

**NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
BREWSTER YARDS
FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Southeast Planning Board as the Lead Agency makes the following findings.

Name of Action: Brewster Yards

Project Sponsor: ProSwing Sports Realty, Inc.
c/o KEANE & BEANE, PC
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

Lead Agency: Town of Southeast Planning Board
1 Main Street
Brewster, New York 10509

SEQRA Classification: Type I

Description of Action: ProSwing Sports Realty, Inc. (the “Applicant” or “Project Sponsor”) proposes to construct a commercial recreation complex to include a recreation building of approximately 47,700 square feet (sf); various smaller concession/restroom, batting cage, and maintenance buildings of 5,000 square feet or less each; nine synthetic turf fenced and lighted baseball fields with amenities, one synthetic turf multi-sport field, and associated utilities including two or more wells, a septic system, and stormwater management areas (the “Proposed Project”) on a +/- 82-acre property located at 160 and 132 Pugsley Road (the “Project Site”) within the RC Zoning District in the Town of Southeast (Tax Map ID 45.-1-10 and 11).

A portion of the Project Site is located within the Ridgeline Overlay District. As part of the Proposed Project, a portion of Zimmer Road on the east side of Pugsley Road will be widened and will include a turnaround; these roads are Town owned roads. In addition, a turnaround (loop) will be provided at the Fields Corner Road/Zimmer Road intersection and a turnaround will be provided at the Patterson Town Line. As part of the Proposed Project, existing parcels 45.-1-10 (“Lot 10”) and 45.-1-11 (“Lot 11”) will be subdivided to reduce the overall size of the two lots from 153.5 acres to approximately 82.1 acres. Lot 10 will be reduced in size from 93.0 acres to approximately 66.1 acres and Lot 11 will be reduced from 60.5 acres to approximately 16.0 acres. The balance of the land will be retained by the Town as permanent open space and a small portion added to the Town road rights-of-way. The Proposed Project components described above, the roadway improvement, and the subdivision are collectively referred to as the “Proposed Action.”

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Access to the northern portion of the Project Site will be provided from the new loop to be provided at the Fields Corner Road/Zimmer Road intersection as well as from a driveway to be added following widening of Zimmer Road. Access to the southern portion of the Project Site will be from two driveways to be added following widening of Zimmer Road. A total of 451 parking spaces will be provided.

Gates will be installed across Fields Corner Road north of the project entrance and at the Patterson Town Line to close off the road to through traffic. The specification of the gates and locking devices will be in accordance with requirements of the Brewster Fire Department to maintain access for emergency responders. The portion of Fields Corner Road in the Town of Southeast, including the portion between the two gates, and the improved Zimmer Road will be maintained by the Town of Southeast. A gate will also be installed across Zimmer Road east of the eastern-most project entrance along Zimmer Road.

A 50-foot-wide public access easement will be provided across portions of the Project Site to provide for a possible future trail and to maintain public access to the wooded parklands that will remain in Town ownership.

The Proposed Project will disturb approximately 51 acres of wooded land on the property and 2 acres within the Town road rights-of-way, including 6.77 acres of Town of Southeast wetland buffer/controlled area.

Stormwater management improvements are proposed including a system of stormwater management basins. The Proposed Project will require an extension of existing electrical service.

The Proposed Action will facilitate final Town approval for the land swap (transfer of ownership) of the subject land from Town to private ownership in fulfillment of the prior approval of a Home Rule resolution adopted by the Town Board and a Land Exchange Agreement authorized and executed by the Applicant and the Town of Southeast.

Subsequent to the preparation of the DEIS, the Applicant continued to explore the anticipated building use and needs, particularly in off-season months when programming for patrons will generate greater use inside the building than outside. The Larger FEIS Building Alternative encompasses a footprint of approximately 47,700 sf, allowing for two 90-foot infield areas inside the building. This footprint is approximately 37 percent larger than in the DEIS plan (47,700 versus 34,855 sf) and allows for increased project utilization in the winter when the outdoor fields will not be in use. The potential impacts discussed throughout this Findings Statement reflect the Larger FEIS Building Alternative.

Location: 160 and 132 Pugsley Road, Town of Southeast, Putnam County, New York. (Tax Lots: 45.-1-10 and 11)

Date Final Environmental Impact Statement Accepted: March 27, 2023

Date Final Environmental Impact Statement Filed: March 31, 2023

Date Findings Adopted: _____, 2023

A. FACTS AND CONCLUSIONS RELIED ON TO SUPPORT THE DECISION

This Findings Statement has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act or “SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617. It has been prepared by the Town of Southeast Planning Board (the “Planning Board”), the Lead Agency for the coordinated environmental review of the Proposed Action. This Findings Statement relies on the information and analysis contained in the Draft Environmental Impact Statement (DEIS) dated May 16, 2022, and accepted as complete on June 13, 2022, and the Final Environmental Impact Statement (FEIS) dated March 20, 2023, and accepted as complete on March 27, 2023.

B. DESCRIPTION OF THE PROPOSED ACTION

ProSwing Sports Realty, Inc. (the “Applicant” or “Project Sponsor”) proposes to construct a commercial recreation complex to include a recreation building of approximately 47,700 sf; various smaller concession/restroom, batting cage, and maintenance buildings of 5,000 square feet or less each; nine synthetic turf fenced and lighted baseball fields with amenities, one synthetic turf multi-sport field, and associated utilities including two or more wells, a septic system, and stormwater management areas (the “Proposed Project”) on a +/- 82-acre property located at 160 and 132 Pugsley Road (the “Project Site”) within the RC Zoning District in the Town of Southeast (Tax Map ID 45.-1-10 and 11).

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C. SEQRA REVIEW AND PROCEDURAL HISTORY

The New York State Environmental Quality Review Act (6 NYCRR Part 617) requires that agencies considering discretionary actions, such as the Proposed Action here, assess the potential adverse environmental impacts that could result from a given action.

The Planning Board determines that the requirements of SEQRA have been met, as evidenced by the following:

On September 13, 2021, the Planning Board declared itself Lead Agency and issued a Positive Declaration;

On September 27, 2021, a public scoping session was held;

On October 25, 2021, the Planning Board adopted a final scoping document;

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On June 13, 2022, the Planning Board determined that the DEIS was complete with respect to the Scoping Outline. Subsequently, the DEIS and a Notice of Completion were filed and distributed in accordance 6NYCRR 617.12(b), which notice was also published in the New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin;

On June 23, 2022, the DEIS was made accessible on the Town of Southeast's website and in hard-copy format at the Town of Southeast Planning Department and the Brewster Public Library;

On August 8, 2022, the Planning Board opened a duly noticed public hearing on the DEIS, during which public comments were received, after which the public hearing was closed and the Planning Board directed that the written comment period remain open until August 26, 2022;

On August 26, 2022, the written public comment period on the DEIS was closed;

On November 3, 2022, the Applicant submitted a preliminary Final Environmental Impact Statement (FEIS) for initial review and comment that also detailed modifications to the Proposed Project in response to comments raised during the public comment period;

On December 1 and 7, 2022, AKRF, Inc. submitted memorandums to the Planning Board with comments on the completeness of the FEIS;

On February 13, 2023, the Applicant submitted a revised FEIS to the Planning Board which responded to the comments from the Planning Board and its consultants;

On March 7, 2023, AKRF, Inc. submitted a memorandum to the Planning Board with comments on the completeness of the FEIS;

On March 21, 2023, the Applicant submitted a revised FEIS to the Planning Board which responded to the comments from the Planning Board and its consultants;

On March 22, 2023, AKRF, Inc. submitted a memorandum to the Planning Board recommending that the document be considered complete under the applicable standards of the SEQRA regulations 6 NYCRR §617.9(a)(6) and 6 NYCRR §617.9(b);

On March 27, 2023, the Planning Board accepted the FEIS as complete subject to minor revisions regarding inclusion of a discussion of First Aid and AED signage in FEIS Response 1-18. Subsequently, the FEIS and a Notice of Completion were filed and distributed in accordance with 6 NYCRR 617.12(b), which notice was also published in the NYSDEC Environmental Notice Bulletin;

On April 3, 2023, the FEIS was made accessible on the Town of Southeast's website and in hard-copy format at the Town of Southeast Town Hall and the Brewster Public Library.

**D. SUMMARY OF IMPACTS, PROPOSED MITIGATION AND
SPECIFIC FINDINGS**

The following describes the anticipated impacts and benefits resulting from the Proposed Action as identified in the DEIS and FEIS, the proposed mitigation measures that the Planning Board has identified and will require to be incorporated into the Proposed Action, and the findings of the Planning Board based on the record before it.

LAND USE, ZONING AND PUBLIC POLICY

POTENTIAL IMPACTS

Potential impacts to land use and zoning will be primarily related to the intensity of use since the site in its present condition is fully wooded with use limited to incidental recreation by the public. Regular and intensive use envisioned for the Proposed Project will result in increased noise and increased traffic activity for the local area, as discussed further in the Traffic and Noise sections below.

The introduction of the proposed facility on the general land use pattern of the study area will not have an adverse effect on the variety of land uses, which include commercial/industrial activity to the south and east, a large warehouse soon to the west, and vehicular movement in the regional transportation corridor to the east. The typical outdoor activity on such commercial and industrial properties is largely centered on vehicular activity which will not experience an impact from the increased noise and traffic activity at the Project Site.

The Proposed Project will change the character of the land adjoining the two residential lots to the north from woodland to open land with recreational activity, which will necessitate the preservation of a vegetative buffer along the common property line to minimize the change.

No zoning change is necessary to accommodate the Proposed Project. The Proposed Project will be in conformance with the Rural Commercial (RC) District and Ridgeline Overlay District zoning requirements with respect to use, bulk standards, and setbacks, with the exception of the following for which area variances will be required:

- Front yard building setback encroachments;
- Environmental conservation buffer encroachments;
- Front yard parking setback encroachments;
- Building height in excess of 35 feet for the Fieldhouse recreational building;
- Maximum fence height within front yard setback; and
- Maximum manufactured slope height (potentially required).

The Proposed Action is not expected to adversely affect the land use or zoning of the surrounding area or the Town of Southeast generally.

The Proposed Project has been reviewed for consistency with the 2002 Comprehensive Plan and 2014 Comprehensive Plan Update. Although the 2014 Comprehensive Plan did not make specific recommendations with regard to this property, it did identify the need for more entertainment and recreational businesses within the Town at large. In addition, the Proposed Project is an as-of-right use in the Rural Commercial (RC) Zoning District. As such, the Proposed Project is consistent with the proposed land use map in the 2014 Comprehensive Plan, which contemplated maintaining the RC zoning designation. The Planning Board finds that overall, the Proposed Project is consistent with the goals and objectives of both the 2002 Comprehensive Plan and 2014 Comprehensive Plan Update. The presence of wetlands, watercourses, topography and slopes, the ridgeline, woodland habitats and the sensitivity of the NYC water supply were considered during development of the physical layout of project components and particulars of the design in order to protect these resources to the maximum extent practicable. The location close to the Route 312

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and I-84 corridors will provide a readily accessible site for local and regional visitors via the existing transportation network without the need to expand the existing infrastructure.

The Proposed Project will contribute to the node of economic development in the Route 312 and I-84 corridors while maintaining its rural community character through preservation of the visual buffer of woodland along the I-84 corridor including the prominent ridgeline. The Proposed Project will provide economic benefits directly to the community through tax revenues as well as increased revenues to the local economy through patronage of other businesses in the area. The Proposed Project will benefit the community directly through provision of recreation space, tax revenues, and employment. As a non-residential land use, the Proposed Project will not generate additional population to the Town.

In its formal request to the NY State Legislature to authorize the discontinuance and alienation of the existing parkland, the Town of Southeast Town Board stated that the Project Site "...will serve a greater public benefit if it were owned and developed for recreational use by a private project sponsor" in exchange for land to be acquired from the Project Sponsor (at Starr Ridge Road) and dedicated as parkland.

MITIGATION MEASURES

While for most land uses in the surrounding area the Proposed Project will not necessitate particular measures to reduce its impact, the close proximity of the two nearby residential lots necessitates a buffer to mitigate the change in intensity of use. The Applicant presented a plan and section taken between the multi-sport field and the closest neighboring properties to illustrate how the Proposed Project will preserve a buffer of 260 feet or more of existing woodland vegetation between the closest disturbance and the northern property line of the subject site. The Proposed Project also includes a row of planted evergreen trees to further screen direct view between the multi-sport field and the closest neighbor.

The Proposed Project will be compatible with the general, relevant policies contained in the Comprehensive Plan Update and the Croton Plan, accounting for the various mitigation measures outlined in the topic-specific sections of this document.

COMMUNITY SERVICES

POTENTIAL IMPACTS

It is not anticipated that the Proposed Project will result in significant impacts to State Police or County Sheriff services.

The proposed site plan allows for internal access and circulation for emergency response vehicles to reach the baseball fields, multi-sport field, concession plazas, and main building areas in case of an emergency response. One EMS vehicle with at least one professional EMT will be contracted by the Project Sponsor to be present and visible on-site for tournament weekends during the baseball season (generally from the second weekend in March to the third weekend in November – approximately 35 weekends), weather permitting.

The main building will be equipped with a sprinkler system, which will be fed by an underground water storage tank with a fire pump. A fire department connection will also be provided on the main building and four fire hydrants are proposed around the building.

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Implementation of the Proposed Project will increase local traffic and road usage during its seven day a week – year-round operation. The increased use of the local road network will likely increase the need for Southeast Highway Department maintenance.

At the request of the Highway Superintendent, gates will be installed on Fields Corner Road just north of the northern Project Site entrance and at the Patterson Town Line to prevent public use of this portion of the road. The gates will meet the requirements of the Brewster Fire Department to allow emergency services access. The portion of Fields Corner Road in the Town of Southeast including between the gates will continue to be maintained by the Town of Southeast.

Putnam County is expected to receive approximately \$90,000 annually in property tax revenues from the Proposed Project, a portion of which could be utilized to offset any potential impacts on the Putnam County Sheriff's Department and Putnam County Bureau of Emergency Services. The Town of Southeast is expected to receive an approximately \$87,000 increase in property tax revenues, a portion of which could be used to offset the incremental increase in road maintenance costs for the Southeast Highway Department. The Proposed Project will generate over \$15,000 in annual property tax revenues to the Brewster Fire District, which could be utilized to offset any potential impacts to the Fire Department from the Proposed Project.

MITIGATION MEASURES

The Planning Board finds that with the measures described above, the Proposed Project's impact on community services does not require further mitigation.

ECONOMIC CONDITIONS

POTENTIAL IMPACTS

The Proposed Project is expected to have an overall positive economic effect on the Town of Southeast and Putnam County. Construction of the Proposed Project is estimated to result in direct, indirect, and induced benefits to the local economy, including a total of approximately \$39,109,041 in output, approximately \$16,079,386 in labor wages, and approximately 289 jobs.

An average of 52 full time employees (FTE) are projected to be employed at the Proposed Project during operation. The direct benefit of this employment and resulting indirect and induced benefits to the local economy are expected to total approximately \$29,621,158 in output, approximately \$2,444,040 in labor wages, and approximately 87 jobs. It is not expected that employees associated with the Proposed Project who live outside the Town will relocate to the Town of Southeast because of their employment but will rather travel from other areas.

The Proposed Project is expected to generate \$777,528 in sales tax for Putnam County in year one.

The Proposed Project will result in the conversion of vacant town owned land to a private owned commercial sports recreation facility as well as the transfer of ownership of the Starr Ridge Road parcel to the Town of Southeast. The Starr Ridge Road parcel will then be removed from the tax rolls. Therefore, the projected property taxes for the Proposed Project were calculated using the project's assessed value and the County and Town tax rates for 2022 less the 2022 tax revenues from the Applicant-owned parcel located at 309 Starr Ridge Road. The DEIS estimates that the Proposed Project will generate approximately \$1,019,870 in adjusted property taxes, which will be distributed as follows:

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- Town of Southeast: \$84,368
- Putnam County: \$86,587
- Brewster Fire Department: \$15,219
- Brewster Library: \$5,390
- Brewster Central School District: \$828,306

Annual revenue of \$7,500 will be lost to the North Salem Central School District as a result of the Proposed Project; however, this is a negligible portion of the total North Salem School District budget.

MITIGATION MEASURES

The Planning Board finds that the Proposed Project's beneficial impacts on economic conditions do not require further mitigation.

VISUAL RESOURCES AND COMMUNITY CHARACTER

POTENTIAL IMPACTS

Subsequent to the preparation of the DEIS, the Applicant increased the size of the recreational building to allow for two 90-foot infield areas to provide increased utilization in off-season months. The larger FEIS building encompasses a footprint of approximately 47,700 square feet, approximately 37 percent larger than the DEIS plan (34,855 square feet). While the height of the building has increased, the proposed floor elevation has been lowered approximately 3.5 feet from the DEIS plan. Thus, the roofline evaluated in the DEIS visual assessment remains valid. There is no significant difference from the originally proposed building regarding visibility, extent of tree clearing, or character of the neighborhood.

As presented in the DEIS, visibility of the Proposed Project from the study vantage points may be possible to varying degrees, as demonstrated in the visual assessment; however no significant adverse visual impacts are anticipated. Areas of development with varying degrees of visibility exist within the project viewshed, including Southeast Executive Park, the Highlands Center, Terravest Corporate Park, the public road corridors, and the new Logistics Center. The Proposed Project is not anticipated to result in a detrimental effect on the use of public spaces in the study area nor on the public enjoyment of any designated aesthetic resource.

The proposed lighting plans are designed such that the illumination at the property lines from the new light fixtures will not exceed 0.1 footcandles on residentially zoned property or 0.5 footcandles on non-residentially zoned property. All proposed lighting is energy efficient light-emitting diode (LED) technology and will be zoned so that the lights on fields not being used at night can be shut off and other lighting in areas of the site can be reduced to a minimum level to maintain site security. As required in the Southeast Town Code, the project lighting will comply with Illuminating Engineering Society of North America (IESNA) recommendations applicable to recreational sports facility lighting and shall be shielded as needed to prevent light trespass or glare toward neighboring properties and minimize sky glow. While the occurrence of some level of sky glow from sports field lighting is typically unavoidable, the Proposed Project is not anticipated to dominate the view from any publicly accessible location in the studied viewshed.

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All proposed improvements will be situated so that none are visible above the top of the ridgeline or top of vegetation located on the ridgeline as viewed from the surrounding area, nor will any tree clearing occur on a ridgeline.

MITIGATION MEASURES

In reviewing the potential visibility of the proposed lighting (both as direct illumination and indirect sky glow), and compatibility of the Proposed Project with the nearby residential uses, the following mitigating factors will reduce the extent of potential nighttime visual impact:

- Specification of light fixtures that incorporate the latest technology in lighting design for energy efficiency. Use of luminaires that will sufficiently light the project for its intended use.
- Specification of light fixtures designed to minimize stray light and outfitted with shields as appropriate to direct the light toward the sports surface.
- Specification of pole heights that will provide for optimal downlighting, thereby minimizing glare, stray, and reflected light.
- Field lighting will be turned off when the field facilities are not in use.
- Outdoor activities at the Project Site will be reduced when leaves are off the trees.
- Preservation of existing trees around the perimeter of the property to maintain a natural woods buffer to soften direct views to the playfields from local viewpoints.

The Planning Board finds that with these mitigation measures, the Proposed Project's impact on visual resources and community character will be adequately mitigated.

CULTURAL RESOURCES

POTENTIAL IMPACTS

Based on the results of the completed Phase 1A and 1B surveys, no archaeological sites or historic structures are located within the area of proposed site disturbance. Therefore, the Proposed Project will not affect any potentially significant cultural resources and no additional cultural resources investigations are warranted. In its letter dated February 7, 2022, the New York State Office of Parks, Recreation and Historic Preservation concurred with this recommendation.

MITIGATION MEASURES

As no impacts to historical or archaeological resources were identified, no mitigation measures are required.

NATURAL RESOURCES

POTENTIAL IMPACTS

The Proposed Project will result in a reduction of habitat available for wildlife that may inhabit or utilize the site. Approximately 33 acres will remain in their forested state within the Project Site. The Proposed Project will directly disturb approximately 51 acres of trees on upland areas. This number includes the removal of 6.77 acres of upland within a Town of Southeast wetland buffer/controlled area.

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One state- and federal-listed species, the threatened northern long-eared bat, might be present on land within or near the Project Site. No other protected animal species, or any protected native plant, unique or locally rare plant or animal, or significant habitat area is known or reasonably expected to exist on or in the immediate vicinity of the Project Site.

The northern long-eared bat is federally protected and there are known to be populations of this species with winter roosts (hibernacula) in Putnam County and adjacent counties. Avoiding the felling of trees from April through October serves to protect bats during the months when they are not in their winter hibernacula in caves and might be roosting in trees.

Approximately 71.7 acres of upland woods and wooded wetlands adjacent to the Project Site will remain in Town of Southeast ownership as preserved natural open space areas, which will continue to provide habitat for indigenous wildlife.

MITIGATION MEASURES

The Proposed Project will include the following natural resources mitigation measures:

- Best practices will be used during the harvesting of trees to minimize disturbance of the soil in areas to be cleared and to provide protections for adjacent trees that are to be preserved.
- Useful timber will be harvested and unsaleable trees and limb trimmings will be chipped for reuse as erosion control mulch during and after construction.
- Protection of standing trees to remain will be provided in accordance with NYSDEC guidelines, which include construction perimeter fence protection, marking of individual trees to be preserved and erection of temporary barrier fencing along their root protection zone, and creation of permanent tree wells around trees to be preserved in areas where the grade needs to be altered.
- Individual trees near the edge of the construction area that warrant protection based on their size, location and health condition shall be determined in the field by the project Landscape Architect prior to the start of construction.
- Hazardous or diseased trees will be removed and all diseased and dead limbs pruned within 150 feet of proposed buildings.
- Healthy trees will be preserved wherever feasible. Large healthy trees to remain will be identified on a tree and forest preservation plan and on relevant site construction drawings.
- Bulk material, equipment, or vehicles shall not be stockpiled or parked within 10 feet of the trunk of any tree, nor within the drip line of any tree identified on the tree preservation plan. If any protected tree is inadvertently damaged, it shall be repaired under the direction of a certified arborist.
- An Erosion and Sediment Control Plan will designate the location of all temporary soil stockpiles, locating them outside of the critical root zone of all trees to be preserved.
- Approximately 71.7 acres of trees will be preserved on parcels to remain as Town parkland and 33 acres of trees will be preserved on the Project Site.
- All trees on the Ridgeline Protection Area and on the steep sloped areas surrounding this designated area will remain.
- Wetlands, ponds, and the streams and watercourses that cross the property are excluded from direct impact of construction activities.

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- Indirect impacts to existing hydrologic features shall be mitigated by the application of Best Management Practices (BMPs) including erosion and sedimentation controls during the construction phase of the project, and by implementation of a post-construction stormwater management plan that includes detention and infiltration systems.
- To avoid potential impacts to bats that may be present on site during the summer roosting season, tree removal will not occur from April through October.
- A landscape plan will provide a transitional landscape from the edge of the Proposed Project into the bordering mature forest.
- The landscape plan will prioritize use of plants selected from the list of native tree, shrub, and perennials developed by the Planning Board.

The Planning Board finds that with these mitigation measures, the Proposed Project's impact on natural resources will be adequately mitigated.

GEOLOGY

POTENTIAL IMPACTS

The Project Site soils are shown to have potential limitations on construction that may require corrective and preventative measures to address particular soil conditions encountered during construction. These potential impacts could involve construction on steeper slopes or in wet soil. The soils underlying the limits of disturbance (LOD) (primarily CrC and PnC soil types) generally have a moderate to slow infiltration rate and varied runoff potential. The project design incorporates appropriate measures to address the anticipated soil conditions.

The total area of proposed disturbance will include approximately 51 acres within the property line and approximately 2 acres within the Town of Southeast right-of-way, resulting in a total disturbance of approximately 53 acres. Based on the preliminary project plans, the cut and fill for the Proposed Project will be balanced, with total earthwork of approximately 210,000 cubic yards. Onsite soils are expected to be appropriate to utilize as non-structural fill.

The highest elevations of the Project Site, which are in a portion of the regulated Ridgeline Protection Area, will remain unaltered by the Proposed Project. Similarly, the lowest elevations on the Project Site including NYSDEC Wetland LC-28 will remain unaltered. The Applicant will potentially require a variance from §138-15.1.A of the Zoning Code, which limits the height of manufactured slopes to 30 feet.

Areas of the Project Site that are found to have bedrock within the depth of proposed improvements will require rock removal, which will be accomplished either by mechanical equipment or by blasting, depending on the type of rock encountered and extent of removal required. If it is necessary, blasting activity would be done according to all applicable federal, state, and local regulations, including compliance with Chapter 71 – Explosives and Blasting of the Town Code of Southeast.

MITIGATION MEASURES

The Proposed Project will include the following mitigation measures:

- Adoption and implementation of the Stormwater Pollution Prevention Plan (SWPPP) for the Proposed Project to avoid significant adverse impacts to soils and surface waters.

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- Soil testing for proposed infiltration basins was performed including percolation testing, infiltration testing, and deep test pits and witnessed by personnel from the NYCDEP.
- Potential development limitations found in the natural soils will be addressed by appropriate engineered solutions.
- Temporary control measures during construction will include swales to divert clean water from construction areas, silt fencing to contain sediments within the LOD, sediment traps to allow for onsite treatment of silted waters, and re-seeding or mulching to stabilize areas of disturbed soils, including soil stockpiles.
- Temporary sediment and erosion controls will also include stabilized construction entrances and storm drain inlet protection.
- Grading operations will be phased to limit the extent of exposed soils present at one time, in conformance with General Permit GP-0-20-001.
- For any area of soil disturbance that exceeds five (5) acres at one time, a waiver must be obtained.
- Attention will be given to particular soil conditions that require special sediment and erosion control measures such as implementation of redundant silt fencing.
- Earthwork shall be conducted outside of periods of rain and snowmelt to reduce the potential for soil loss.
- Grading and compaction shall promptly follow disturbance of soils to reduce their moisture content and increase their stability. If compressible, organic soils are encountered, they shall be relocated and replaced with structural fill.
- Areas of disturbed soils will be subjected to soil restoration techniques which might include mechanical decompaction and compost amendment, and the establishment of a permanent deep-rooted groundcover.
- The Proposed Project is designed to avoid steep slopes and conform to applicable provisions of the Town of Southeast Town Code; a variance may be required from §138-15.1.A for maximum height of manufactured slopes.

Permanent erosion and sediment control will be accomplished by measures that will include, but are not necessarily limited to:

- Diverting stormwater runoff from steep slopes;
- Controlling/reducing stormwater runoff velocities and volumes;
- Surface stabilization by structural and landscape measures;
- Riprap rock outlet protection at discharge end of all piped drainage systems;
- Designs in accordance with the New York State Standards and Specifications for Erosion and Sediment Control;
- Soil restoration where soils had been disturbed and are to be re-vegetated with lawn grass or landscaping; and
- Permanent seeding and mulching of topsoil upon completion of final grade.

The Planning Board finds that potential impacts to soils and erosion will be minimized and mitigated through implementation of the SWPPP and erosion and sediment control plan.

WATER RESOURCES AND WETLANDS

POTENTIAL IMPACTS

Potential impacts to water resources and wetlands associated with the construction and operation of the Proposed Project that must be ameliorated by the project design include: sedimentation during construction, release of pollutants from construction activities, post-development increases in pollutant loading in stormwater, post-development flooding and erosion from increased stormwater discharge in receiving watercourses.

Direct disturbance to wetlands on the Project Site will be avoided; however, the Proposed Project will encroach into Town and NYSDEC Wetland Buffer/Controlled Areas, and NYCDEP Watercourse Limiting Areas in several locations. The Proposed Project will impact the following wetland and watercourse buffer areas: approximately 0.70 acres of NYSDEC-regulated areas; approximately 2.06 acres of NYCDEP-regulated areas; and approximately 6.77 acres of Town-regulated areas (encompassing the prior two areas).

Chapter 78 of the Southeast Code calls for mitigation for impairment of the hydrological benefits of the Town wetlands. These benefits, including the control of stormwater runoff and flooding, are provided by the storage capacity within wetlands and by the hydrologic adsorption functioning of their soils and vegetation. The Proposed Project utilizes infiltration basins to recharge upland areas of the Project Site while controlling the rate and volume of surface water discharges into the streams and wetlands. The stormwater flow controls provided by the Proposed Project are designed to protect the hydrologic functioning of the wetlands.

MITIGATION MEASURES

Mitigation proposed to offset potential impacts to wetlands, watercourses, and regulated buffers within and in the vicinity of the Project Site include the following measures. These mitigation measures are included in the site plan drawings subject to review and approval by the Town.

- Delineation of the construction disturbance area by physical means in the field (markings or structural measures) to prevent unnecessary encroachment into wetlands and wetland buffers in accordance with the Erosion and Sediment Control plans and details as approved by the Town and permitted under NYSDEC General Permit GP-0-20-001.
- No direct disturbances to wetlands or watercourses will occur.
- Where soils are disturbed in the buffers, mitigation will include stabilization of the soil with permanent vegetative cover of native and naturalizing plant species to restore the natural function.
- Specification for appropriate seed mixes for the locale and site conditions where seeding in the wetland buffer.
- Specification of planting soil mix to prevent use of fill that is deleterious to the plantings.
- Specification of the removal of invasive species within wetland buffer areas where needed, and revegetation with plantings or seeding.
- Specifications that provide for appropriate placing of fill in incremental lifts to ensure a stable engineered slope and provide for physical protection of cut or fill slopes steeper than 2H:1V with erosion control fabric (if any result from the construction).

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- Delineation of permanent protective fencing (wood post and rail with wire mesh) between the east side pedestrian walkway at the main concourse and the buffer area of Watercourse 1.
- For installation of the sewer force main across Watercourse 1, the Proposed Project will bore under the surface using horizontal drilling technology over a span of approximately 243 feet, thereby avoiding direct disturbance that would otherwise result from trenching through the watercourse. Entry and exit pits will be located outside of the regulated buffer.
- Stormwater management basins that are designed to control and treat stormwater runoff from developed areas have been located in portions of the regulated buffers where dictated by the topography; however, their pollutant removal and hydrological functions are the same as functions of these buffer areas.

The Planning Board finds that with these mitigation measures, the Proposed Project's impact on water resources and wetlands will be adequately mitigated.

STORMWATER MANAGEMENT

POTENTIAL IMPACTS

Since the Proposed Project will disturb more than one acre, coverage under the State's General Permit No. GP-0-20-001 is required. The Preliminary SWPPP (FEIS Appendix E) will be amended and completed during site plan review, and will be subject to review per the requirements of NYSDEC's GP-0-20-001 and approvals by the Town of Southeast and NYCDEP.

The basin of the Middle Branch Reservoir in New York City's drinking supply watershed is designated as phosphorus-restricted by the NYCDEP. Therefore, stormwater controls must be appropriate to reduce this nutrient to permitted concentrations through the application of effective stormwater control practices. Such practices include the capture and removal of sediment and debris from detention basins and the maintenance of vegetation within and around the basins to further increase the ability of the stormwater system to reduce the movement of phosphorous into downstream reservoirs.

Approximately 10.9 acres of impervious surfaces will be created on the Project Site resulting in a localized increase in stormwater runoff that will be collected and directed into a system of stormwater management basins. Discharges from the basins will occur either as infiltration into the subsoils or as surface discharges of treated stormwater into the wetlands or watercourses.

The stormwater collection and conveyance systems for the Proposed Project will consist of catch basins and HDPE pipe sized to collect and convey at minimum the 10-year, 1-hour design storm as required by the NYCDEP and NYSDEC regulations.

MITIGATION MEASURES

Measures to mitigate stormwater impacts associated with the Proposed Project include the following:

- Land grading operations will be phased.
- The extent of impervious surfaces has been minimized.
- Rainwater infiltration practices will be utilized to reduce the volume of surface stormwater runoff exiting the Project Site.

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- On-site soil testing was witnessed by NYCDEP to verify that the soils in the location of the proposed infiltration basins are adequate to support the design requirements for infiltration practices in accordance with the New York State Stormwater Management Design Manual.
- Adoption and implementation of the SWPPP for the Proposed Project to avoid significant adverse impacts to soils and surface waters.
- Stormwater management systems are designed to meet the requirements of local, regional, and state stormwater regulations including General Permit GP-0-20-001.
- The SWPPP defines measures and procedures to be implemented for compliance with prevailing discharge standards. All proposed measures and procedures will be selected in accordance with the current NYS Design Manual standards.

The Planning Board finds that with these mitigation measures, the Proposed Project's impact on stormwater will be adequately mitigated.

TRAFFIC & TRANSPORTATION

POTENTIAL IMPACTS

The Proposed Project is provided good regional and local vehicular access via New York State Route 312, which ultimately connects to Interstate Route 84 to the east and US Route 6 to the west. Pugsley Road and its intersection with Route 312 are currently being reconstructed (widened, regraded, and paved) under the Logistics Project approvals by the Town and New York State Department of Transportation (NYSDOT). Access to the Project Site will be provided from new driveway "curb cuts" taken off of Zimmer Road and Fields Corner Road. Zimmer Road will be reconstructed (widened, regraded, and paved) and will include installation of a turnaround and a gate east of the eastern-most project entrance along Zimmer Road. Pugsley, Fields Corner, and Zimmer roads are Town-owned. A turnaround (loop) will be provided at the Fields Corner Road/Zimmer Road intersection.

Fields Corner Road north of the Project Site is a seasonal dirt road that would require substantial improvements to be utilized for year-round through traffic in the Town of Southeast. In addition, the majority of Fields Corner Road in the Town of Patterson, although open year-round, is unpaved and a substandard width for two-way traffic. The FEIS noted concerns of rebuilding and maintaining Fields Corner Road as a year-round road and the resulting potential impacts to the road network in the Town of Patterson. As mitigation for potential traffic impacts and at the request of the Town of Southeast Highway Superintendent, the Project Sponsor will install gates to close Fields Corner Road to public traffic from the Brewster Yards north access point to the Patterson Town Line. The applicant would install two gates on Fields Corner Road, one near the northern project site entrance and one at the Patterson Town Line. Vehicle turnarounds would be provided at each gate. The Town of Southeast would continue to maintain the road between the two gates for emergency vehicle access. The specification of the gates and locking devices will be in accordance with requirements of the Brewster Fire Department to maintain access for emergency responders. The gates and turnarounds will be provided by the Project Sponsor. Each turnaround will provide adequate means to accommodate a semi-truck. The portion of Fields Corner Road between the two gates will remain unpaved and will be maintained for emergency access by the Town of Southeast.

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The Project Sponsor will provide appropriate signage with respect to the gated dead ends and turnarounds, to the satisfaction of the Town Highway Superintendent. The Project Sponsor will install a “No Outlet” sign at Fields Corner Road at its intersection with Fair Street to notify drivers that it is not a through route.

A total of 451 parking spaces will be provided, plus 8 bus spaces. No loading spaces are required or provided. Pedestrian circulation will be accommodated throughout the Project Site, linking the parking areas with the recreation facilities via sidewalks, crosswalks and curb ramps, including a painted and signed crosswalk across Zimmer Road.

The Proposed Project is projected to generate approximately 46 entering vehicles and 6 exiting vehicles during the Peak Weekday AM Hour, 239 entering vehicles and 45 exiting vehicles during the Peak Weekday PM Hour, and 265 entering vehicles and 218 exiting vehicles during the Peak Saturday Hour.

The traffic signal timing modifications recommended in the DEIS for the intersection of US Route 6 & New York State Route 312 will bring the overall intersection and particular approaches near or below No Build level of service (LOS)/delay conditions. Certain movements in the No-Build condition (without the Proposed Project) that are anticipated to exceed the LOS degradation criteria will be mitigated. The criteria used was degradation from LOS A, B, C, or D to LOS E or F, from LOS E to LOS F, and an increase in delay of greater than 10 percent in LOS E or LOS F. The first two movements listed below will exceed the LOS degradation criteria in the Build with Improvements condition. LOS declines for the listed movements cannot be fully mitigated without significant physical road modifications, the cost of which is not proportional to the impact of traffic associated with the Proposed Project; these impacts are unmitigated by the Proposed Project. The other five movements will benefit from the mitigating effects of the Build with Improvements condition.

- US Route 6 & NY Route 312 northbound through movement – Weekday AM peak hour, Weekday PM peak hour, Saturday peak hour – decline is attributed to the proposed network improvements.
- US Route 6 & NY Route 312 westbound left turn/through lane movement – Weekday PM peak hour, Saturday peak hour – decline is attributed to the proposed network improvements.
- US Route 6 & NY Route 312 southbound left turn movement – Weekday PM peak hour, Saturday peak hour – potential declines in Build Condition are improved by the proposed network improvements.
- US Route 6 & NY Route 312 southbound overall – Weekday AM peak hour, Weekday PM peak hour, Saturday peak hour – potential declines in Build Condition are improved by the proposed network improvements.
- US Route 6 & NY Route 312 intersection overall – Weekday PM peak hour – potential declines in No Build Condition and Build Condition are improved by the proposed network improvements.
- NYS Route 312 & I-84 Eastbound ramps, eastbound through movement – Saturday peak hour – potential decline in Build Condition is improved by the proposed network improvements.
- NYS Route 312 & I-84 Eastbound ramps, westbound overall - Saturday peak hour – potential decline in Build Condition is improved by the proposed network improvements.

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Network improvements in the “Build with Improvements” condition constitute adjustments made in the intersection modeling to provide optimal conditions on the overall network that, in some cases, exacerbate the delay at one or more individual movements while at the same time improve other individual movements or the overall intersection operation.

The US Route 6 & New York State Route 312 intersection will experience LOS/Delay degradations in the future even without Proposed Project traffic volumes.

MITIGATION MEASURES

Off-site traffic mitigation will include the following measures:

- Gates, turnarounds, and signage will be provided on Fields Corner Road and Zimmer Road as described above.
- Traffic signal timing adjustments at the following intersections:
 - Intersection of US Route 6 & NYS Route 312 for the Peak Weekday PM Hour and Peak Saturday Hour;
 - Intersection of NYS Route 312 & Pugsley Road (Alternative A) for the Peak Weekday PM Hour and Peak Saturday Hour;
 - NYS Route 312 & Interstate Route 84 Eastbound Ramps/Independent Way for the Peak Saturday Hour; and
 - NYS Route 312 & Interstate Route 84 Westbound Ramps for the Peak Weekday PM Hour and Peak Saturday Hour.
- Once the Proposed Project is operational, the Project Sponsor may solicit PART to determine if the project meets the requirements to be added as a regular or on-call stop along its bus route along NYS Route 312.
- Construction truck traffic is anticipated to access the Site via Interstate Route 84, NYS Route 312, and Pugsley Road and which will avoid traffic through residential neighborhoods and on local roads. No construction traffic will be allowed to use Fields Corner Road to Fair Street.
- Most construction employees will arrive and depart the Site out of phase with the peak traffic hours.

The Planning Board finds that with these mitigation measures, the Proposed Project’s potential impacts to parking conditions, and traffic and roadway operating conditions will be adequately mitigated.

Notwithstanding the above, the Planning Board finds that should the Towns of Southeast and Patterson chose to improve Fields Corner Road to accommodate year-round through traffic, the proposed gates could be removed to restore access to Fields Corner Road.

INFRASTRUCTURE AND ENERGY

POTENTIAL IMPACTS

The Proposed Project is expected to be utilized by patrons every day, but most during weekends. Design flows were calculated for an average weekday (3,476 gallons per day) (GPD) and weekend days (30,132 GPD). No irrigation is proposed. The main recreation building will be equipped with

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a sprinkler system supplied from a water storage tank. The Proposed Project's potable water and fire protection supply will be provided by two or more groundwater wells.

Per Putnam County Department of Health (PCDOH), the supply wells will be required to meet the weekend maximum daily design flow of 30,132 gallons per day (gpd), or 21 gallons per minute (gpm). The water distribution system is being designed based on the maximum daily design flow of 21 gpm and peak hourly flow of 84 gpm. Accordingly, the PCDOH has issued permits for drilling up to three on-site wells seeking 21 gpm (or more) and conducting a 24-hour pump test to demonstrate there is an adequate supply of water with no significant adverse effects on any nearby water well.

A subsurface sewage treatment system (SSTS) will be constructed on the Project Site to treat the wastewater generated by the Proposed Project. Due to the fluctuation of Project Site patrons anticipated throughout the week, a design flow of 11,092 GPD is utilized for the proposed SSTS. To accommodate fluctuations in daily site populations, the Proposed Project will utilize a septic storage and dosing system to even out the flow to the SSTS. The results of on-site soil testing demonstrated acceptable soils for this use per pertinent regulations. Appropriate treatment and infiltration of sanitary effluent produced from the Proposed Project during full occupancy will need to be demonstrated in order to obtain the requisite permits to operate the system. The final design of the onsite SSTS will address the requirements and standards applicable to the actual site conditions and will be subject to review by PCDOH and New York City Department of Environmental Protection (NYCDEP) for the requisite permits. Infiltration from the SSTS will recharge a portion of the volume of water withdrawn from the groundwater aquifer, thereby reducing the consumptive water withdrawal of the Proposed Project.

The New York State Electric and Gas Corporation (NYSEG) service area includes the Project Site. Extension of existing electrical service will be required from one of the three nearby systems to service the Proposed Project. The total peak electric load at the site is estimated to be 850kW. The estimated load is not considered to be significant for a typical suburban power grid, however confirmation will be necessary from NYSEG.

MITIGATION MEASURES

The Planning Board finds that the Proposed Project's impact on infrastructure and energy will be adequately mitigated in the project design.

AIR QUALITY

POTENTIAL IMPACTS

Potential short-term adverse air quality impacts include the generation of fugitive dust and particulate matter during construction and emissions from construction equipment and vehicles. Construction related dust and equipment emissions will be temporary.

The primary generator of air emissions over the long term will be the operation of passenger vehicles travelling to and from the site. Carbon monoxide (CO) is the primary pollutant of concern for traffic generated air emissions. Three signalized intersections were found to have a level of service D or E that required further air quality analysis. However, based on the New York State Department of Transportation (NYSDOT) screening criteria, the Proposed Project will not exceed any of the criteria for further carbon monoxide microscale air quality analysis.

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No significant adverse long-term air quality impacts are expected to result from the Proposed Project. It is not anticipated that the ambient air quality standards will be exceeded based on the analysis.

MITIGATION MEASURES

The following mitigation measures will be used to limit the dispersal of fugitive dust to nearby residences during construction of the Proposed Project:

- In dry conditions, apply water to soils access routes prior to and during earthwork and construction activity.
- Phase the construction to limit and minimize the area disturbed at any one time.
- Provide a stabilized construction entrance to reduce the transport of soil to roadways.
- Remove materials from the exterior of trucks before leaving the Project Site to prevent track-out of soil onto public roadways.
- Cover trucks with a tightly secured cover (tarp) before leaving the Project Site.
- Clean public roadways to remove all visible dirt tracked out of the Project Site.
- Temporarily stabilize exposed soils left bare for 14 days which are not being graded, not under active construction or scheduled for permanent seeding within 21 days.
- Apply permanent stabilization as soon as conditions warrant.

Particulate matter from diesel exhaust emission will be controlled through proper tuning of the engine and maintenance of the air pollution controls.

The Planning Board finds that with these mitigation measures, the Proposed Project's impact on air quality during construction will be adequately mitigated; potential impacts on air quality during operation do not require mitigation.

NOISE

POTENTIAL IMPACTS

The nearest sensitive noise receptors to the Project Site are residences located to the north on Fields Corner Road. Local daytime ambient noise levels will increase both on and off of the Project Site during construction of the Proposed Project. Noise from construction activities is an expected consequence of any new development and cannot be avoided, however, it is a temporary impact that will cease upon completion of construction.

The noisiest period of construction will occur during site clearing and grading activities. Rock removal will be required and blasting may be necessary. Blasting, if required, would be limited to the hours specified for "excavation" in the Town Code. Rock removal via drilling is expected at the south side of the multi-sport field. Given the distance to the northern property line (approximately 600 feet) and proximity of the closest neighboring house to the north, noise levels during use of a rock drill (approximately 98 dBA) are calculated to be up to 78 to 80 dBA at the residential property line during this construction. Rock removal is expected to be completed in approximately one-months' time.

Once operational, the Proposed Project will generate noises typical of recreational sites with the greatest activity occurring in the spring, summer and fall and less activity during winter months.

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Potential future noise levels at the Project Site were estimated based on noise levels recorded at similar venues and measurements of ambient noise at the Project Site. The average noise level at the northern property line (nearest neighbor) from active games at the multi-sport field 350 feet away was projected to be approximately 35 dBA, which is below the ambient noise at the northern property line (42.1 to 44.5 dBA).

Loudspeakers are proposed at each ballfield for safety and general announcements. The central patron area (concession stand and visitor bleachers) of the baseball clover, the likely location for loudspeakers closest to the northern property line, is located approximately 1,000 feet from the northern property line. Assuming a peak sound level of 75 dBA from the loudspeakers at intermittent times, the noise level at the northern property line is estimated to periodically reach approximately 55 decibels. This peak is 5.5 to 8.3 dBA above the existing maximum sound levels measured at the northern property line in the existing conditions and may be considered intrusive.

The ballfields will be constructed with synthetic turf, which will help to minimize noise from maintenance operations since the fields will not require mowing.

Overall, noise levels from the Proposed Project will meet the Town of Southeast Noise Ordinance requirements for maximum sound levels at the property lines for both continuous sound and impulsive sound.

MITIGATION MEASURES

Construction activities must comply with the Town noise ordinances. Major sitework operations including excavation and grading will occur only between 7:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. No construction traffic will be allowed to use Fields Corner Road. All construction equipment will be required to be maintained and operated with appropriate mufflers to minimize equipment noise.

To reduce potential operational noise impacts to residences north of the site, loudspeakers at the ballfield clovers will only be used intermittently for general and safety announcements.

Gates will be installed to close off Fields Corner Road to through, public access between Zimmer Road and the Patterson Town Line, which will minimize traffic-related noise to the neighborhoods to the north.

The Planning Board finds that with these mitigation measures, the Proposed Project's impact on noise will be adequately mitigated.

CONSTRUCTION IMPACTS

POTENTIAL IMPACTS

Impacts associated with construction will be temporary and will be controlled using standard best management practices and observance of applicable rules and regulations. An Erosion and Sediment Control plan has been prepared for the Proposed Project and will be implemented in accordance with the requirements of NYSDEC's GP-0-20-001 for Construction Activities. The Project Sponsor will engage a Qualified Professional (i.e. P.E., RLA, CPESC) to oversee implementation of the SWPPP for the Proposed Project, including its site specific Erosion and Sediment Control Plan component. Compliance with the SWPPP during construction will be a condition of all land use approvals and is a requirement to be in compliance with GP-0-20-001.

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The Project Sponsor is required to retain a qualified inspector to perform weekly SWPPP inspections during all phases of the construction. Inspections shall also be conducted within 24 hours of the end of a storm event of 0.5 inches or greater.

Construction is expected to occur over an 18- to 21-month period. Hours of construction work will conform with Town regulations (Monday to Friday 7:00 a.m. to 8:00 p.m., and Saturday 9:00 a.m. to 5:00 p.m.). Major sitework operations that generate considerable noise including excavation and grading will occur only between 7:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. The vast majority of construction employees will arrive and depart the Project Site out of phase with the weekday AM and PM peak traffic hours.

As noted above, cut and fill for the Proposed Project will be balanced, with total earthwork of approximately 210,000 cubic yards. Rock removal via blasting may be required. If it is necessary, blasting activity would be done according to all applicable federal, state, and local regulations, including compliance with Chapter 71 – Explosives and Blasting of the Town Code of Southeast.

Rock removal, which may involve rock drilling, is expected at the south side of the multi-sport field and is anticipated to result in noise levels up to 78 to 80 dBA at the residential property line. Rock removal is expected to be completed in approximately one-months' time.

Generation of dust and equipment emissions from construction will be temporary and will cease at the conclusion of construction.

MITIGATION MEASURES

The construction stage of the Proposed Project will be phased to minimize soil exposure in accordance with the General Permit. Temporary erosion and sediment control facilities to be installed and maintained throughout all construction phases as needed will include, but not necessarily be limited to:

- Swales;
- Stabilized construction entrances;
- Silt fence and/or haybale barriers;
- Storm drain inlet protection;
- Temporary sediment traps;
- Temporary soil stabilization by seeding and mulching; and
- Temporary seed and mulch shall be applied to idle areas of exposed soil.

Mitigation of fugitive dust and construction emissions is discussed above under the “Air Quality” section. Additional construction mitigation measures include:

- Tree clearing at the beginning of the construction process will only occur during the months of November through March.
- No construction traffic will be allowed to utilize Fields Corner Road to Fair Street.

The Planning Board finds that with these mitigation measures and implementation of the SWPPP and erosion and sediment control plan, construction impacts associated with the Proposed Project will be adequately mitigated.

OTHER EFFECTS

SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE AVOIDED

Construction of the Proposed Project will result in particular adverse environmental impacts that cannot be avoided if the project is implemented regardless of the mitigation measures considered. Many of these impacts are temporary as they will occur during the construction of the Proposed Project and cease with the completion of construction. Others are associated with the long-term operation of the Proposed Project, including:

- Site construction will permanently impact soils where excavation, filling and grading occur as well as where impervious pavement or buildings are built.
- Site construction will eliminate vegetative cover and wildlife habitat in areas proposed for development.
- Localized increase in traffic volumes.
- Withdrawal of groundwater from the aquifer.
- Increase in energy use to operate the Proposed Project.
- Periodic increases in ambient noise levels.

While the above impacts are unavoidable, the Planning Board finds that the Proposed Action has been planned and designed to minimize them to the extent practicable.

IRREVERSIBLE & IRRETRIEVABLE COMMITMENT OF RESOURCES

The Proposed Action will irreversibly change approximately 51 acres of undeveloped, wooded land with development improvements that will be different in physical makeup and site use. The natural resource functions of the existing woodland will be irretrievably lost, particularly the loss of natural habitat for animals that utilize the site for nesting, food and cover. The Proposed Project will increase impervious surfaces by approximately 11 acres and add approximately 17 acres of pervious synthetic turf playfields, which necessitate constructed stormwater management systems to treat the increase in surface runoff from these surfaces. Once committed to this use, the land will be unavailable to other uses for the foreseeable future.

Resources will be irretrievably committed by implementation of the Proposed Action – certain materials and energy required for construction and for operation and maintenance of the Proposed Project after construction is completed. Construction of the Proposed Project will involve the commitment of a variety of natural resources, most of which will be sourced from off-site locations. These will include manufactured products as well as natural products -- concrete, asphalt, steel and other metals, lumber, glass and earth materials such as gravel.

There will also be future commitment of the groundwater resources at the site.

Operation of construction equipment and delivery of imported products will involve the consumption of fossil fuels, and the completed facility will consume energy via electricity and fossil fuels that are produced elsewhere.

Other manpower commitments which could be required from the community would involve emergency services of the police department, fire department or ambulance corps.

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None of these irreversible or irretrievable commitments of resources is considered significant and to the extent that mitigation is proposed as described in the prior sections of these Findings, no further mitigation measures are required.

Additionally, the construction phase of the Proposed Project will require a substantial commitment of manpower, which can be viewed as beneficial to the community and the local economy. Employment of construction workers and a variety of construction-related occupations will provide a short term beneficial economic impact to the surrounding area. Likewise, creation of jobs to operate the facility will provide a long term economic benefit.

GROWTH INDUCING AND CUMULATIVE IMPACTS OF THE PROPOSED ACTION

The area surrounding the Project Site currently includes retail and service establishments which largely serve local businesses and residents as well as transient patrons passing through the area. Existing local businesses will likely experience an increase in business activity from the Proposed Project induced from the increased patron traffic that will visit the area enroute to and from the Proposed Project. Such growth will affect the local supermarkets, delicatessens, restaurants, gas stations, and other businesses.

The anticipated increase in construction and employment opportunities is expected to generate concomitant revenues to the community and the Town of Southeast. The induced growth is expected to strengthen the local economy as well as increase opportunities for local employment and sales. However, it is not expected that employees associated with the Proposed Project who live outside the Town will relocate to the Town of Southeast because of their employment.

With induced growth to area businesses being the result of new patronage to the Proposed Project, called pass-by traffic, that growth will not induce additional traffic growth in the area. It is possible that the Proposed Project will generate further economic development in the area to a modest degree.

There will be increased intensity of land use on Pugsley Road that results from the Proposed Project and the Logistics project and there will likely be periodic increases in lighting evident at night, traffic, and noise. Any change in measurable light levels is expected to be negligible and not a significant adverse impact. The adverse effects of the cumulative traffic from the Proposed Project and the Logistics project were identified in the traffic study under the Build scenario (with no improvements) and will be mitigated by the recommendations made for signal timing adjustments that will account for both projects (Build with Improvements). Based on assessment of the cumulative noise effects from the Proposed Project, the Logistics project, and the occasional outdoor concerts held at Tilly Foster Farm, they are not expected to cause significant noise above existing ambient levels. The cumulative operational noise was projected to be well below 55 dBA and the Town's regulatory threshold in its Noise Ordinance.

EFFECTS ON THE USE AND CONSERVATION OF ENERGY

Energy consumption will occur during construction and operation of the Proposed Project. During construction, energy will be used for power equipment and construction vehicles. Once construction is completed and the Proposed Project occupied, energy will be required for heating, air conditioning, and the use of various appliances and electrical equipment. The completed project will place long-term demands on various energy sources for space heating, air conditioning, water heating, refrigerators and lighting as well as other appliances and incidental

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electrical uses. Indoor climate control systems will demand the largest quantities of energy consumed over the lifetime of the Proposed Project. Energy efficient heating, cooling and insulation systems will be utilized to conserve energy resources associated with climate control.

Energy conservation in New York is regulated at the State level for new construction. The code specifies basic requirements that are mandatory for newly constructed buildings that apply to heating and cooling systems, hot water systems, electrical systems, construction materials, equipment specifications and building sealing and insulation. The Proposed Project will be constructed in accordance with requirements of the New York State Energy Code.

In addition, the New York State Energy Research and Development Authority and the Public Service Commission promote compliance with Energy Star® and New York Energy SmartSM programs for construction that encourage the use of energy conserving appliances, materials, technologies and building techniques. Compliance with provisions of these energy conservation programs will reduce the overall long-term energy consumption of the Proposed Project. The Applicant will incorporate applicable components of these provisions and Green Building standards.

E. ALTERNATIVES

The New York State Environmental Quality Review Act (SEQRA) calls for a description and evaluation of the range of reasonable alternatives to the action, which are feasible, considering the objectives and capabilities of the project sponsor.

As required under SEQRA (Part 617.11), the Lead Agency’s “[f]indings must weigh and balance relevant environmental impacts with social, economic and other considerations” and “certify that consistent with social, economic and other considerations from among the reasonable alternatives, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable...”.

The DEIS considered several alternatives to the Proposed Action, including:

- No Action;
- Alternative Development According to RC Zoning;
- Alternative Project Scale and Siting; and
- Natural Turf Alternative.

POTENTIAL IMPACTS

NO ACTION

The No Action Alternative represents the scenario where no development would take place on the Project Site and this site would remain under its current ownership by the Town of Southeast. This is effectively an open space preservation alternative. The Project Site would remain in its current undeveloped and underutilized condition.

This alternative would not meet the objectives of the Applicant.

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ALTERNATIVE DEVELOPMENT ACCORDING TO RC ZONING

The Project Site is zoned RC Rural Commercial. Current zoning would permit uses listed for the RC district, however its designation as open space precludes any change from its present use without an act of the NY State Legislature to alienate its present use for another stated purpose. Absent the Proposed Action, no alternative development (No Action) is anticipated at the Project Site and it would thus remain wooded and underused without improvements.

This alternative would not meet the objectives of the Applicant.

ALTERNATIVE PROJECT SCALE AND SITING

Several site plan concept designs were created in the process of developing the preferred layout for the Proposed Project. These layouts are somewhat different in scale and siting of the recreation elements from the plan identified in the DEIS as the preferred plan. Other concept plans considered included a 30,000 square-foot main building with 8 baseball/little league fields and 3 multi-sport fields and a 40,000 square-foot main building with 9 baseball/little league fields and 2 multi-sport fields.

Subsequent to the preparation of the DEIS, the Applicant continued to explore the anticipated building use and needs, particularly in off-season months when programming for patrons will generate greater use inside the building than outside. The Larger FEIS Building Alternative encompasses a footprint of approximately 47,700 sf, allowing for two 90-foot infield areas inside the building. This footprint is approximately 37 percent larger than in the DEIS plan (47,700 versus 34,855 sf) and will allow for increased project utilization in the winter when the outdoor fields will not be in use. The potential impacts discussed throughout this Findings Statement reflect the Larger FEIS Building Alternative.

NATURAL TURF ALTERNATIVE

This alternative considers developing the baseball complex with natural turfgrass fields rather than synthetic turf. This alternative would allow more infiltration of runoff. However, a grass surface is prone to compaction during usage so that it becomes less pervious and thus muddy during wet periods to the extent that such a field becomes unusable for play during portions of the year.

Establishment and maintenance of natural grass playfields would require applications of fertilizers, fungicides and pesticides periodically over the life of the project, which in turn create the potential for environmental degradation through contamination of runoff water and groundwater. While grass surfaces would infiltrate greater amounts of surface water, thereby increased potential for groundwater recharge, natural grass would require irrigation that would increase the project water demand from groundwater sources.

The on-going maintenance requirements in addition to reduced availability for use by patrons would increase operational costs and reduce the economic viability of a recreation facility with natural turf fields. The natural turf alternative would experience less patronage overall due to periods of field unavailability but would experience the same peak populations so impacts on traffic and infrastructure would be similar for this alternative compared to the Proposed Project. Reduced patronage would result in reduced tax revenue generated to receiving entities.

This alternative would not be economically viable and would not meet the objectives of the Applicant.

FINDINGS

The Planning Board finds that potential adverse impacts of the Proposed Action are mitigated through a number of mitigation measures incorporated into the project design including on-site measures (e.g., site design and stormwater management program elements) and off-site measures (e.g., traffic improvements) such that the benefits of the project outweigh any potential impacts to natural resources and the alternatives are not necessary to pursue.

The Planning Board assessed the difference in the level of the impact within each impact category between each of the alternatives and determined that these differences do not represent a significant adverse environmental impact.

For all the reasons discussed above, which are more fully discussed in the DEIS and FEIS, the Planning Board finds that the Proposed Action, as modified in the course of the Planning Board's environmental review to incorporate comments and recommendations from the Board, its professional planning and engineering consultants, involved and interested agencies, and interested members of the public, is the action which best balances the environmental impacts identified in the EIS with the programmatic objectives of the Project Sponsor and the social, economic and other factors considered in this SEQRA Findings Statement.

As the project moves forward through Subdivision, Wetland Permit, and Site Plan review, including amendments thereto, certain modifications may be made to the project design relating to building locations, building footprints, total square footage, lot areas, number of parking spaces, and field and walkway layouts. If such plan modifications result in substantially similar amounts of square footage and wetland buffer impacts, construction activity staying substantially within the same limits of disturbance, and with substantially similar amounts of impervious surface area as set forth in the DEIS and FEIS, or less, then no further environmental review under SEQRA will be required. If, however, the plans are modified in a manner that may increase the amount or extent of environmental impact beyond that analyzed in the DEIS and FEIS, then the Town may require additional environmental review.

F. CERTIFICATE OF FINDINGS TO APPROVE THE ACTION

After due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Planning Board of the Town of Southeast, as Lead Agency, finds that:

- 1) The requirements of 6 NYCRR Part 617 have been met and complied with in full; and
- 2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Project as modified and set forth in the FEIS and to be approved, is one that minimizes or avoids significant adverse environmental impacts to the maximum extent practicable; and
- 3) Consistent with social, economic and other essential considerations, to the maximum extent practicable, significant adverse environmental impacts identified in the environmental impact statement will be minimized to the maximum extent practicable or avoided by incorporating as conditions to the decision the mitigation measures identified as practicable in the environmental impact statement and this Findings Statement; and
- 4) The Proposed Project balances potential beneficial impacts in the form of new jobs for residents of the Town of Southeast and Putnam County; generation of tax revenues for the Town, School District, and County; with potential adverse impacts; and

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5) This written findings statement contains the facts and conclusions used by the Planning Board to support its decision.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>Y</u>	D. Rush, Vice Chairman	<u>Y</u>
J. King, Boardmember	<u>Y</u>	L. Eckardt, Boardmember	<u>Y</u>
G. Pangis, Boardmember	<u>Y</u>	W. Lewis, Boardmember	<u>Y</u>
C. Galli, Boardmember	<u>Y</u>		

VOTE: carried / defeated by a vote of 7 in favor, 0 against; 0 abstained.

A COPY OF THIS NOTICE HAS BEEN SENT TO:

Lead Agency:

Town of Southeast Planning Board, 1 Main Street, Brewster, NY 10509

Involved Agencies:

Town of Southeast Town Clerk, 1360 Route 22, Brewster, NY 10509

Town of Southeast Town Board, 1360 Route 22, Brewster, NY 10509

Town of Southeast Planning Board / Architectural Review Board, 1 Main Street, Brewster, NY 10509

Town of Southeast Zoning Board of Appeals, 1 Main Street, Brewster, NY 10509

Town of Southeast Highway Superintendent, 10 Palmer Road, Brewster, NY 10509

Town of Southeast Building Inspector, 1 Main Street, Brewster, NY 10509

Patterson Highway Superintendent, 281 Cornwall Hill Road, Patterson, NY 12563

Putnam County Department of Health, 1 Geneva Road, Brewster, NY 10509

Putnam County Department of Planning, Development & Public Transportation, 841 Fair St, Carmel Hamlet, NY 10512

New York City Department of Environmental Protection, Bureau of Water Supply, 465 Columbus Avenue, Valhalla, New York 10595-1336

New York State Department of Environmental Conservation, 625 Broadway, Room 538, Albany, New York 12233-1750

New York State Department of Environmental Conservation, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1696

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New York State Department of Transportation, Traffic Engineering & Safety Division, SEQR Unit, 4 Burnett Boulevard, Poughkeepsie, NY 12603

New York State Department of Transportation, Region 8, 4 Burnett Boulevard, Poughkeepsie, NY 12603

New York State Department of Transportation, Main Office, 50 Wolf Road, Albany, NY 12232

New York State Department of Parks, Recreation & Historic Preservation, 625 Broadway, Albany, NY 12207

United States Army Corps of Engineers, New York District, Attn: Chief, Eastern Permits Section, 26 Federal Plaza, New York, NY 10278

Interested Agencies:

New York State Office of the Attorney General, Environmental Protection Bureau, NYC Watershed Inspector General Scientist, The Capitol, Albany, NY 12224

Metro-North Headquarters, Attn: Louis Oliva, Deputy General Counsel – Environmental, 2 Broadway, New York, NY 10004

US Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, NY 13045

Town of Patterson, Patterson Town Hall, 1142 Route 311 – PO Box 470, Patterson, NY 12563

Town of Southeast Fire Inspector / E-911 Coordinator, 1 Main Street, Brewster, NY 10509

Brewster Fire Department, 501 North Main Street, Brewster, NY 10590

Putnam County Sherriff's Department, 3 County Center, Carmel, NY 10512

Putnam County Highways & Facilities, 842 Fair Street, Carmel, NY 10512

New York State Police, Brewster Barracks, 1672 Route 22, Brewster, NY 10590

Hunter's Glen Master Association, PO Box 379 Rt 6, Brewster, NY 10509

Property owners within 500 feet of the Project Site

Town's Consultants:

AKRF, Inc., 34 South Broadway, Suite 300, White Plains, NY 10601

Nathan L. Jacobson & Associates, 86 Main Street, P.O. Box 337, Chester, CT

Aspect 120 Landscape Architecture PC, 90 North Broadway, Suite 223, Irvington, NY 10533

Applicant:

ProSwing Sports Realty, Inc., 27 Radio Circle Drive, Mount Kisco NY, 10549

Project Architect and EIS Preparer:

KG+D Architects, PC, 285 Main Street, Mount Kisco, NY 10549

Project Engineer:

Insite Engineering, Surveying & Landscape Architecture, P.C., 3 Garrett Place, Carmel, NY 10512