permits for new dwellings within the proposed subdivision, accepted by to the Village. A Developer's Agreement will be executed with the Village of Warwick to memorialize the terms of the agreement including the Developer's agreement to bond construction, construct the facility to Village specifications, and to dedicate the facility. Included would be a provision for securing and delivering a construction/improvement bond for the facility as well as a maintenance bond that would be payable to the Village in the event the improvements are not completed by the Developer.

SEIS Comment C.1.2: Wastewater Management — *The SEIS document mischaracterizes the impact of the Village View project on the sewer collection system as "improvements to operations". While the Robin Brae Pump Station could benefit from routine maintenance replacements, the addition of Village View project would have a negative impact on the function of the pump station at its current size. (VB-9)*

SEIS Response C.1.2: It is understood by the project sponsor that the Robin Brae sewer pump station needs physical improvements, not just improvements to its operations. Four possible conceptual alternatives to improving sewer service via the Robin Brae pump station were presented in the SEIS. **Also see Response C.1.1 above.**

SEIS Comment C.1.3: *In the proposed mitigation section, the stated assumption that costs would be "borne by all users" is presumptive on the part of the applicant. (VB-10)*

SEIS Response C.1.3: The Developer has agreed to construct a new operational pump station immediately adjacent to the existing Robin Brae facility and dedicate it to the Village of Warwick.

*Response C.1.3 continued, Village View Cluster Subdivision SFEIS, Last Revised 7/27/2020
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Upon being placed into service the existing pump station will be disconnected from service and removed by the Developer. The new facility will be dedicated to the Village and, prior to the issuance of any certificates of occupancy for the residential units within the subdivision and prior to receiving sewer connection permits for new dwellings within the proposed subdivision, accepted by to the Village. A Developer's Agreement will be executed with the Village of Warwick to memorialize the terms of the agreement including the Developer's agreement to bond construction, construct the facility to Village specifications, and to dedicate the facility. Included would be a provision for securing and delivering a construction/improvement bond for the facility as well as a maintenance bond that would be payable to the Village in the event the improvements are not completed by the Developer.

SEIS Comment E.1.1: *Please give clarification on the final topography of the units on the western side of the project. If the plan will be to create level plots with retaining walls, will this lead to greater stormwater and draining issues? Please clarify how this part of the project will be managed. (VB-11).*

Response E.1.1: The lots along the westerly property line are graded to result in approximately two to four feet of elevation change across the foundation of the dwelling. The side yards are then graded to result in eight to ten feet of elevation change between each of the respective structures. The lots are approximately 85 to 90 feet wide in this area. The change in elevation between each lot is accomplished by land grading. There are no retaining walls proposed anywhere within the development.

SEIS Comment E.1.4: *Woodside Culvert: Although the flow of the stream that travels the length of the property is intermittent, during heavy rains, it carries a great quantity of runoff. The stream flows underneath a culvert on Woodside Drive that is potentially in poor condition and under sized. (VB-4)*

SEIS Response E.1.4: The Village View site and areas upstream comprise an approximately 138-acre watershed that is tributary to an existing approximately 4 ft. x 8 ft. concrete box culvert that flows under Woodside Drive. Village of Warwick Code requires that projects provide a stormwater management system that will result in post-developed peak flow rates at least 10% below pre-developed levels. Village View is comprised of approximately 20 acres of land that lie within the Village of Warwick limits. The project sponsor also controls an additional 80 acres of adjacent land in the Town of Warwick. The 80 acres in the Town is not subject to the 10% runoff reduction threshold. In an effort to help address existing downstream flooding problems, the Village View project has been designed to reduce the pre-development peak rate of run-off for both the Town and Village portions of the project by 10%. The Village View subdivision will therefore not result in an increase in impacts to the existing concrete culvert under Woodside Drive and is expected to help alleviate existing downstream flooding problems.

2. Comments from DEIS Public Comment Period

DEIS Comment E.2.1: *The Village applauds the applicant on increasing buffers protecting the stream corridor as well as its storm water management plan. The stream corridor is problematic when heavy intense rain occurs which results in flooding on Woodside Drive and further downstream at a culvert intake near Maple Avenue that is a continual threat of damming due to debris, and results in severe flooding to adjacent properties. (V.Warwick, 4)*

DEIS Response E.2.1: Comment Noted. Also see DEIS Response E.2.2 Below.

SEIS Comment G.1.4: *Sleepy Valley, Woodside and Locust Street are all very narrow roads with no shoulder or sidewalk. The Board remains concerned about both vehicles and pedestrian safety. (VB-1)*

SEIS Response G.1.4: Due to existing traffic concerns of the residents, including the speeds and stop sign violations of vehicles traversing Locust Street and Sleepy Hollow Road, the Village Police have begun to monitor violations along this road and have issued citations. To assist the village in their goals of addressing traffic safety, the applicant has offered to contribute a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. This sign is estimated to cost approximately five thousand dollars. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project.

It is also suggested by the Applicant's Traffic Engineer that the Village consider conducting a road use and inventory study, in which the widths and functional use of village streets are assessed. If there is a demand for widening any roads to provide pedestrian and bicycle facilities, a coordinated maintenance program could be implemented. In the case of Locust Street and Sleepy Valley Road, grading onto private property may be necessary subject to the available ROW. Currently, and into the foreseeable future, it is expected that traffic volumes on Locust Street and Sleepy Valley Road will remain relatively low with an estimated 700 to 1000 vehicles a day (vpd), in comparison to Route 94 – 8,350 vpd, and Grand Street – 5,720 vpd, according to NYSDOT counts.

SEIS Comment G.1.25: *The intersection of Woodside and Locust has poor sight distance and the stop sign is often ignored. The intersection of Locust and Maple also has poor sight distance and is narrow. (VB-2)*

SEIS Response G.1.25: Operating an intersection as an all-way stop can mitigate situations of poor sight distance. It doesn't appear that the all-way stop is necessary due to traffic congestion. As such, some drivers may think it is unwarranted. Enforcement and education may help improve traffic law obedience. Clearing vegetation along the ROW on Maple Avenue (Rt 94) could improve sight lines. Due to existing traffic concerns of the residents, including the speeds and stop sign violations of vehicles traversing Locust Street and Sleepy Hollow Road, the Village Police have begun to monitor violations along this road and have issued citations. To assist the village in their goals of addressing traffic safety, the applicant has offered to contribute a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. This sign is estimated to cost approximately five thousand dollars. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection

Statement SEIS Response G.1.25 Continued on Page 63

of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project.

SEIS Comment G.1.40: *Although sidewalks are part of the plan, there is no use of a complete street model that would include amenities such as a bicycle lane. It is this type of detail that should be part of any new family friendly development. (VB-5)*

SEIS Response G.1.40 The Plan was designed in accordance to the existing zoning code, which was adopted by the Village in accordance with their current planning documents. The Reduced Scale Alternative shows sidewalks on both sides of the street.

SEIS Comment G.1.42: *The plan calls for predominantly four-bedroom homes. According to the formula that was used, each home would generate two cars. Time has shown us that this equation is incorrect. The true number of cars will probably be double what has been used in this study. Will the new homes allow for enough parking for four cars? If the overall development produces double the expected number of vehicles, how can the traffic studies be accurate? (VB-3)*

SEIS Response G.1.42: See SEIS Response G.1.13.

SEIS Response G.1.13: Trip generation presented in the SEIS was determined using the Institute of Transportation Engineers (ITE) Trip Generation 10th Edition for the Single Family-Detached Housing land use code. This trip generation rate is based on over 150 studies used to develop a regression equation that found each house will generate an average of approximately one trip per home in each of the AM and PM peak hours. This accounts for the fact that while each home may own two or more vehicles, not all will necessarily depart/arrive during the peak hour. Further, not all those trips will exit to Sleepy Valley Road, as some are expected to use Woodside Drive. **See also SEIS Response G.1.1, G.1.2, G.1.5.**

DEIS Comment G.2.1: *The cumulative changes on Town properties that use Sleepy Valley as their main thoroughfare has increased and will continue to increase. The intersection of Woodside and Locust, Locust and Maple are of primary concern due to site distance and general lack of traffic direction clarity due to road width and the unanticipated stop at the intersection of Woodside and Sleepy Valley. The traffic generated by the development will be further intensified by the cluster modification. Most families have three, sometimes four cars, and multiple drivers. We are concerned with additional traffic counts and the wear and tear of roads servicing the development. Although the roads may seem in good condition, the construction phase and additional homeowners will expedite the deterioration of existing roadways. (V.Warwick-5-6)*

DEIS Response G.2.1: The homeowners will be contributing to the tax base of the Village of Warwick, which helps to fund repairs to the public roads in the Village of Warwick. As stated in the DEIS, the traffic study indicated that trip generation will be consistent with the carrying capacity of the existing roads. Due to existing traffic concerns of the residents, including the speeds and stop sign violations of vehicles traversing Locust Street and Sleepy Hollow Road, the Village Police have begun to monitor violations along this road and have issued citations. To assist the village in their goals of addressing traffic safety, the applicant has offered to contribute a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. This sign is estimated to cost approximately five thousand dollars. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project. All Road access from Locust Road/Sleepy Valley Road have been eliminated in the Reduced Scale Alternative (Figure 3). Also See DEIS Response G.2.2

DEIS Comment G.2.7: *In January 2016 the Village Board agreed upon a resolution to adopt the tenants of Complete Streets. The purpose of this resolution was to develop zoning principles that would help enhance our community, especially in new developments. The concept is to design streets, pedestrian, and bicycle thoroughfares and connective pathways that are in harmony. The desire is that these added amenities are to be realized as part of the Village View plan. (V.Warwick-7)*

DEIS Response G.2.7: The Plan was designed in accordance to the existing zoning code, which was adopted by the Village in accordance with their current planning documents. The Reduced Scale Alternative shows sidewalks on both sides of the streets that are fronted with new homes..

DEIS Comment H.2.1: Although the cluster provision does not speak of adding a percentage of affordable housing, the Village is appreciative of the effort by the developer to address the need by planning six units of townhouses. The Village is also appreciative of the design and architectural sensitivity of the developer in using a vernacular of architectural design that speaks to the heritage of historic architecture in the Village. We also recognized the added natural buffers in the new plan.

The reduced roadway, the lack of cul-de-sacs, and connective roadway are positive planning features and represent a more sustainable model of development. Although the Planning Board has allowed the applicant to have sidewalks only on one side, we believe in the long run the neighborhood would be better served with sidewalks on both sides of the street. In the spirit of complete streets, a bike lane and street trees would be important additions. (V.Warwick-8-10)

DEIS Response H.2.1: No Response necessary. Affordable housing is no longer offered as part of the Reduced Scale Alternative, but the planned cluster of Town Houses, which will be offered for sale under condominium ownership will be more affordable than the single family home. Street trees have been added to the plan as well as sidewalks on both sides of the street that front homes.

DEIS Comment H.2.2: The Village has championed anti-sprawl zoning and recently rewrote its cluster subdivision code. The Village recognized the use of clustering as a way of creating stronger Village neighborhoods and protecting the natural environment. Clustering allows for this protection but also presents challenges of a greater intensity of use. The Village View cluster proposal replaces the original twenty-eight lot subdivision with forty-five lots, or an additional seventeen lots with little, if any, gain of open space which is normally the positive result of clustering.(V. Warwick-1)

DEIS Response H.2.2: These comments no longer apply since they were based upon the 45-lot Cluster Subdivision Plan (Figure 2), which has been replaced by the Reduced Scale Subdivision Plan (Figure 3) The new preferred plan increases the buffer to the stream and wetland to 100 feet from roads and property lines, and preserves almost 50% of the property.

DEIS Comment H.2.3: The Village grows one neighborhood at a time and we appreciate the steps that the applicant is making to create a new and beautiful addition to our Village. We also recognize some of our limited capabilities due to over stressed infrastructure which remains one of our greatest challenges to future growth. (V.Warwick-11)

DEIS Response H.2.3: No Response Required, Water and Sewer Services more specifically addressed in The SEIS, and in previous Sections of this document.

SEIS Comment J.1.3: *The DEIS discussed this issue referencing the alternative plan. The current plan provides a greater number of "affordable" dwellings similar to the previous alternative plan yet provides no discussion of the nature of those dwellings. Also, by distributing the number of bedrooms by a mix of number of bedrooms in the single-family dwellings can allow for a greater number of "affordable" dwellings. (VB-8)*

SEIS Response J.1.3: The number of bedrooms within the homes is planned to be consistent with the market demand. Although it is true that family size has generally decreased, more people use additional unused bedrooms as a home office, hobby rooms and guest rooms. The homes on the lots are custom built. Even though the exteriors may share a common aesthetic, the interior of the homes will reflect the tastes and budgets of the individual buyers.

SEIS Comment J.1.4: *In J. Fiscal Impacts the applicant failed to recognize the tax implications of the change in housing type from one dwelling on a single lot to the revised layout which includes 10 dwellings on a single lot (resulting in a condominium ownership structure). The tax structure of those two types is calculated differently and would result in a decrease in tax revenue for the 10 dwellings on a single lot. The applicant should calculate the difference in taxes under the new plan and mitigate the loss in taxes and whether there is a resultant decrease in services. A final decision on whether to allow this ownership structure would require the input of the Village Board. (VB-6)*

SEIS Response J.1.4: A reduction of the taxes paid per individual dwelling would help to keep the homes affordable, which the board has shown to be a concern. The Village Board is correct to point out that the condominiums would most likely be assessed at a lower rate. In accordance with data available online for similar condominiums in the area, taxes are assessed by useable square footage, at a rate of about 1/3 to 1/2 of the average new single family home. Therefore the taxes generated by the sale of the homes and condominiums would be correctly reduced by \$4,500-\$7,000 per year for the total taxes for each unit, in which the Village would receive about half (general budget and special districts included). Taxes generated by the homes would average about \$7,000 a year for new units. Our research indicated that taxes were higher for units that were in a townhouse style, and most of the condominiums researched were small units of less than 1500 square feet.

SEIS Comment J.1.5: *The DEIS on page 84 states that the Village "receivers approximately \$89,594,537 raised by property taxes" based on the 2017-18 Adopted Budget, This number is in error and the correct number is \$3,304,264.51 (VB-7)*

SEIS Response J.1.5: The number provided by the Village Board is correct. The first number \$89,594,537 was the combined value of the assessed property reported in the budget for that year. The analysis was based on budgeted items for each taxable service district, and not on total budget, so there is no need for correction of any other section of the DEIS or SEIS, other than the taxes generated by the proposed condominiums in the Village View Project. Even with the reduction of taxes generated from the project, on the whole, the project generates sufficient tax resources to pay for its fair share of residential services.

SEIS Comment Q.1.9: *Please give a history of why the entrance on Woodside was not originally considered in the twenty-eight (28) unit version and why was it changed? (VB-12)*

Response Q.1.9: The initial subdivision proposals for the Village View proposed an entrance to Woodside Drive as the main point of entry. In fact, the initial submittal had a single entrance to Woodside Drive as the only access point with an internally looped road and future stub to adjacent land owned by the project sponsor. Because the Village Code requires two points of access for subdivisions of 20 lots or more, a second access point was provided to Locust Street. Subsequent to multiple iterations of these initial plans which depict the main access point to Woodside Drive, at the request of the Village, the main entrance to Woodside Drive was relocated to Locust Street. Doing so resulted in a second stream crossing and additional wetland impact. The relocation of the proposed Woodside Drive entrance to Locust Street was not due to any environmental constraints as some have claimed. In fact, the change resulted in added environmental impact. The relocation was also not due to traffic safety as the change resulted in the entirety of eastbound project traffic to travel through the Woodside Drive/Locust Street intersection. The change also resulted in the need to make significant improvements to Locust Street in order to improve sight distance.

The RSA that is the subject of this FEIS is proposed as a clustered type subdivision. One of the main objectives of clustering the development is to protect Primary and Secondary Conservation areas as permanent open space. The most significant Primary Conservation Area within the Village View site is the stream and associated wetlands. By returning the proposed entrance to Woodside Drive, and providing a second means of access through the Town property to Sleepy Valley Road, impacts to the stream and wetland are completely eliminated. The Woodside Drive entrance location also offers significantly improved safety with regard to vehicular movements due to the availability of sight distances to the north all the way to the Woodside/Locust intersection, and to the south for a distance exceeding 500 feet. Finally, the Woodside drive location allows for more gentle grading and less cut and fill of the proposed road as compared to the two stream crossings to Locust Street which require substantial fill sections.