**ENVIRONMENTAL FINDINGS STATEMENT FOR**
**LIGHTHOUSE LANDING AT SLEEPY HOLLOW**

WHEREAS, this document is an Environmental Findings Statement prepared pursuant to 6 NYCRR Part 617 in relation to the proposed redevelopment of the former General Motors automotive assembly plant, located at 199 Beekman Avenue, Sleepy Hollow, New York, and which consists of three parcels: 115.10-1-1, 115.11-1-1, and 115.15-1-1, totaling approximately 96 acres (the Site); and

WHEREAS, the project Site consists largely of land created to support industrial purposes and has an extensive industrial history dating back to the 1800's and which includes approximately 100 years of automobile assembly and manufacturing; and

WHEREAS, nearly all of the Site was created through a series of filling operations conducted with urban fill material such as ash and cinders or dredged materials by various entities, which started with the construction of the Hudson River Railroad in the 1840's and continued until 1960; and

WHEREAS, the West Parcel was historically used principally by the automotive industry, and after its acquisition of the West Parcel, GM demolished most of the existing buildings, conducted a series of fill events and constructed and expanded the automotive Assembly Plant; and

WHEREAS, the East Parcel began to receive silt and form wetlands in the 19$^{th}$ century, after the railroad track was laid across Slaperin Hav'n Bay, leaving the Pocantico River to pass into the Hudson under a trestle, similar to the trestle that is still in use at the confluence of Fremont Stream, from Fremont Pond, and the Hudson, and a portion of the East Parcel south of Continental Street had been used by the Village as a landfill for municipal refuse and ash, with additional fill added for public development of athletic facilities, and GM subsequently purchased the East Parcel, converting it into a parking lot; and

WHEREAS, the GM automotive Assembly Plant was located immediately adjacent to the Kingsland

Point county park, and in the late 1920s and early 1930s the mouth of the Pocantico was relocated to the north of Kingsland Point Park; and

WHEREAS, a portion of the site of the former GM automotive assembly plant is located in a "green crescent" of land running from the Hudson River, through Kingsland Point Park, DeVries Park, the Historic Hudson Valley Philipsburg Upper Mills historic site and restoration, the Pocantico River valley encompassing the Old Dutch Church at Sleepy Hollow and its burying ground, the Village's Douglas Park, the Sleepy Hollow Cemetery, the New York State Rockefeller State Park Preserve, and the Village's Barnhart Park; and

WHEREAS in 2003, GM and Roseland entered into a Voluntary Cleanup Agreement for the Site with the NYS Department of Environmental Conservation, and subsequently, in 2005, the parties entered into two Brownfield Cleanup Agreements for the Site; and

WHEREAS, over the years the Site was a significant and integral part of the Village and its economy, providing a major employment base, tax revenue source, and support for local business activity, particularly along Beekman Avenue; and

WHEREAS, when the closure of the General Motors assembly plant became apparent, the Village and other governmental agencies embarked on an extensive planning process designed to prepare a framework for the beneficial reuse of the Site. The planning efforts included:

a. In 1996, the establishment of the Governor's Task Force on the Reuse of the General Motors North Tarrytown Plant, led by the Westchester County Department of Planning and with representatives from the State and the Village, which prepared a Reuse Study to broadly identify potential redevelopment options for the Site, highlighting potential scenarios and positive aspects that would be important to attract future development; and

b. Throughout the late 1980s and 1990s, the Village worked on the creation of a Local Waterfront Revitalization Program (LWRP). Anticipating the dramatic change on the Village stemming from the closure of the General Motors plant, a major

component of the LWRP was the development of a series of goals and objectives for the redevelopment of the General Motors Site. The LWRP, adopted by the Village in November 1996 and approved by the NYS Department of State on June 5, 1997, proposed the creation of a specific zoning district that would allow for a redevelopment compatible with the balance of the Village. The Village then began the drafting of the new RF- Riverfront Development zoning district, which was based, in part, on recommendations from the Village's approved LWRP. The RF district, adopted by the Village in 1997, created specific zoning language outlining general parameters regarding building height, density, permitted uses, and design criteria. The RF district regulations contemplate a maximum development potential on the Site of approximately 1,870 residential units and 400,000+ square feet of commercial space. The LWRP concepts were subject to broad public input within the Village, including a mailing to all Village residents. The LWRP and RF-Riverfront Development District amendment were subject to a thorough environmental review conducted by the Village Board of the then Village of North Tarrytown.

c. In 2002, the Village prepared its Waterfront Linkage Study with the following purposes: to assist the Village in better visualizing what future development would look like; to identify specific components within the Village that could be linked to the Site; and to build consensus towards a concept plan which would begin to address land use, circulation, density and aesthetics. The Linkage Study team was made up of a wide range of participants, including private citizens, State and Village representatives, the development community and special interest and environmental organizations. The study process included multiple public workshops/presentations in which more than 170 members of the public participated; and

WHEREAS, the RF-Riverfront Development zoning language enumerates a number of purposes for the district, including: to promote the policies of the LWRP, including positive development and revitalization of the waterfront area, while ensuring that such revitalization takes place in a manner sensitive to the coastal and community resources; to afford a priority to waterfront-compatible well-designed uses, achieve public access to the coastal area and provide standards for development in

such a fashion as to create a distinct waterfront district in the spirit of an old Hudson River waterfront community image; to provide opportunities for permanent public views and visual access to the Hudson River; to protect, preserve and enhance sensitive environmental areas, prevent soil erosion, sedimentation and slope failure, prevent the loss or diminution of public views of the Hudson River and opposite shore, and prevent activities which will cause water and air pollution; to encourage an economic stimulus and by establishing a comprehensively planned central focus for the Village's waterfront area including land uses such as residential and waterfront commercial to serve as a catalyst for the revitalization of the entire Village core area; to encourage a mix of uses with a consistent set of design standards; to eliminate deteriorated structures and deleterious land uses; and to provide increased pedestrian access that integrates with pedestrian public access opportunities on adjacent public lands; and

WHEREAS, on February 11, 2003 a formal application for a Riverfront Development Concept Plan and Special Permit (the Proposed Action or project) was submitted by Roseland/Sleepy Hollow, LLC (Roseland) and General Motors Corporation (jointly with Roseland, the Applicant) to the Mayor and Board of Trustees of the Village of Sleepy Hollow (the Village Board); and

WHEREAS, the Proposed Action as initially submitted called for a mixed-use waterfront project consisting of 1,562 residential units, 185,000 square feet of retail space, 95,000 square feet of office space, a 150-room inn, a proposed train station and associated parking, and open space; and

WHEREAS, the Proposed Action is subject to approvals required by the Village's Waterfront Consistency Review Law, Zoning Ordinance, and Wetland/Watercourse Protection Law; and

WHEREAS, on February 25, 2003, the Village Board did declare its intent to be the Lead Agency for the Proposed Action, as required by the State Environmental Quality Review Act (SEQR) of the State of New York, and did cause to be circulated a Notice of Intent to Act as Lead Agency to a comprehensive list of interested and involved agencies and other members of the public concerned about this matter; and

WHEREAS, in order to aid in the environmental review, the Village retained a number of independent consultants to assist in the review of the technical documentation, including: Keane &

Beane, P.C., Special Counsel to the Village; Saccardi & Schiff, Inc., Planning and Development Consultant; STV Incorporated, Traffic, Air, and Noise Consultant; RealEstate Solutions Group, Socioeconomic and Fiscal Consultant; Dolph Rotfeld Engineering, P.C., Civil and Utility Engineering Consultant; DMJM Harris, Stormwater and Marine Facilities Consultant; Hardesty & Hanover, Structural Engineering Consultant; Beyer Blinder Belle, Design Consultant; Richard Daley Architects, Design Consultant; and Roux Associates, Environmental Consultant.

WHEREAS, the Village Board received a draft scoping document from the Applicant and circulated the draft scoping document to all known interested and involved agencies and other members of the public concerned about this matter; and

WHEREAS, on April 7, 2003, the Village Board of the Village of Sleepy Hollow did declare itself to be the Lead Agency as mandated by SEQR for the coordinated review of the Proposed Action described herein; and

WHEREAS, on April 7, 2003, the Village Board did issue a Positive Declaration pursuant to Section 617.7 of the SEQR regulations, requiring the preparation of a Draft Environmental Impact Statement (DEIS), based on the potential for impacts related to, among others, traffic generation, scenic viewsheds, stormwater management, and flood hazards, and did circulate a draft scoping outline to the various involved and interested agencies and other interested groups; and

WHEREAS, the Village Board held a public DEIS scoping session on May 5, 2003, at which time all members of the public were invited to attend and present their views as to the contents of the DEIS to be prepared by the Applicant, and continued the public scoping session until May 20, 2003, at which time the Village Board closed the public scoping session but retained a comment period for written comments until June 6, 2003; and

WHEREAS, the Village Board received 27 pieces of correspondence along with the public scoping transcripts to be considered as part of the scoping outline comment process; and

WHEREAS, on May 27, 2003, the Village Board, at a duly noticed work session, did review and discuss in detail comments to the proposed scoping outline; and

WHEREAS, on or about July 25, 2003, the Applicant circulated to the Village, its staff and consultants a revised draft scoping outline; and

WHEREAS, the Village staff and consultants reviewed the revised scoping outline and made further revisions and submitted them to the Lead Agency for its review; and

WHEREAS, on August 12, 2003, the Village Board did discuss the revisions to the proposed scoping outline, and accepted the scoping outline and directed the Applicant to circulate a copy of the scoping document to the attached list of interested and involved agencies and other members of the public concerned about this matter; and

WHEREAS, on April 14, 2004, the Applicant submitted a preliminary Draft Environmental Impact Statement (DEIS) to the Village, including a parking analysis prepared by Walker Parking Consultants, revised April 12, 2004; and

WHEREAS, on September 21, 2004, the Village Board passed a resolution accepting the September 14, 2004 draft of the Sleepy Hollow Waterfront Open Space Plan as being sufficient in detail for public review and comment as part of the forthcoming preliminary DEIS; and

WHEREAS, this preliminary DEIS was reviewed by the Village Board and its consultants for completeness with respect to the items identified in the adopted scoping outline; and

WHEREAS, the Village consultants provided written reports regarding the completeness of the DEIS; and

WHEREAS, the Applicant revised the preliminary DEIS to address the items identified in the completeness reports and on November 19, 2004 submitted a redlined revised preliminary DEIS to the Village; and

WHEREAS, on December 21, 2004, the Village Board held a special work session devoted to discussing the completeness aspect of the preliminary DEIS document; and

WHEREAS, during its deliberations on completeness the Village Board did consider review memoranda from its consultants, including Saccardi & Schiff, Inc. (June 24, 2004 and December 20, 2004), STV Incorporated (May 7, 2004, July 23, 2004, December 20, 2004 and December 21, 2004), RealEstate Solutions Group (July 23, 2004 and December 20, 2004) and Dolph Rotfeld Engineering, P.C. (June 28, 2004 and December 20, 2004); and

WHEREAS, on January 7, 2005, the Applicant submitted a revised DEIS, which was reviewed by the Village Board, Village staff and consultants, responding to the completeness comments, and

WHEREAS, on January 11, 2005, after due consideration, the Village Board declared that the DEIS was complete with respect to its scope, content and adequacy as prescribed by SEQR; and

WHEREAS, the DEIS was circulated to all Interested and Involved agencies; and

WHEREAS, the Village Board held a series of public meetings and hearings on the DEIS and the Proposed Action in order to receive public comment, including public meetings on February 8, 2005 and February 15, 2005, and public hearings on February 19, 2005 and February 22, 2005, at which time all those wishing to be heard were given the opportunity to speak, and

WHEREAS, all comments received during both the public meeting sessions and the official public hearings have been included in the EIS record and treated in the Final Environmental Impact Statement as public hearing comments; and

WHEREAS, in order to enhance public involvement in the review of the DEIS and facilitate a “hard look” by the Board of Trustees at the project’s impacts, the Village Board created various subcommittees, which were composed of no more than three trustees, Village staff and consultants and open to participation by members of the community to study focused areas of concern in the DEIS, including Site Design, Traffic, Community Facilities, Construction and Site Development, Environmental Conditions and Socioeconomics; and

WHEREAS, the subcommittees held a series of public meetings in Mach 2005 on these focused

areas of concern; and

WHEREAS, on October 4, 2005, the Applicant submitted a preliminary Final Environmental Impact Statement (pFEIS), intended to respond to all substantive comments received during the DEIS comment period; and

WHEREAS, the Proposed Action presented in the pFEIS was changed since the DEIS submission and included significant modifications to the project program and plan (such modified plan, the FEIS Alternative Plan) incorporating, among others: reducing the number of residential units by 312 units to 1,250; reducing the size of the retail component from 180,000 sf to 132,000 sf, including a 25,000 sf market, 18,000 sf fine arts cinema, 84,000 sf of shops and restaurants along Beekman Place, and a 5,000 sf restaurant within the hotel; reducing the size of the office component from 50,200 sf to 35,000 sf; reducing the hotel to 140 rooms; reducing the ratio of rental residential units from 72% to 51%; increasing the open space to be provided along the riverfront and within the interior of the Site, creating an open space buffer between Kingsland Point Park and the project; increasing the overall quantity of public open space and public use areas from between 26 to 33 acres to approximately 39 acres, which is approximately 41% of the total Site area; expanding the scope of water-dependent uses along the waterfront with a floating dock for small craft launching, widening and lengthening the waterfront access area, and providing an interpretive center/boathouse near the cove adjacent to Kingsland Point Park, a “dock and dine” dock adjacent to the proposed hotel location, and a third belvedere extending over the riprap opposite the hotel site; and increasing the extent of infrastructure improvements to be made as part of the project; and

WHEREAS, in order to facilitate the review of the FEIS Alternative Plan and the pFEIS document, the Village Board reconstituted the various subcommittees involved in the review of the DEIS, which were composed of no more than three trustees, village staff and consultants and open to participation by members of the community; and

WHEREAS, the subcommittees held a series of public meetings from October to December 2005 on focused areas of concern regarding the FEIS Alternative Plan and the pFEIS, including Site Design, Traffic, Community Facilities, Construction and Site Development, Environmental Conditions and Socioeconomics; and

WHEREAS, on December 20, 2005, reviews from the various Village consultants, the subcommittees, the Village Planning Board, Waterfront Advisory Committee and Architectural Review Board were packaged and transmitted to the Village Board; and

WHEREAS, these reviews included:

- December 20, 2005 cover memorandum from Saccardi & Schiff, Inc.
- November 18, 2005 review letter from Hardesty & Hanover, LLP
- December 8, 2005 review memorandum from Dolph Rotfeld Engineering, PC
- December 16, 2005 review memorandum from STV, Inc. (with 11/18/05 attachment on traffic review)
- December 16, 2005 review letter from Roux Associates, revised 1/31/06
- December 16, 2005 technical review by DMJM Harris
- December 17, 2005 review memorandum by Real Estate Solutions Group
- December 19, 2005 review memorandum by Saccardi & Schiff, Inc.
- December 19, 2005 review memorandum from STV, Inc
- Undated document, ARB Comments on the Lighthouse Landing Design Guidelines
- December 7, 2005 meeting minutes Waterfront Advisory Committee
- November 3, meeting minutes Traffic review sub-committee
- November 8, 2005 meeting minutes Community Facilities sub-committee
- November 15, 2005 meeting minutes Site development sub-committee
- November 16, 2005 meeting minutes Design review sub-committee
- November 17, 2005 meeting minutes Environmental review sub-committee
- November 22, 2005 meeting minutes Socio-economic review sub-committee
- December 13, 2005 meeting minutes Traffic review subcommittee, meeting 2
- December 15, 2005 review memorandum from Village of Sleepy Hollow Planning Board
- December 19, 2005 review memorandum from Beyer Blinder Belle

WHEREAS, the Village Board discussed the FEIS Alternative Plan and pFEIS and the comments received on the document at its December 20, 2005, January 10, 2006, January 17, 2006 and January 24, 2006 meetings; and

WHEREAS, after a careful and thorough review of the FEIS Alternative Plan and pFEIS document, the sub-committee reports, consultant reviews, and comments from other Boards and the public, the Lead Agency compiled a list of comments on the FEIS Alternative Plan and pFEIS to be addressed as part of the completeness aspect of the environmental review process and transmitted them to the Applicant by correspondence dated January 31, 2006; and

WHEREAS, on May 3, 2006 the Applicant submitted a revised pFEIS document; and

WHEREAS, after review of the revised document, the Village Board determined that the revisions were not sufficiently responsive to the completeness comments provided to the Applicant in January 2006, and directed the Applicant to further revise the pFEIS; and

WHEREAS, on November 7, 2006, the Applicant submitted a redlined pFEIS that had been further revised to address the completeness comments; and

WHEREAS, in response to further comments from Village consultants, on December 1, 2006 the Applicant submitted a redlined pFEIS that had been further revised; and

WHEREAS, the Village Board reviewed and discussed the FEIS Alternative Plan and revised pFEIS at its December 5, 2006, and December 12, 2006, meetings; and

WHEREAS, the pFEIS document was further revised in response to comments from the Village Board and a review memorandum from Saccardi & Schiff, Inc. (dated 12/8/06) and these redlined revisions transmitted to the Village Board on December 15, 2006; and

WHEREAS, during the course of the subject environmental review, the Lead Agency did evaluate building height as a design parameter and its relationship to the RF district zoning text; and

WHEREAS, a proposed amendment to the Zoning Code to allow for greater flexibility regarding building heights in the RF district was submitted for consideration with the Proposed Action by the Applicant on December 18, 2006, and subsequently amended on December 19, 2006; and

WHEREAS, the petition requested enactment of a Local Law to amend of Chapter 62, Section 62-5.1.X(2)(e) of the Code of the Village of Sleepy Hollow in regard to the height of buildings located in the RF - Riverfront Development Zoning District, so as to read (text in brackets deleted; underlined text added):

> No portion of a building or structure shall be erected to a height in excess of [42] 65 feet between the west side of the Metro-North Railroad property and 300 feet west of same.

Such Local Law would also amend Chapter 62, Section 62-5.1(X)(2)(g) so as to read (text in brackets deleted; underlined text added):

> With respect to the areas to which Subsections X(2)(d), (e) and (f) immediately above apply, and notwithstanding the provision of said sections, the Village Board of Trustees, during the concept plan review process, may grant an increase in building [length] height in excess of 65 feet where said Board finds that such increase would be consistent with the intent and purposes of the village's Local Waterfront Revitalization Program and would not result in adverse impacts to view corridors, nearby landmarks or adjacent land uses; and

WHEREAS, the Village Board continued its review and discussion of the FEIS Alternative Plan and pFEIS document revisions at its December 19, 2006 meeting; and

WHEREAS, by letter to the Village Board dated December 19, 2006, the Applicant advised the Village Board that the FEIS Alternative Plan is the Applicant's proposed Riverfront Development Concept Plan for the purposes of Section 62-5.1 of the Village Zoning Code; and

WHEREAS, based on the revisions to the pFEIS, on December 19, 2006 the Village Board completed the FEIS, the Applicant was directed to circulate the FEIS document by December 29, 2006 to all known involved and interested agencies, and the Village Board scheduled public hearings on the FEIS, the Riverfront Development Concept Plan and Special Permit applications and the proposed zoning text amendment; and

WHEREAS, a copy of the FEIS was also made available in the Village Clerk's office, the public library, and on a publicly-accessible Internet website (http://www.roselandproperty.com/coming_soon_new/lighthouse_landing.htm); and

WHEREAS, on January 10, 2007 the Applicant did appear before the Village WAC for a final consistency review with respect to the goals and policies detailed in the Village's LWRP; and

WHEREAS, at its January 10, 2007 meeting, the WAC, after due consideration and discussion, made a recommendation to the Village Board that the FEIS Alternative Plan was consistent with the goals and objectives contained in the Village's LWRP, subject to several conditions, including the condition that the WAC be consulted during development of the design for the waterfront open space; and

WHEREAS, on January 18, 2007, the Applicant appeared before the Village Planning Board, which discussed the FEIS and proposed zoning text amendment and subsequently submitted a recommendation on the proposed amendment and commentary on the FEIS to the Village Board; and

WHEREAS, although not a requirement under SEQR, the Village Board held a duly noticed public hearing on the FEIS and concurrent public hearings on the Riverfront Development Concept Plan and Special Permit applications and proposed zoning text amendment on January 23, 2007, at which time all those wishing to be heard were given the opportunity to speak; and

WHEREAS, the Village Board accepted public comments on the accepted FEIS until the end of the business day on Friday February 2, 2007, including comments from the Village of Sleepy Hollow Planning Board and the neighboring Village of Tarrytown; and

WHEREAS, the Village Board was provided copies of all correspondence submitted on the FEIS during the public comment period, a copy of the public hearing transcript, and two separate memoranda from Saccardi & Schiff, Inc. dated 2/16/07 and 2/22/07 summarizing all of the comments submitted to the Village and how they would be addressed; and

WHEREAS, the Village Board requested that various consultants to the Village prepare additional material for consideration relative to specific technical issues raised during the course of the comment period on the FEIS, which included STV, Inc. memorandum dated 6/26/07, RealEstate Solutions Group memorandum dated 6/20/07, Roux Associates commentary, and DMJM-Harris letters dated 4/25/07, 7/10/07, and 7/16/07; these studies do not change the FEIS impact analyses and were prepared to determine how to most effectively mitigate adverse effects; and

WHEREAS, on February 13, February 20, February 27, May 1, May 8, May 15, June 12, June 19, and June 26, July 10, July 17, and July 24, 2007, the Lead Agency held public meetings to review and discuss comments raised during the course of the FEIS comment period and issues to be addressed in the Environmental Findings Statement, including the reasonableness of lower density alternatives and their relative impact on traffic and fiscal conditions; and

WHEREAS, on May 15, 2007 the Applicant's design consultant, Lessard Architectural Group, presented to the Village Board a revised Riverfront Development Concept Plan and preliminary architectural drawings for certain of the proposed West Parcel buildings, dated May 15, 2007, and responding in part to comments received during the FEIS public hearing and from the Village's design consultant, Beyer Blinder Belle; and

WHEREAS since the Village of Tarrytown abuts the Village of Sleepy Hollow and may potentially be affected by development of the project, the Village Board is concerned with the potential for impacts on its neighboring municipality and has carefully considered the comments from the Village of Tarrytown raised during the environmental review process, including commentary from the Mayor of the Village of Tarrytown and other Tarrytown representatives delivered at the FEIS public hearing and the correspondence from the Village of Tarrytown dated February 1, 2007, as well as subsequent reports on behalf of Tarrytown from Adler Consulting and Urbanomics received after the close of the comment period related to traffic and fiscal impacts ; and

WHEREAS, cognizant of other projects potentially affecting the Proposed Action or contributing to its cumulative impact, the Village of Sleepy Hollow has reviewed and submitted comments on the Ferry Landings environmental review documents located in the neighboring Village of Tarrytown, and the Village of Sleepy Hollow recently completed its own environmental review process for

upgrades to the municipal water supply system; and

WHEREAS, on or about July 9, 2007 the NYSDEC issued a Decision Document on the Interim Remedial Measure for the Former General Motors North Tarrytown Assembly Plant; and

WHEREAS, as enumerated above, over the past several years the Village Board has held in excess of 50 public meetings, hearings or subcommittee meetings to discuss and consider the Proposed Action; and

WHEREAS, in the process of preparing this Findings Statement, the Village Board has reviewed and considered the DEIS, the FEIS, the LWRP, consultant reports, plans and studies, and public and agency comments and correspondence all maintained on file in the Village Clerk's office, including but not limited to the plan for the East Parcel prepared for the Village by Richard Daley Architects, the Waterfront Use Master Plan prepared for the Village by Beyer Blinder Belle, reports sponsored by Scenic Hudson (including those from Ecosystems Strategies, Inc., Han-Padron Associates, Metropolitan Conservation Alliance, and Milone & MacBroom, Inc.), and commentary from the Village of Tarrytown representatives, which are all included in the SEQR record; and

WHEREAS, during the course of the environmental review, the Village Board also reviewed information received from Historic Hudson Valley (HHV) as part of submissions by Arnold & Porter, LLP regarding a contemplated expansion of the Philipsburg Manor Restoration on the East Parcel, although this is not part of the proposed project and, at the time of review by the Village of any application by HHV for site plan approval, would be subject to further SEQR review to the extent necessary.

NOW THEREFORE BE IT RESOLVED that the Village Board has determined that the requirements of SEQR have been met, as evidenced by the recitals above; and be it further
RESOLVED that having reviewed the DEIS, the FEIS, comments received from the public, Interested and Involved Agencies, Village staff and consultants, and upon the entire record of the Proposed Action, the Village Board makes the following findings and determinations pursuant to SEQR and 6 NYCRR, Section 617.11.

## Evaluation of Potential Impacts

The following section considers the relevant environmental impacts of the project, and is organized into 11 sections summarizing the Village Board's findings regarding each potential impact category identified during project scoping. Each category analysis has been divided into three subsections. The first subsection, *Potential Impacts*, summarizes the potential environmental impacts revealed through the environmental impact statement. The second subsection, *Mitigation*, identifies mitigation measures committed to by the Applicant, during the SEQR process to date. All mitigation measures identified in these sections shall be deemed required by the Village Board as conditions of approval and shall serve as baseline mitigation measures. The third subsection, *Findings*, identifies additional mitigation measures stipulated by the Village Board in order to more fully and effectively mitigate identified impacts. It also presents the Village Board's ultimate finding regarding each impact category, taken into account the potential impacts and required mitigation measures, and balance with other relevant factors, including environmental, social and economic considerations.

### 1. Land Use, Zoning and Public Policy

*Potential Impacts*

Land Use

1. The project Site is located along the Hudson River within the RF-Riverfront Development District. The area surrounding the Site is characterized by a mix of retail and commercial uses, a number of residential areas, historic properties, public uses (e.g., DPW garage) and park and open spaces (e.g., Horan's Landing, Kingsland Point Park). The proposed FEIS Alternative Plan, as described above, would involve the redevelopment of the Site with a mix of uses, including 1,250 condominium, apartment and townhouse residences, 132,000 sf of retail, cinema and restaurant space, 35,000 sf of office space, and a 140-room hotel. Based on comments received during the DEIS comment period, the FEIS Alternative Plan described in the FEIS, as compared to the proposed development described in the DEIS, reduces the number of residences by 20%, the amount of retail space by approximately 27% and the amount of office space by approximately 30%, but increases the open space and public use areas from between 26 to 33 acres to 39 acres, or approximately 41% of the Site

area. The FEIS Alternative Plan would have an overall residential density of 13.2 dwelling units per acre, which is below both the maximum permitted in the RF district (1 per 2,200 sf, which equals 19.8 units per acre) and the density of the existing Inner Village (approximately 17.1 units per acre) and at the lowest range of the "Patterns for Westchester" recommendations of 13 to 51 per acre. Under the FEIS Alternative Plan, the ratio of rental to ownership units has been adjusted so that there is essentially a balance between rental (51%) and ownership (49%) units.

2. The proposed project also would provide a number of water-dependent uses along the approximately 2,300 linear feet of newly accessible Hudson River shoreline (subject to applicable government permits and approvals and any further related environmental studies), including a small craft launch pier; a widened and lengthened waterfront access area; an interpretive center/boathouse near the cove adjacent to Kingsland Point Park; a fishing pier near the proposed extension of Beekman Avenue in the south of the site; a "dock and dine" dock adjacent to the proposed hotel location; a bulkhead and public plaza area at the hotel; two belvederes extending over the riprap at the street ends along the Site's southern exposure and at the hotel (and potentially a third belvedere at the hotel if the bulkhead is not approved); and the reservation of a corridor of open space next to Kingsland Point Park for the study of a potential Pocantico River estuary.

3. The proposed project would transform the site from an almost entirely impervious surface consisting of concrete slab and asphalt parking lot into a mixed-use neighborhood including commercial, residential, recreational, and public uses. These types of uses proposed are commonly found in a mixed-use setting and are compatible with surrounding development patterns.

4. The project also provides for a total of approximately 39 acres (approximately 41% of the Site area) for open space or public use, including a ±10.6 acre waterfront open space which will allow for recreational improvements in accordance with the Village's draft Waterfront Use Master Plan. These improvements provide a variety of water-dependent recreational uses with a substantial waterfront park environment. The inclusion of this substantial open space along the Hudson River and Kingsland Point Park improves the relationship between

the Site and surrounding public property. During the progression of the EIS process, and in response to public comments, the FEIS Alternative Plan introduced a curvilinear Road One along the Site's western frontage, and set this road further back into the Site to expand the riverfront open space and provide a buffer between the project and Kingsland Point Park. Although not part of the application, the Applicant has also committed to reserving this buffer area in a separate subdivided lot for any potential future creation by others of a new Hudson River estuary or Pocantico River outlet.

Zoning

5. The project is located within the RF-Riverfront Development district, created in 1997 to guide the redevelopment of the Site and other surrounding properties. The RF district permits a wide range of potential uses. All of the uses proposed in the FEIS and shown on the FEIS Alternative Plan are compliant with the RF district's list of permitted principal and special permit uses. In addition to use restrictions, the RF district also includes a number of other development standards in §62-5.1.V of the Village Zoning Code:

a. Comprehensive Design

The project involves a comprehensive development plan for the Site and includes land use elements that complement each other, are compatible with the surrounding area and which will serve as an economic stimulus and revitalize an underutilized brownfield site. For example, the mix of residential and commercial uses complement each other in that the residences provide a built-in market for the new businesses, and the services provided by these businesses will help to meet the needs of the new residents for goods and services, without necessarily requiring them to leave the Site or take a private automobile. A set of Design Guidelines has been prepared and will ensure higher standards of design and the creation of a distinct waterfront district in the spirit of an "old Hudson River community," as defined in the Village's LWRP and RF district regulations. The Design Guidelines provide for design control over the scale and form of each building regardless of use. Unlike a typical suburban development pattern with separate "stand alone" buildings, the Design Guidelines allow for the creation of an environment with visual continuity, but also the rich variety of spaces, activities, and architecture that is typical of a historic Hudson River village and which helps provide

visual interest. The project also provides for public views of the Hudson River and total public access along the length of the project's shoreline.

b. Relationship to Uses on Surrounding Public Property

The proposed riverfront open space and the buffer area adjacent to Kingsland Point will serve as the central portion of the "green crescent" of publicly accessible open space linking Kingsland Point Park, DeVries Park, Horan's Landing, Philipsburg Manor Restoration, Sleepy Hollow Cemetery, Douglas Park and the Rockefeller State Park Preserve. The open space will also accommodate continuation of the Westchester County Riverwalk. The uses proposed near the project's entrances are compatible with surrounding development, and the project will also involve the donation of approximately 23 acres on the East Parcel to the Village for public use, including the expansion of DeVries Park playing fields, parking, a new Village DPW facility, and other possible public or interpretive uses.

c. Relationship to the Hudson River

The layout of the streets, buildings, and open spaces functions to maximize physical and visual access to the Hudson River for both residents and non-residents. The opportunities for direct physical access to the water include fishing from the pier at the end of Beekman Avenue, boat access at the "dock and dine" pier, and small craft launching from the floating pier and expanded beach area in the cove near Kingsland Point Park. The project also includes a stormwater management system and will result in a substantial reduction in impervious surfaces as compared to the existing remnants of the former industrial use, which is anticipated to improve the quality of water being discharged to the Hudson River.

d. Provision of View Corridors:

The project's street system has been laid out so that all primary streets and the riverfront roadways lead to the Hudson River, so as to utilize the River as an organizing focus for the community and to maximize views of the water. Several of the streets also flare towards their ends, providing for wider public view corridors to the Hudson River. The project design also includes an open space along the project's entire shoreline, providing

view opportunities at the River's edge. In addition, the East Parcel will be improved with new buildings and structures that will not impair views from the adjacent properties to the east of the East Parcel. The DEIS and FEIS provide graphics depicting expected visual conditions from multiple vantage points throughout the Village, including viewsheds identified by the Village's LWRP.

e. Architectural Design Standards

Roseland has developed, in coordination with Village staff and design consultants, a comprehensive Design Guidelines document that establishes design principles for, among others, architectural treatment and scale, materials, building orientation, streetscapes, and open spaces. As indicated in the FEIS, the Design Guidelines were intended to be used during the site plan approval stage of the project. The Design Guidelines shall be utilized by the Planning Board and Architectural Review Board in subsequent reviews to ensure that the project elements will be integrated by cohesive design, maintain an appropriate Hudson River waterfront community image, and provide visual interest consistent with the framework found acceptable by the Village Board. Roseland has submitted a set of preliminary architectural drawings for certain of the proposed West Parcel buildings, prepared by the Lessard Architectural Group and dated May 15, 2007 (Lessard Plans), which are intended to address the concepts expressed in the Design Guidelines. The Village Board and Village staff and consultants have preliminarily reviewed these drawings and the Village Board finds that they advance the Village Board's design objectives, are generally consistent with the Design Guidelines, and shall serve as the basis for the architectural design of the project during the site plan approval process. The Village Board shall, by separate resolution, adopt the Design Guidelines as a policy document to guide the Village in matters of site plan and architectural design.

f. Energy Conservation and Efficiency

In an effort to address the growing concern about greenhouse gas emissions and related efforts to incorporate energy-saving technologies, the Village Board will require that the project will be a Leadership in Energy and Environmental Design (LEED) certified project under the Green Building Council's LEED for Neighborhood Development

(LEED-ND) program. Said certification to commence with the US Green Building Council once the LEED-ND pilot program is completed and upon the preparation of schematic site plans, which shall be designed in accordance with LEED-ND pilot program guidelines dated June 2007. Further the Village Board shall require that the larger buildings (above 90,000 square feet) be designed in such a way that, in the professional opinion of the Applicant's LEED Accredited Professional, the building could qualify for LEED Certification using the LEED for New Construction rating system, Version 2.2, as defined by the US Green Building Council, or as may be amended from time to time, or superceded with more state of the art specifications. Verification by the LEED Accredited Professional shall be provided to the Village Architect, the Board of Trustees, and the Planning Board. All attached townhomes shall be designed in such a way that, in the professional opinion of the Applicant's architect, the townhomes could qualify for the Energy Star Qualified Attached Homes National Builder Option Package. For all residential units, the Village Board shall require the use of a majority of Energy Star energy-efficient major kitchen appliances, as identified by the US Environmental Protection Agency. Further, the Village Board shall require that appropriate roofing materials that will reduce the heat island effect of these buildings be used on three of the larger residential residential and mixed-use buildings (Buildings A, B, C, F, G, H, K, L or M as shown on the Riverfront Development Concept Plan).

g. Landscaping, Screening and Buffering

The project proposes street tree planting and landscaping along street right-of-ways, within pocket parks and in building courtyards. The landscaping will be designed to complement the project architecture. Pocket park and courtyard landscaping will consist of evergreen and deciduous trees, shrubs, groundcover and grasses selected for their particular microclimates. Shade trees will be planted along the new streets, generally thirty to forty feet on center. Some landscaping principles are outlined in the Design Guidelines. However, in order to ensure that the design goals of the project are achieved, the Village Board will require that as a part of the first application for site plan approval, Roseland submit a detailed landscaping plan for Planning Board approval, components of which can be adopted and incorporated as a set of landscape design standards for all subsequent site plan approvals for the project. The protocol for planting

trees and shrubs on the Site is set forth below in the findings relating to remediation. In addition, Roseland will be required to provide the Village tree maintenance bonds, in a reasonable amount equal to a portion of the cost of the landscaping as determined by the Village Architect and Administrator in consultation with Roseland, and in a form satisfactory to the Village Attorney. A bond with a minimum term of two years commencing upon issuance of the certificate of occupancy for a particular building shall be posted to guarantee the replacement during that two year period of landscaping associated with that building. The Village shall also require the posting of bonds for all public improvements and plantings, the length of which will be dependent upon the extent of the improvements and their location as part of the overall Riverfront Development Concept Plan. Roseland has committed to retain a world class landscape architect to assist in the design of the 10.6 ± acre waterfront open space. The waterfront plan will be required to incorporate, as a baseline, the Westchester County Riverwalk design parameters. Further, during the design process for the creation of the waterfront open space, the landscape architect shall work with the various Village boards and committees to incorporate, to the extent practicable, their concerns and comments. The design of the waterfront open space shall be subject to the approval of the Village Board.

h. Lighting

The FEIS Alternative Plan includes the potential for utilizing the decorative style streetlight fixtures installed on Beekman Avenue or similar decorative style lighting along the new roadways. Individual building lighting, pathway lighting, and open space lighting will be reviewed and approved by the Planning Board during the site plan review process.

i. Signage

Signage for the project will be designed to complement the character of the architecture and will be prepared for Planning Board review and approval as part of the site plan review process.

j. Vehicular Circulation System and Traffic Access

The right-of-ways and pedestrian walkways have been designed to accommodate their

projected usage and promote safety and efficiency of movement. The Design Guidelines present typical street sections for the various roadway types and recommended turning radii, lane widths, planting strips widths, and sidewalk treatments. The proposal also calls for distinctive pavings, the use of on-street parking, roundabouts and other features to encourage traffic calming. The Proposed Action also introduces walkways and bicycle paths throughout the open space, allowing for continuous access from adjacent open spaces and throughout the Site. As described below, Roseland has also committed to the provision of a jitney/shuttle service during Metro-North peak hours that will run through the Site and transport commuters to the nearby Metro-North stations.

As described in the Design Guidelines, most of the project's streets will have parking on both sides of the roadway and traffic lanes of 11-12 feet. This approach is consistent with traditional neighborhood design techniques designed to provide for traffic calming and a more pedestrian friendly streetscape.

k. Public Access

The project provides pedestrian access along the entire length of its Hudson River shoreline. This open space has also been designed with connections to surrounding open spaces such as Kingsland Point Park, DeVries Park and Horan's Landing, facilitating a continuous riverfront pedestrian path system. The project also provides for expanded recreational uses, parking on the East Parcel and for supplemental on-site parking on the West Parcel to serve Kingsland Point Park. Access into the Park will be provided across the buffer from the project to the Park, although there shall be shall be no provision for vehicular traffic for the general public through Kingsland Point Park, other than for emergency and pedestrian access. In addition to these components, the site plan will also reserve space for the future development by others than the Applicants of an additional pedestrian bridge and pathway connecting the Kingsland Point Park buffer area and the Horseman's Trail. In conjunction with the rehabilitation of the historic Kingsland Point Park pedestrian bridge, which the Village has obtained grant funding to undertake, and the Horseman's Trail, the project will strengthen pedestrian connections through the Village.

l. Off-Street Parking and Loading

The parking and loading facilities have generally been designed in coordination with the proposed uses, street system, and open space network. The spaces are proposed in off-street lots, garages, below-grade structures and on-street locations and in aggregate total approximately 4,000 spaces.

The sum of the RF District off-street parking requirements for the individual non-residential land uses is 1,131 spaces. Based on the methodology and analysis prepared by Walker Parking, a conservative evaluation of the peak parking requirements for these land uses (without consideration of the differences in peak parking demand times among the individual uses) is approximately 972 spaces. However, accounting for the differing peak parking times of these uses, the actual highest single peak non-residential parking demand is projected to be 759 spaces. The FEIS Alternative Plan provides non-residential parking in both structures and surface configurations totaling 816 off-street spaces.

Given the compact nature of the proposed commercial core, the Village Board believes that it is important to provide for adequate parking to satisfy the projected peak parking demand and in proximate walking distance to these uses. The Village Board shall take a conservative approach and require that parking for an additional 150-160 cars be provided within the commercial corridor. The Riverfront Development Concept Plan provides sufficient space to accommodate this parking in three possible locations: Area 1 - behind Building C; Area 2 - in structured parking between Buildings A and B; and Area 3 - through a reconfiguration of the at-grade area between Buildings A and I. Additional parking shall be provided in Area 1 and developed at the same time that Building C is constructed. The balance of the additional parking can be provided in Areas 2 or 3 described above. Any additional parking in Area 3 shall initially be suitably treated and reserved so as to be used as overflow parking ("land banked"). Upon full build-out of the commercial corridor, if the future parking demand levels warrant, the Village Board can make the determination to have the land banked lot prepared for and converted to full-use parking by Roseland.

The residential component of the project consists of apartments, condominiums and townhouses. The townhouses provide two spaces in each garage and allow for additional driveway parking. This is adequate to meet the zoning requirements for these units and these are therefore acceptably parked and can be dismissed from further analysis.

The apartment and condominium parking is principally provided in structured parking below the buildings, with the exception that the loft buildings (I and N) have surface parking provided to the rear. The RF District off-street parking requirements for the apartment and condominium components total approximately 1,886 spaces. The peak parking demand for the apartment and condominium component of the project has been estimated at 1,609 spaces for the FEIS Alternative Plan. The FEIS Alternative Plan has provided for a total of 1,535 spaces for the apartment and condominiums. As indicated in the Summary of Design Modifications section, due to design considerations, the Village Board will require modifications to the Riverfront Development Concept Plan that will require the loss of approximately 73 units in a mix of townhouse and multifamily configurations. The reduction in density brings the provision of parking generally consistent with the project's residential parking demand.

Section 62-5.1(V)12 of the Village Code encourages a mix of land uses, wherein cumulative parking demand is less than the sum of the peak demand for each land use, and authorizes the Village Board to allow for portions of the off-street parking requirement to be satisfied by alternate parking solutions, such as shared parking, valet service, and off-site parking. The Village Board further recognizes that the project offers a number of shared parking opportunities for uses that traditionally have different peak parking hours. For example, office and retail typically have differing periods of peak activity. A parking space that is utilized by an office worker during weekday business hours would be available for use by a retail employee or shopper during weekend peak shopping hours. In addition, of the total 455 on-street spaces, approximately 245 are located on Beekman Place, or within one block of the

corridor, and could be available to accommodate retail patrons. Further, approximately 200 of the on-street parking spaces are located in the residential neighborhood and would be available for visitor and resident use, subject to Village regulation.

Overall, the RF District requirement for off-street parking for the Lighthouse Landing residential and commercial components would be approximately 3,635 spaces. With the modifications identified above, the project provides approximately 3,450 spaces directly associated with its residential and commercial uses (and excluding East Parcel parking, recreation parking, and on-street spaces.) Given that the site has a transit and pedestrian orientation, and in consideration of the alternative parking provisions discussed above, the Village Board finds pursuant to Section 62-5.1(V)12 that as modified by the conditions above, adequate parking would be provided for the project. Although parking for some uses may not be fully located on the same lot as the use to which they are accessory, parking on adjacent streets and shared parking will be utilized to meet demand. In order to ensure effective and efficient parking sharing, project signage and other way-finding measures shall be provided and reviewed in detail during the site plan review process. Access to and from shared parking facilities shall be subject to easements or other similar restrictions that allow for continuous shared use after subdivision.

The Village Board further finds that the 550-space commuter lot on the East Parcel included in the FEIS Alternative Plan should be eliminated and the Richard Daley plan substituted. The Village Board also notes that the FEIS Alternative Plan indicates 24 on-street parking spaces directly adjacent to the waterfront park on Road One. The Village Board reserves the right to determine the extent of the on-street parking to be provided in this area as part of the waterfront open space design process. Should adequate parking be available to serve the open space uses, such as the proposed boathouse, and in consideration of design and visual factors relating to the park space, the Village Board may elect to eliminate this parking. The maximum extent of removal would be 24 spaces, which does not materially affect the sufficiency of the parking being provided.

m. On-site Utilities and Services

All new utilities within the project will be located underground. As described below, the project will be served by public water and sewer systems, which will have adequate capacity to serve the new uses. The project also incorporates a stormwater management system that will provide water quality treatment of surface runoff from buildings and pavement areas prior to discharge to the Hudson River. The Village Board notes that given the location of the Site and the potential for the hydraulic head pressure from the Hudson River against the Site's stormwater outfalls during certain storm events, as a part of the site plan review process Roseland will be required to submit engineering details of the stormwater management system with appropriate measures to account for potential backflow and ensure proper drainage during storm surge events.

n. Floodplain Requirements

The project has been designed to comply with the Village's Flood Damage Prevention Law. The lowest habitable building floor on the West Parcel is at a minimum elevation of approximately 13 feet, which is well above the 100-year flood elevation of approximately 7.0 feet.

As described in the FEIS, with the exception of the height of two proposed live/work loft buildings and portions of two other multi-family residential buildings, the project is compliant with all dimensional requirements of the RF district. The Applicant has petitioned for amendment of the RF district height regulation for the area within 300 feet west of the railroad tracks so that the permissible height is consistent with the 65' maximum height permitted on either side of this zone. The Village Board has reviewed the requested zoning change, and determined that the project can meet desired design goals without this amendment. Therefore, the Village Board has not taken up further action on this matter.

Public Policy

6. The Village has created and/or adopted several public planning documents with direct relevance to the proposed project, including the LWRP, and the Linkage Study. In addition,

there are several other relevant regional planning efforts that relate to the Site, and other independent studies conducted by interested parties. The project was compared to these documents.

a. LWRP

The Village of Sleepy Hollow's Local Waterfront Revitalization Program was adopted by the Mayor and Board of Trustees on November 19, 1996, approved by the New York State Secretary of State on June 5, 1997 and concurred by the U.S. Office of Ocean and Coastal Resource Management on July 14, 1997, in accordance with the U.S. Coastal Zone Management Act of 1972, as amended, and its implementing regulations. The Sleepy Hollow Code requires that the Village's Waterfront Advisory Committee (WAC) provide a consistency review of the various goals and policies contained in the LWRP. On March 5 and March 15, 2005 the WAC reviewed the Proposed Action contained in the Draft Environmental Impact Statement. The WAC issued a preliminary recommendation that the project, as a whole and as presented in the DEIS was consistent with some of the policies in the LWRP and inconsistent with others and overall was inconsistent with the LWRP. Subsequently, upon submission and review of the FEIS Alternative Plan presented in the FEIS, the WAC, at its January 10, 2007 meeting reviewed the project against those remaining goals and policies it initially found inconsistent. Upon review and consideration, the WAC found that the FEIS Alternative Plan was consistent with all the applicable LWRP goals and policies, subject to the conditions that Roseland make a commitment to the provision of a jitney system, consult with the WAC on the design for the waterfront open space, and that a footbridge over the railroad tracks be further explored. The WAC review record, and the DEIS and the FEIS provide extensive documentation of the project's relationship to, and ultimate consistency with, the LWRP's 44 policies. The Village Board will be required to make its own waterfront consistency review prior to taking any action on the special permit application. The Village Board has reviewed each of the LWRP goals and policies and will take into account the recommendations of the WAC and the recommendations of the Planning Board prior to making its determination.

b. Waterfront Linkage Study

The Village's Waterfront Linkage Study identified a number of concepts for common design elements, linkages with surrounding areas, and treatment of open space that relate to the proposed project. The vast majority of these concepts are reflected in the FEIS Alternative Plan, including: the provision of an active mix of uses; screened parking; visual connections to the Hudson River; use of traditional building materials, with distinctive architectural elements, varied texture and depth, and a "planned eclecticism" design approach; pedestrian connections along the Hudson River waterfront and between Kingsland Point Park and Philipsburg Manor; orientation of primary streets to the Hudson River; providing for hand launch of non-motorized boats; an esplanade extending around the perimeter of the waterfront; and an educational/historical/interpretive component in the riverfront open space. The project also generally conforms with the Concept Plan presented in the Waterfront Linkage Study in terms of the types of uses and their orientation and relationship to each other and surrounding areas.

c. Patterns for Westchester

The project is consistent with the policies set forth in the Westchester County Planning Board's "Patterns for Westchester" (Patterns), particularly as it relates to the reinforcement of "centers." The project would reinforce Sleepy Hollow's designation as a "local center" through concentrating development and including a mix of uses at the Site. In addition, the project's 13.2 dwelling units per acre density falls at the low end of the High Density Urban category of 13 to 51 dwelling units per acre recommended by Patterns for the Site. The project has an appropriate relationship to surrounding development and open space, and will not result in adverse visual impacts.

d. Greenway Compact Plan

The Greenway Compact Plan was developed by Westchester County and is consistent with its Patterns document. As described above, the project provides for economic revitalization of a waterfront brownfield site, while also providing for a waterfront open space and recreation area extending along the Site's entire 2,300± linear feet of Hudson River shoreline that will be a significant component of the regional open space network.

e. Regional Plan Association

The Third Regional Plan recommendations developed by the Regional Plan Association are grouped into five campaigns designed to improve the region's economy, environment and equity. The proposed project is consistent with the Third Regional Plan's campaigns of creating a regional greensward and concentrating growth in centers. The redevelopment will extend and strengthen an existing village center and create a substantial riverfront open space that will link with other parklands.

f. Design Guidelines

As described above, during the course of the environmental review process, the Applicant, in coordination with Village staff and design consultants, has developed a comprehensive Design Guidelines document that establishes design principles for, among others, architectural treatment and scale, materials, building orientation, streetscapes and open spaces. The Design Guidelines, as indicated in the FEIS, were intended to be used during the site plan approval stage of the project. Both the Village Planning Board and Architectural Review Board were provided copies of the FEIS document. The Village Board finds that the application of the Design Guidelines will ensure that the project elements will be integrated by cohesive design, provide visual interest, and as required by the LWRP and RF District, maintain an appropriate "old Hudson River community" image. The Planning Board and the Architectural Review Board shall use the Design Guidelines during their subsequent reviews of the detailed site plans. The Lessard Plans submitted by Roseland advance the Village Board's design objectives, are generally consistent with the Design Guidelines, and shall serve as the basis for the architectural design of the project during the site plan approval process.

g. Village of Sleepy Hollow Waterfront Use Master Plan

The Waterfront Use Master Plan was prepared by Beyer Blinder Belle in consultation with the Applicant and identified recommended improvements along a significant portion of the Village's waterfront, including the project Site. The suggested improvements are designed to enhance public access, increase public enjoyment of the waterfront and identify locations for water-dependent uses. The FEIS Alternative Plan

has been designed to generally accommodate the Waterfront Use Master Plan recommendations.

h. Other Studies

The Village Board reviewed and considered studies prepared on behalf of Scenic Hudson by Ecosystems Strategies, Inc., Han-Padron Associates, Metropolitan Conservation Alliance and Milone & MacBroom, Inc. relative to potential drainage issues and other aspects associated with the Pocantico River.

*Mitigation*

7. The project has been substantially modified since the submission of the DEIS, resulting in the reduced residential density, reduced commercial (retail and office) square footage, increased open space, and enhanced water-dependent uses shown on the FEIS Alternative Plan. The project meets all of the RF district dimensional requirements, and with the exception of off-street parking satisfies the general design standards of the RF district. The project is also consistent with the various local and regional public policy and planning documents in terms of density, types of uses, recreational and open space linkages, reinforcement of existing centers of development, and economic revitalization.

*Findings*

8. The project would transform the Site from a vacant, almost entirely impervious surface consisting of concrete slab and asphalt parking lot, into a mixed-use neighborhood including commercial, residential, recreational, and public uses. The Village Board finds that the types of uses proposed are commonly found in a mixed-use setting and are compatible with surrounding development patterns. The mix of uses is also similar to the types of development found in the other historic Hudson River village communities studied in the Village's Waterfront Linkage Study, and further presented in the DEIS. The types of buildings to be developed are also representative of architectural elements found in other historic Hudson River communities.

9. However, the treatment of the key portion of Beekman Avenue between River Street and the Hudson River presents a somewhat complicated roadway pattern, and potentially creates a

disconnect between Beekman Avenue and the waterfront, and would relate poorly to the adjacent Ichabod's Landing development. The FEIS identifies an alternative concept for this intersection, initially prepared by Thomas Balsley Associates, which appears to present aesthetic, traffic operational, and land use relationship improvements. The Village Board finds that the Riverfront Development Concept Plan shall be modified to incorporate the alternative Beekman Avenue-Beekman Place intersection design concept. In addition, the project does not include an active streetscape presence on the north side of Beekman Avenue at the entrance to the project. This gap weakens the streetscape linkage between the Inner Village and Lighthouse Landing. In order to enhance the desired connectivity, the project shall be modified to introduce a streetscape element or elements that would visually connect the upgraded Beekman Avenue bridge with the Beekman Avenue/Beekman Place intersection and the Hudson River beyond. Such streetscape element(s), which may include street trees or other plantings, should also frame and/or enhance views along the north Beekman Avenue sidewalk to and over the project.

10. The Village Board further finds that while the proposed land uses are appropriate and compatible with surrounding development, the attractiveness and activity level of the waterfront open space would be enhanced by the extension of the commercial use along Beekman Avenue onto the Road A frontage. Building M as shown on the Riverfront Development Concept Plan shall be modified to eliminate the townhomes and expand the mixed-use retail/condominium building on the north side of building M toward the waterfront, as shown on the Lessard Plans. The Village Board shall also allow for the potential to provide up to an additional 6,000 square feet of commercial space in Building M fronting onto Road A and facing the adjacent waterfront parkland. Other modifications to the Riverfront Development Concept Plan (specifically the realignment of Road One and the associated open space adjacent to Kingsland Point Park) are being required by the conditions of this Findings Statement, which are anticipated to reduce the number of dwelling units by approximately 73 to 1,177 units. As indicated by the anticipated generation rates presented in the EIS, the peak hour traffic generation of 6,000 square feet of specialty retail is approximately equal to, or less than, depending on time of day, the peak hour traffic generation from 73 residential units. Therefore, this modification would not adversely affect traffic operations, as analyzed throughout the EIS process.

11. Other required modifications to the Riverfront Development Concept Plan include 1) incorporation of elements of the Richard Daley Architects East Parcel Master Plan, including a 150- space surface parking lot in lieu of the 550 space commuter lot, recreational fields and tennis courts and a new Village DPW facility (the design and specifications of which are only conceptual at this point); 2) increasing the minimum width of the reserved buffer area along Road One adjacent to Kingsland Point Park as described below; 3) providing a potential bulkhead or belvedere at the hotel subject to approval by the NYSDEC and Army Corps of Engineers; 4) increasing the overall public open space and public use area to 44.6 acres inclusive of an 11.1 acre waterfront open space, in part as a result of the incorporation of the alternative Beekman Avenue-Beekman Place intersection design concept and corresponding increase in the buffer between the Site and Ichabod's Landing; and 5) modifying the height of the buildings in the area within 300' west of the Metro-North Railroad tracks to comply with the current RF district height limitation for that area.

12. As described above, in response to public comments, the FEIS Alternative Plan introduced a curvilinear Road One along the Site's western frontage and set that road further back to expand the riverfront open space and provide a buffer, generally ranging from 75 feet to 175 feet in width, between the project and Kingsland Point Park, with a pinch point of approximately 45 feet. Roseland has also committed to reserving this space for any potential future creation by others of a new Hudson River estuary or Pocantico River outlet, which is not a part of the Proposed Action as described below in these findings. The Village Board notes that reservation of the buffer area provides a desirable land use relationship between the project and Kingsland Point Park. In order to more effectively buffer the park and better accommodate a potential future estuary in the buffer area, the Riverfront Development Concept Plan shall be modified to provide a minimum building setback of 150 feet from the boundary of Kingsland Point Park for buildings and structures other than the proposed boathouse, to increase the overall width of the buffer to a minimum of 100 feet, and to allow for a separate subdividable lot to be created. This will extend the character of Kingsland Point Park into the Site ,create a wider transitional open space between the activity areas within the park and the Lighthouse Landing development, and reserve a corridor of open space ranging in width from a minimum of 100 feet to approximately 165 feet on the GM

site (hereinafter referred to as the "buffer area", and as shown on the Exhibit attached to this Findings Statement) next to Kingsland Point Park for the study of a potential Pocantico River estuary. With the cooperation of Westchester County, the width of the area available for a potential estuary could be expanded to 230 feet. This will also further mitigate potential noise and visual impacts on park users, and facilitate a meaningful scientific and hydrologic study of the possible establishment of a future estuarine area from the Hudson in the buffer. The Village Board recognizes that the creation of an estuary could enhance biologic and natural conditions in the Village, but is not the responsibility of the Applicant. The inclusion of additional land area associated with a possible future estuary (minimum 45 feet shown on FEIS Alternative Plan modified to minimum 100 feet) would supplement the open space benefits associated with the approximately 15 acres of public open space area on the West Parcel. It is noted that approximately 25 percent of the West Parcel has been set aside as public open space. The expanded width created as a result of modifying the minimum development setback would further enhance the mitigative effects of the proposed buffer area. The Village Board notes that the Planning Board would be the responsible entity for reviewing and approving the subdivision and eventual site plan for the proposed estuary.

13. The potential creation of an estuary or Pocantico River outlet next to Kingsland Point Park received wide support during the public comment process required by SEQR, and could allow for the creation of additional water-dependent use opportunities. The concept of an estuary or additional Pocantico River outlet can be advanced through further study of its feasibility and, if the concept is found to be technically, ecologically and financially feasible, and if the requisite permits and approvals are obtained. The Village Board finds that increasing the building setback and expanding the buffer area, as described above, preserves sufficient land area to reasonably accommodate this concept. With the cooperation of Westchester County, portions of Kingsland Point Park may also be utilized as additional land area for the creation of an estuary or Pocantico River outlet. However, a minimum width of 100 feet of the buffer shall be located on the Lighthouse Landing Site. The Board notes that the possible future creation of an estuary or Pocantico River outlet could provide a number of potential community benefits and the setting aside of the buffer area and the study of the potential estuary or Pocantico River outlet is an appropriate measure to enhance biological

and natural conditions in the Village. In order to allow for the future establishment by others of an estuary or Pocantico River outlet as a separate and discrete action, the reserved buffer area shall be identified as a separate lot on the forthcoming subdivision plans.

14. See also Section 2.B(61) of this document for a discussion of the steps that would need to be taken to create an estuary or Pocantico River outlet.

15. The project would meet all of the RF district's use, dimensional and development standards, with the exception of off-street parking. As described above, the FEIS Alternative Plan provides 816 spaces associated with its commercial components, which are estimated to have a peak demand of approximately 972 spaces. However, accounting for the differing peak parking times of these uses, the actual highest single peak non-residential parking demand is projected to be 759 spaces. As described above, based on the analysis presented by the Applicant's parking consultant, the Village Board shall take a conservative approach and finds that additional parking within the commercial corridor needs to be provided amounting to generally 150-160 spaces in order to accommodate potential non-residential demand in a convenient location. The Village Board notes that the Riverfront Development Conceptual Plan provides sufficient space to accommodate this parking three possible locations: Area 1 - behind Building C; Area 2 - in structured parking between Buildings A and B; and Area 3 - through a reconfiguration of the at-grade area between Buildings A and I. Additional parking shall be provided in Area 1 and developed at the same time that Building C is constructed. The balance of the additional parking can be provided in Areas 2 or 3 described above. Any additional parking in Area 3 shall initially be suitably treated and reserved so as to be used as overflow parking ("land banked"). Upon full build-out of the commercial corridor, if the future parking demand levels warrant, the Village Board can make the determination to have the land banked lot converted to full-use parking by Roseland. Overall, the RF District requirement for off-street parking for the Lighthouse Landing residential and commercial components would be approximately 3,635 spaces. With the modifications identified above, the project provides approximately 3,450 spaces directly associated with its residential and commercial uses (and excluding East Parcel parking, recreation parking, and on-street spaces.) Given that the site has a transit and pedestrian orientation, and in consideration of the alternative parking provisions discussed above, the

Village Board finds pursuant to Section 62-5.1(V)12 that as modified by the conditions above, adequate parking would be provided for the project. Although parking for some uses may not be fully located on the same lot as the use to which they are accessory, parking on adjacent streets and shared parking will be utilized to meet demand. In order to ensure effective and efficient parking sharing, project signage and other way-finding measures shall be provided and reviewed in detail during the site plan review process. Access to and from shared parking facilities shall be subject to easements or other similar restrictions that allow for continuous shared use after subdivision.

16. The Village Board further finds that the 550-space commuter lot on the East Parcel included in the FEIS Alternative Plan should be eliminated and the Richard Daley plan substituted. The Village Board also notes that the FEIS Alternative Plan indicates 24 on-street parking spaces directly adjacent to the waterfront park on Road One. The Village Board reserves the right to determine the extent of the on-street parking to be provided in this area as part of the waterfront open space design process. Should adequate parking be available to serve the open space uses, such as the proposed boathouse, and in consideration of design and visual factors relating to the park space, the Village Board may elect to eliminate this parking. The maximum extent of removal would be 24 spaces, which does not materially affect the sufficiency of the parking being provided.

17. The required modifications to the Riverfront Development Concept Plan described above are illustrated and labeled on the attached Exhibit, "Design Modifications Summary Riverfront Development Concept Plan," attached to this Findings Statement and made a part thereof.

18. The Village Board notes that the Richard Daley East Parcel Master Plan contains several key municipal improvements including a new DPW facility, soccer fields, tennis courts, and attendant parking. The Village Board finds, given the municipal nature of these improvements, that it will retain specific site plan approval after review and recommendation by the Village's Planning Board and Architectural Review Board.

19. The Village Board finds that with the mitigation and conditions noted above, the Proposed Action is consistent with the applicable requirements of Village zoning and the objectives

and regulations of the RF Riverfront District, and with public policy as reflected by the various land use and planning studies discussed above.

## 2A. Land, Water and Ecological Resources

*Potential Impacts*

1. The project Site is covered almost entirely in asphalt pavement or concrete slab in its current condition. As detailed more fully in the following Section 2.B., nearly the entire western portion of the Site was created through filling operations conducted with urban fill material, such as ash and cinders or dredged materials. The Site is relatively flat and the existing plant community is restricted to scattered plants and small strips of vegetation composed of weedy or non-native species. As a result, redevelopment will have limited impact on existing terrestrial ecological communities. Only minor impacts are expected to slopes in excess of 5 percent. Protection of these slopes will include the use of erosion control fabric and diversion of upland stormwater runoff away from the slope until soil stabilization has occurred.

2. The project will also substantially reduce the overall amount of impervious area from approximately 91 acres to approximately 60 acres, reducing peak runoff rates and pollutant loadings. With the addition of pervious areas more stormwater should drain vertically through the soil, thereby reducing the overall volume of stormwater draining off the site when compared to when the Site was completely paved. In addition, a comprehensive conceptual storm sewer system has been designed to collect and transport storm flows off-site and to the Hudson River.

3. The project has been designed to comply with the Village's Flood Damage Prevention Law. Grading on the West Parcel has been designed to permit building first floor elevations to be set at a minimum of six feet above the 100-year flood elevation and based on proper engineering designs will sufficiently protect the structures. The earthwork on the East Parcel is anticipated to be balanced cut and fill, which will maintain the existing flood storage

capacity of the East Parcel.

4. On-site wetlands are limited to a series of man-made drainage ditches within the East Parcel located between the existing railroad tracks and sidings and the asphalt parking areas. Based upon the documentation contained in the EIS, these wetlands are of low ecological function and quality. The project would remove these ditches and replace the function of the ditches through the creation of interconnected water quality swales that would collect and treat stormwater from the parking areas, roadway and soccer fields on the East Parcel. Through the planting of native plant species, new higher quality wetlands would be created in the relocated swales. §61-13 of the Village Code requires that losses to wetlands be mitigated by replacement, enhancement or restoration of existing wetlands by a ratio of 2:1. As indicated in the FEIS, the FEIS Alternative Plan (Riverfront Development Concept Plan) includes an area of at least 0.46 acres of new wetland vegetation along the bottom of the swales, representing a doubling of the existing 0.23 acres of existing ditched wetland to be filled, and meeting the replacement standard of the Village Code.

5. As the EIS process progressed, the number of water-dependent uses was increased with the addition of a "dock and dine" dock, a fishing pier, an additional belvedere and/or bulkhead at the point near the hotel site, a floating dock for small craft launching, a set-aside of a buffer area for the study of a potential estuary or Pocantico River outlet adjacent to Kingsland Point Park, and a widened waterfront access area or beach near Kingsland Point Park. The additional water-dependent uses are expected to result in minimal adverse environmental impact, but may require further study as to the technical, environmental, and financial feasibility and applications for Village, County, State and Federal permits and approvals. As described in the EIS, in order to create the widened waterfront access area, approximately 100 linear feet of riprap will be removed and replaced with an impermeable, hard surface suitable to allow for small craft launching into the Hudson River, consistent with the requirements of the Brownfield Cleanup Program to ensure that the historic contaminated fill removed once the rip-rap is altered does not contaminate the Hudson River or the Lighthouse Landing site. This would result in a minimal loss of benthic habitat from the riprap and would not be significant given the riprap on the remainder of the Site's shore. The small craft dock near the boathouse will consist of a combination of permanent pier and floating

dock. The primary impact of the dock that will result from the coverage of surface waters is shading, which could affect benthic habitat. The pier portion of the structure will be approximately four feet above high tide, in order to minimize shading, and the relatively narrow width of the structure will allow sunlight penetration under the pier/dock. Installation of piles would be anticipated to generate a minor and temporary increase in suspended sediment. The impacts of the "dock and dine" floating dock as a result of shadowing or pile installation would be similar and not significant. The fishing pier would be elevated and relatively narrow, and as described above for the other piers, would not be anticipated to generate significant shading or pile installation impacts. Roseland has proposed an L-shaped pier extending 30 feet out from the shore and then running approximately 50 feet parallel to the shore. The proposed structures in or over the Hudson River and the beach expansion will require and are subject to permits and administrative approvals from the NYSDEC and U.S. Army Corps of Engineers. Roseland shall be responsible for preparing, submitting and pursuing all methods for obtaining said permits and approvals from any and all regulatory agencies relative to the proposed waterside improvements, and shall provide a quarterly status report on the permitting progress to the Village Administrator, for distribution to the Mayor and Trustees, and the Planning Board.

6. The West and South Parcels are unaffected by any current flooding from the Pocantico River. The limited flooding that presently occurs on the East Parcel results from upstream flows during large storm events overtopping the river banks onto the project Site. By balancing cut and fill on the East Parcel, the existing flood storage capacity of the East Parcel will be maintained. The duration of any floodwaters will be lessened due to the substantial decrease in impervious surface as a result of the project.

*Mitigation*

7. Roseland has prepared a conceptual erosion and sediment control plan. To minimize the erosion and sedimentation from both construction activities and post-development conditions, a detailed erosion and sediment control plan will be prepared and submitted as a part of the site plan review process. The plan will outline the structural measures to be provided during all activities, the amount of soil exposure that can be properly managed, the location of access, storage of materials and inspection and maintenance requirements. The

project will also need to comply with the NYSDEC General Permit for Stormwater Discharges From Construction Activities.

8. The project will result in a substantial reduction (34%) in the total amount of impervious coverage on the Site and will also include a series of structural measures, such as sediment traps (during construction only) and hydrodynamic separators (post construction), which will provide sediment and nutrient removal to meet applicable water quality standards.

9. As described above, the on-site wetlands consist of drainage ditches having low ecological function and quality. The function of the ditches would be replaced through the creation of interconnected water quality swales. Through the planting of native plant species, new higher quality wetlands would be created. Wetland permit applications are subject to approval by the Planning Board and typically require a 2:1 wetland replacement ratio. As indicated in the FEIS, the FEIS Alternative Plan (Riverfront Development Concept Plan) includes a wetland mitigation plan that would meet this replacement standard.

*Findings*

10. The Village Board finds that due to the primarily concrete and asphalt capped existing condition of the project Site, the impact on natural resources due to disturbance will be minimal, and that the proposed mitigation will be adequate to mitigate any adverse impacts. The project proposes significant street tree planting and landscaping along street right-of-ways, within pocket parks and in building courtyards. This introduction of substantial quantities of new vegetation is also expected to enhance the quality of the Site's ecological resources. Some landscaping principles are outlined in the Design Guidelines. However, in order to ensure that the landscape design goals of the project are achieved, the Village Board requires that as a part of the first application for site plan approval, Roseland submit a detailed landscaping plan for the project development, exclusive of the waterfront open space and the reservation area adjacent to Kingsland Point Park, consistent with the Design Guidelines, for Planning Board approval, components of which can be adopted and incorporated as a set of landscape design standards for all subsequent site plan approvals for the project. The waterfront open space and Kingsland Point Park buffer are subject to a separate design process described above in Section 1.g. and subject to Village Board

approval. The Village Board notes that the water dependent uses described above require permits and approvals, which Roseland is responsible for obtaining. However, the Village Board finds that whether or not permits and approvals are obtained for such uses, and these improvements are made, on balance, the significant benefits of the project substantially outweigh its adverse impacts.

11. The Village has observed that there has been a pattern of flooding along the lower portion of the Pocantico that causes portions of the East Parcel to be inundated during heavy rain events. The Village of Sleepy Hollow has previously requested both NYSDOT and Army Corps of Engineers assistance on addressing stormwater related issues associated with the Pocantico River. The Village has recently contacted Westchester County regarding this same issue and will cooperate with the County on their proposed Flood Action Plan. The Village of Sleepy Hollow is committed to working with Westchester County, NYSDOT, NYSOPRHP, the Rockefeller State Park Preserve, the Army Corps of Engineers, the Village of Briarcliff Manor and other related municipal entities in the Pocantico River watershed to address on-going approaches to flood control upstream of the project site so as to further protect, to the extent practicable, those portions of the East Parcel to be dedicated to the Village of Sleepy Hollow and those contemplated to be provided to Historic Hudson Valley from the impacts of an extended flooding duration. The Village Board notes that Roseland has agreed to participate towards the funding of a study of the Pocantico watershed that would provide a better understanding of how upstream conditions could be modified to best protect downstream property and to allow for the subdivision of the proposed buffer area on the West Parcel for contemplated future connection of the Pocantico River. Roseland shall cooperate with the Village, Westchester County, NYSDEC, and other affected municipalities, and use best efforts to ameliorate the effects of flooding.

**2B. Environmental Remediation Findings**

Potential Impacts

*Site History and Investigations*

1. Virtually the entire Site was created through successive filling operations conducted with urban fill material such as ash and cinders or dredged materials by various entities, including

GM's predecessors, GM, the Hudson River Railroad Company (now Metro-North Railroad), and the Village. Filling of the East Parcel and siltation of the northeastern part of the bay of the Hudson River known as "Die Slapering Haven" started with the construction of the Hudson River Railroad in the 1840s, and filling continued until 1960. Filling of the West Parcel also started with the construction of the Hudson River Railroad in the 1840s, and continued until about 1960.

2. The West Parcel was historically used principally by the automotive industry. From the late 1800s until 1914, when GM acquired what was then the West Parcel, the property was used for industrial operations, including a brickyard, a percussion rock drill factory, and two facilities where gasoline and steam-powered automobiles were manufactured and assembled. After GM acquired the West Parcel, it demolished most of the buildings, conducted a series of fill events, and constructed and expanded the automotive Assembly Plant. When the facility was closed in 1996, the main Assembly Plant property, located on the West Parcel, contained two manufacturing buildings (the Body Plant and the Chassis Plant) and support operations consisting of a powerhouse, petroleum bulk storage tanks, a wastewater pretreatment facility, a water storage tank, and miscellaneous day shelters for equipment and personnel.

3. GM purchased the East Parcel in 1960, after it had been filled. GM then added additional fill and paved this area. The Village had used approximately ten acres of the East Parcel as a landfill for municipal refuse and ash during the 1920s and 1930s. Additional urban fill was added to the East Parcel through the 1950s, prior to GM ownership, for public development of a football field, track, baseball field and other athletic facilities.

4. The South Parcel had historically been used for residential use before GM developed the parcel as a parking lot.

5. The Assembly Plant ceased operations in mid-1996. Between 1996 and 2000, GM conducted several environmental investigations of the Site, which entailed sampling of soil and groundwater. GM also conducted an investigation in the Hudson River to address the potential that historic discharges of wastewater from Assembly Plant operations, up until

1971, may have contaminated River sediments. GM completed an Interim Corrective Measures (ICM) Project between November 1997 and April 1998, during the facility decommissioning process. The ICM consisted of soil removal from nine potential areas of concern (PAOCs) where various oils or other non-hazardous fluids had leaked from plant equipment during facility operations, as well as the removal of two out-of-service underground storage tanks (USTs).

6. The structures on the Site were demolished by 1999, leaving two large concrete slabs over most of the West Parcel. Some of the slab is on-grade and other portions are elevated, up to approximately four feet above the current grade. Portions of the former structures were milled (i.e., crushed) by GM, resulting in approximately 45,000 cubic yards of millings (recycled concrete aggregate) that are stockpiled in a bermed area near the Site's waterfront for potential future use in redevelopment. The East Parcel remains asphalt paved, and over the past approximately 7 years has been used by the Village (with GM's consent) for the storage of Department of Public Works (DPW) vehicles and related DPW uses.

7. In 2002, Roseland conducted an independent investigation of the Site as part of its due diligence. This investigation included the review of documents and additional sampling of Site soil and groundwater. In addition, Roseland sampled the stockpiled millings from the buildings that had been demolished.

8. In 2003, GM and Roseland entered into a Voluntary Cleanup Agreement (VCA) with the New York State Department of Environmental Conservation (NYSDEC) for the Site under that agency's Voluntary Cleanup Program. Subsequently, in 2005, GM and Roseland entered into two Brownfield Cleanup Agreements (BCAs) with NYSDEC under the State's Brownfield Cleanup Program (BCP). One BCA is for the West Parcel (which includes the South Parcel for this purpose) and the other BCA is for the East Parcel. Although NYSDEC is responsible for administration of the BCP, the New York State Department of Health (NYSDOH) plays a major role in consultation with NYSDEC in regard to health-related matters.

9. GM and Roseland conducted substantial additional investigations under the auspices of the VCA and the BCAs. The Investigation Work Plan (IWP) developed under the VCA and under NYSDEC auspices had, based on the previous investigations, identified 46 potential areas of concern (PAOCs) that might contain contaminants that could present an environmental or health concern. (An additional PAOC was discovered and evaluated during the course of the VCA investigation.) The IWP focused on areas that were most likely to be of concern, based on the prior investigations and the historic uses of the Site.

10. Overall, the Site investigations conducted by GM and Roseland included approximately 1,029 soil samples and 106 groundwater samples, most of which were analyzed for the full range of possible contaminants, including metals, petroleum, volatile organic compounds (VOCs), semivolatile-organic compounds (SVOCs), polychlorinated biphenyls (PCBs) and pesticides. The investigation also included 136 soil gas samples to assess methane and potential soil gases (vapor) from petroleum or VOCs. In addition, GM has conducted additional sampling of sediments in the Hudson River. A full description of the onsite investigations conducted by GM and Roseland and the results thereof are found in the December 2006 Preliminary Draft Remedial Investigation Report (Preliminary Draft RIR), prepared under the auspices of the BCP. (The text of and exhibits to the Preliminary Draft RIR are Appendix 3B of the FEIS; the appendices to it are available in public repositories established by NYSDEC.)

11. NYSDEC has, until recently, used as recommended soil cleanup objectives the guidance levels found in its Technical and Administrative Guidance Memorandum (TAGM) # 4046 (1994, as amended 2000). For certain constituents, such as metals, the soil cleanup objectives are Site background conditions; for other constituents, such as for VOCs and SVOCs, the objectives are based on protecting public health or the environment. For the former, the levels assume unrestricted use and thus exposure to soil with such levels. These recommended cleanup objectives were generally used in the EIS.

12. In December 2006, however, NYSDEC adopted regulations that set forth recommended soil cleanup objectives for unrestricted use (like the TAGM) or restricted use (i.e., there are mechanisms in place to eliminate or limit potential exposure). The levels for "restricted

residential" use will apply to remediation of the Site because, as explained below, there will be a variety of controls that will prevent exposure to Site soil or fill containing contaminants. (See generally 6 New York Code of Rules and Regulations (NYCRR) Part 375-6.) The recommended soil cleanup levels, whether in TAGM # 4046 or the new Part 375 regulations, are just one factor that is applied by NYSDEC in determining the appropriate remediation; numerous other factors are applicable. These criteria and the recommended soil cleanup levels are discussed below, as relevant.

13. Groundwater is governed by State groundwater standards (GA standards), which are based on the assumption that all groundwater is used for drinking water. Groundwater under the Site is not currently used for drinking water and, because the area is serviced by the local municipal system and the natural water-bearing units below the fill are expected to have relatively low yields, will not be used for such purposes. Although the fill may represent a zone of significant groundwater yield, such artificially created deposits are typically unsuitable and undesirable as potable supplies, particularly beneath this site where the groundwater is brackish.

14. NYSDOH has guidance for evaluating potential vapor intrusion into closed buildings; however, the guidance does not apply to concentrations of compounds in subsurface vapors (i.e., soil gas). The agency does have guidance for concentrations in indoor air for certain constituents.

15. The investigations showed that the Site as a whole contains several background contaminants that are typical constituents of historic fill found on properties along the Hudson River and on other shoreline areas in the northeast United States: metals (primarily lead) and polycyclic aromatic hydrocarbons (PAHs). Lead is a heavy metal that is frequently in ash; PAHs are common byproducts of combustion, and are generally found in ash and petroleum products. Neither lead nor PAHs are highly soluble in water or volatile. Generally, the levels of these contaminants are more elevated on the West Parcel than on the East Parcel. In addition, as described below, areas that warrant location-specific remediation are on the West Parcel.

16. The Preliminary Draft RIR explains that there were six PAOCs, in addition to the Site-wide conditions described above, that warranted further investigation. The other PAOCs were eliminated because, upon completion of the full investigation, they were found to pose no threat to public health or the environment, particularly in light of the Site-wide remedial approach described below.

17. Two of these six PAOCs are undergoing remediation by natural attenuation. These are PAOCs 37 and 43 that are in the southeast corner and center, respectively, of the West Parcel. In both areas, subsurface soil exhibited petroleum odors or stains. The historic spills in these areas have been degraded under natural conditions. PAOC 37 would be under the proposed market/office building in the southern corner of the Site in the redevelopment; PAOC 43 would be under the proposed park that will bisect the Site roughly east to west. Although no physical remediation is necessary, the area downgradient of the former 10,000 gallon UST is also designated for remediation by natural attenuation. Groundwater monitoring will be conducted for five years, to confirm that natural attenuation is effective in all three PAOCs. These areas, like the other PAOCs, will also be subject to the Site-wide remedial program.

18. The remaining four PAOCs, which were the subject of additional sampling, contain (a) much higher levels of lead than present elsewhere on the Site,[1] (b) soil grossly contaminated by petroleum (i.e., soil containing residual petroleum product, stained soil or odors), or (c) high levels of chromium along with trichloroethylene (TCE). These PAOCs are:

- The former 10,000-gallon UST area: This area in the northwest portion of the West Parcel previously contained a 10,000-gallon underground storage tank, which had released fuel. The UST and some contaminated soil were removed by GM as part of its Interim Corrective Measures project completed in 1998. Soil below the groundwater in the immediate vicinity of the former UST contains petroleum contamination, some staining of soil and occasional sheen and odor in groundwater. The grossly contaminated soil in this area exhibit VOCs and/or SVOCs above the recommended soil

1 In terms of sampling for lead, the distribution of lead from 260 Site-wide samples was subjected to a statistical evaluation to determine what levels of this metal were considerably above the typical levels found at the Site. This analysis found that 62 percent of the samples had levels below 500 parts per million (ppm), 35 percent had levels between 500 and 10,000 ppm, and 3 percent had levels above 10,000 ppm. Based on this evaluation,

cleanup values. The contaminated soil is below the groundwater table, up to approximately 21 feet below current grade. VOCs were generally not found in groundwater at this location in excess of standards, as the spilled oil is aged and has been naturally degraded by bacterial decomposition. PAHs in groundwater were slightly elevated, but comparable to the levels in groundwater upgradient of the UST, where such levels are attributable to PAHs in ash and cinders in the historic fill. This PAOC would be under townhouses and some open space of the proposed redevelopment.

- PAOC 47: This area on the northwest edge of the West Parcel, near the northwest boundary of the Site with Kingsland Point Park, contains elevated levels of chromium in soil above the recommended soil cleanup values and chromium and TCE in groundwater above drinking water standards (these exceedances of groundwater standards extend approximately 8-10 feet into the Park). The source of the chromium, and likely the TCE (and certain breakdown products of TCE), is a pit constructed with a concrete bottom about six feet below the surface, which had been historically filled with sand and gravel and sealed flush with the existing concrete floor slab. This subsurface concrete bottom has a greenish hue, and soil or fill immediately above and below contains high concentrations of chromium. In addition, this area contains soil gas (vapors) trapped under the existing pavement or slabs. PAOC 47 is located primarily under open space of the redevelopment; some townhouses are located over areas in which the soil vapor investigation revealed vapor concentrations that might warrant remediation.[2]

- PAOC 7/ Fill Areas F, G and H (referred to hereinafter as PAOC 7) and PAOC 29: PAOC 7 is in the southwestern part of the West Parcel below the former Body Plant slab; PAOC 29 is in the northwest corner of the West Parcel, under asphalt and slab on grade. Both of these areas have levels of lead that exceed the 10,000 ppm demarcation level. Approximately 8 percent and 14 percent of the samples in PAOCs 7 and 29, respectively, had lead levels in excess of 10,000 ppm; approximately 58 percent and 35 percent of the samples in these respective areas had lead levels below 400 ppm.[3] The elevated levels of lead appear to be associated with the contents of the historic fill (e.g., furnace slag, ash and/or construction and demolition debris). Because PAOC 29 is adjacent to Kingsland

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10,000 ppm was selected as a feasible dividing line for identifying areas that could be a source of lead concentrations that were anomalous as compared to lead levels Site-wide. (This number was used to identify potential areas of concern, and not specifically for cleanup levels.)

2 Chromium is a heavy metal, with characteristics akin to lead. TCE is a commonly-used industrial solvent, often used in degreasing operations.

Point Park, sampling was conducted in the Park. The sampling showed that Park soil did not contain elevated levels of lead similar to those in PAOC 29.

19. Samples were also taken from milled concrete that was recycled from upper levels of the demolished structures on the Site. The investigation showed that these millings contain PCBs at levels up to 4.4 ppm, with most samples around 1 ppm. The Recommended Soil Cleanup Objective (RSCO) for PCBs is 1 ppm for surface soil (the top 18-24 inches) and 10 ppm for subsurface soil. These millings will be used for structural fill under the capping system (described below), thus reducing the amount of fill required to be imported to the Site for redevelopment.

20. The soil gas investigation revealed the presence of methane on the East Parcel from the former Village landfill. There was also a limited area with methane on the northernmost section of the West Parcel. The methane is trapped under the asphalt of the East Parcel and under on-grade slabs and asphalt on the northern-most part of the West Parcel. Although not a significant health risk, methane can be flammable and explosive if allowed to build up in enclosed spaces and can be considered a greenhouse gas.

21. The investigation of groundwater generally showed minor exceedances of standards for some constituents, including several metals, once appropriate low turbidity samples or filtered samples were considered. If a groundwater sample is turbid, it generally reflects the presence of metals adsorbed onto the surface of soil particles in the sample rather than dissolved in groundwater, and thus gives inaccurate results. Low turbidity or filtered samples of groundwater taken in and around PAOCs 7 and 29 did not reflect exceedances of groundwater standards for lead. Based on the groundwater results as a whole, with the exception of PAOC 47 (for chromium and TCE), NYSDEC determined that the Site's groundwater was not part of any PAOC.

22. A principal concern of the sampling of sediments in the Hudson River is that historic wastewater discharges from the former Assembly Plant, until 1971, may have discharged contaminants in the vicinity of the three outfalls along the shoreline. The initial results of the sampling indicated that there are elevated levels of metals (primarily lead and zinc) in sediments in the vicinity of Outfall 1 (OF-1). This outfall, which is located at the southern

3 Under the BCP regulations, NYSDEC has set the recommended restricted residential soil cleanup level for lead at 400 ppm.

end of the property, discharged industrial wastewater during the 1960s until October 1971. GM has conducted additional sampling of sediments under the BCP.

Mitigation

23. The Applicant will undertake two basic remedial approaches: a Site-wide approach, which will include a Site-wide capping system, remediation of methane where present, and location-specific remediation of the four PAOCs described above. These proposed remedial activities, and related remedial measures, are described below; collectively, such activities are the "Remediation."

24. The Site-wide remedial approach would take place after the completion of the location-specific remediation. GM has proposed to conduct the location-specific remediation as Interim Remedial Measures (IRMs) under the BCP. The proposed IRMs are described in the FEIS. On March 14, 2007, NYSDEC issued a Draft Decision Document, which describes GM's IRM Scope of Work, and proposed its approval. The NYSDEC held a public meeting on the proposed IRM Scope of Work on March 28, 2007 at Village Hall. The IRM Decision Document was issued on or about July 9, 2007.

**Former 10,000 Gallon UST Area**

25. The proposed remedial activities in this area include two principal components: excavation and offsite disposal of petroleum-contaminated soil and treatment of petroleum-contaminated soil and groundwater. The first element entails the excavation of approximately 5,100 cubic yards of grossly contaminated soils, as delineated by the three-foot contour interval, to a depth of up to 21 feet below existing grade; the three-foot contour interval represents the thickness of stained soils. Excavation of the impacted soils will generally be conducted using conventional construction equipment, such as backhoes, excavators, front-end loaders, dump trucks, etc., once the slab over this area is removed.[4] When deemed necessary by the Village, shoring or sheeting will be utilized to conduct the excavation below the groundwater in accordance with the Village permit.

4 The existing surface concrete and or asphalt cover will be set aside for future onsite recycling and re-use.

26. A geotextile demarcation barrier will be installed at the base and sidewalls of the excavation before backfilling. The final specification of the geotextile fabric must be approved by NYSDEC. Excavation below the water table will be backfilled with clean, permeable fill. The remainder of the excavation will be backfilled and brought to grade with soil from the uncontaminated upper zone over the contaminated area (subject to NYSDEC approval) or clean fill. A barrier cap system (as described below) will be installed over the PAOC, as well as the remainder of the Site, as part of the Site-wide remediation.

27. Water generated during the excavation and dewatering activities will be treated onsite using a portable water treatment system. Wellpoints will typically be installed and operated around the excavation areas to lower the groundwater table and prevent potentially unstable conditions caused by groundwater entering the excavations Treated water will be discharged in accordance with all applicable requirements to the onsite sanitary sewers and transmitted to a Westchester County wastewater treatment plant. (In the event that an existing municipal treatment plant is not available, a temporary onsite treatment plant, which conforms with all applicable standards, would be provided by GM.)

28. The excavated materials will be stockpiled on staging areas to be constructed on the Site to facilitate dewatering of the materials. The stockpiled materials will be sampled (using composite sampling) to characterize it for purposes of disposal. Such sampling will need to meet the requirements of the offsite disposal facility. Materials that are determined by such sampling to be nonhazardous will be transported to a permitted solid waste management facility for either treatment and/or recycling or landfill disposal; any materials found to be hazardous will be transported to a permitted hazardous waste management facility.

29. The second remedial component is the injection of chemical oxidants, likely through shallow injection wells, to the saturated zone (groundwater and soils within the groundwater) both upgradient and downgradient of the excavation area described above. In situ chemical oxidation (ISCO) for the treatment of petroleum hydrocarbons in the subsurface is a well-accepted remedial approach, which will reduce, if not eliminate, vapors and odors. It would typically involve the use of chemical oxidants such as hydrogen peroxide (Fenton's reagent), sodium persulfate, permanganate (potassium or sodium), ozone, or ozone in combination with hydrogen peroxide, and associated supplemental reagents. A conceptual Site model, based onsite characterization activities, bench treatability studies and field pilot studies, will

precede the full-blown remediation and ensure that the reagents are dispersed effectively throughout the treatment zone to promote contact with VOCs in the subsurface soil and groundwater. Prior to the injection, data will be collected to establish baseline geochemical conditions in groundwater for the purposes of measuring ISCO success and monitoring groundwater quality.

30. The presence of VOCs in the soil and groundwater in this area raises the potential for soil vapors containing VOCs to enter closed buildings, which would present a potential health risk. The FEIS notes that the levels of VOCs in soil immediately beyond the edge of the areas to be excavated generally meet or only slightly exceed applicable restricted residential cleanup objectives, groundwater meets Class GA standards, and the proposed remediation would significantly reduce these levels of VOCs. To eliminate any concern over potential vapor intrusion, however, Roseland will design the townhouses to include passive subslab depressurization systems and implement the systems, if required by NYSDEC or NYSDOH. Such systems typically include the placement of gravel or geotextile fabric beneath the foundation of the building with horizontal pipes within the gravel or geotextile that vent vapors to the atmosphere. Vapors collect in the pipes and are then vented to the atmosphere by vertical pipes. Other buildings in the proposed project have ventilation systems in garages in the lower levels, which would also vent any vapors to the atmosphere. The design of all such subslab depressurization systems shall be approved by the State.

31. Groundwater monitoring will be conducted during and after the treatment period for five years, or as otherwise required by NYSDEC, to confirm effectiveness of this remediation. At the end of such period the data will be evaluated by NYSDEC to determine if additional monitoring is necessary. The remedial activities for this area will be considered complete when the excavation is completed to pre-established boundaries and either Class GA standards for individual petroleum constituents (VOCs and SVOCs) are achieved or asymptotic conditions (i.e., no further reductions in concentrations of VOCs or SVOCs can reasonably be achieved), as agreed to by NYSDEC, are observed in monitoring wells within the treatment area.

32. Development plans for this PAOC require the addition of 2-10 feet of additional fill and cover material to provide finished grade. Trench excavation for most underground utilities is not expected to penetrate the saturated zone. For sanitary and storm sewer construction, the

groundwater saturated zone may be encountered. All construction activities will be in accordance with the Health and Safety Plan (HASP) that meets all state requirements. Any trenches for new utilities will be over-excavated (e.g., 1-2 extra feet on all sides) and backfilled with clean fill, so that future work in these utility trenches will take place in clean soil. During deep utility work in this area, the removal and disposal of any residual petroleum-contaminated soils, as well as any dewatering necessary to achieve such removal, will be handled in accordance with the Site Management Plan (described below). The Environmental Easement that will be imposed on the Site (described below) as part of the BCP will prohibit use of the groundwater for any purpose.

***PAOC 47***

33. PAOC-47, the area containing chromium and TCE in the soil and groundwater, will be remediated through two primary components: soil removal and ISCO treatment of the TCE-impacted saturated zone (groundwater and soil in the groundwater). The first element will be excavation and removal of approximately 3,600 cubic yards of chromium and TCE-contaminated soil to a depth of approximately 13 feet below current grade (extending below the bottom of the pit) for offsite treatment and/or disposal. A geotextile fabric will be installed at the base of the completed excavation. The excavation below the water table will be backfilled with clean, permeable fill. The remainder of the excavation will be backfilled and brought to grade with structural fill.

34. The excavation of this area will utilize a similar approach as for the excavation of the petroleum-contaminated soils in the area of the former 10,000 gallon UST as set forth in paragraphs 25-28. Chemical stabilizers will be applied during excavation to aid in material handling and disposal and to minimize the generation of dust. Excavated material may be stockpiled and subjected to treatability studies to determine if any of the material, subject to NYSDEC approval, could be treated and made suitable for on-site re-use as structural fill. All excavated material not reused on-site will be tested for waste classification and disposed of offsite at permitted facilities, as required by the results of the characterization sampling. Water generated during excavation and dewatering activities will be treated and discharged in accordance with all applicable requirements to the onsite sanitary sewers and transmitted to a Westchester County wastewater treatment plant. (In the event that an existing municipal

treatment plant is not available, a temporary onsite treatment plant, which conforms with all applicable standards, will be provided by GM.)

35. Trench excavation for most future underground utilities in the redevelopment is not expected to penetrate the saturated zone, so there should be no worker contact with low levels of residual contamination. All construction activities will be in accordance with the SMP. (Any new trenches, as noted above, would be over-excavated and backfilled with clean fill.) The Environmental Easement will prohibit use of the groundwater for any purpose.

36. PAOC-47 will be open space or roadway under the proposed redevelopment, and thus the area, after the remedial excavation and backfilling, will be capped by two feet of clean fill or asphalt.

37. The second component of the remedial approach is to address the TCE contamination of the groundwater and resultant creation of soil gas vapors that could potentially migrate under townhouses planned proximate to this PAOC. To address this issue, ISCO treatment will be implemented. The FEIS explains that with the implementation of this IRM, the potential for soil vapors containing VOCs to enter closed buildings is minimal, as the source of VOCs in soil will be removed and groundwater will be treated by ISCO. As noted above, however, Roseland will design the townhouses to include passive subslab depressurization systems that would prevent any vapors from migrating into the buildings, and implement the systems if required by NYSDEC or NYSDOH.

38. The approach for this remediation would be similar to the ISCO for the former 10,000-gallon UST area (see Paragraph 29). Site characterization work, bench scale treatability studies and field scale pilot studies will be conducted and utilized to develop a conceptual Site model, which will be followed in the full-blown ISCO remediation. The chemical oxidants will be delivered through injection wells (or well points). The injection wells will be placed within the areas of impacted groundwater and target the depth intervals where TCE is present in groundwater at concentrations greater than NYSDEC Class GA groundwater quality standards. This approach will ensure that the reagents are dispersed effectively throughout the treatment zone to promote contact with VOCs (e.g., TCE) in the subsurface soil and groundwater. The chemical oxidants will also address the exceedance of TCE in groundwater bordering Kingsland Point Park. Prior to the injection, data will be collected to establish baseline geochemical conditions in groundwater for the purposes of measuring

ISCO success and monitoring groundwater quality. Monitoring wells shall be installed in Kingsland Point Park if requested by the NYSDEC or Westchester County.

39. The groundwater remediation process will continue (i.e., there will likely be multiple injections of oxidizing agents) until such time that the VOCs are no longer present at concentrations greater than the NYSDEC groundwater quality standards for TCE of 5 µg/L or asymptotic conditions (as agreed to by NYSDEC) are reached (i.e., no further reductions in concentrations of chlorinated solvents can reasonably be achieved). Groundwater monitoring will be conducted by the Applicant for a period of 5 years, or as otherwise required by NYSDEC to confirm the effectiveness of this remedial approach. At the end of that period the data will be evaluated by NYSDEC to determine if additional monitoring is necessary.

***PAOCs 7 and 29***

40. GM proposes the removal of fill in the two areas exhibiting atypically elevated levels of lead (PAOCs 7 and 29). The remediation in these two areas of concern will include the excavation and offsite disposal of approximately 5,340 cubic yards of fill containing lead concentrations greater than 5,000 ppm from above the groundwater table and fill containing lead concentrations greater than 10,000 ppm below the water table.[5] The estimates for the removal of fill in PAOCs 7 and 29 are subject to refinement based on the final delineation as approved by NYSDEC

41. For PAOC-7, fill containing lead concentrations greater than 5,000 ppm will be excavated to approximately four feet below the surface to the groundwater table. The excavation will then be taken to targeted depths at three locations ranging from 8-12 feet within this footprint to remove additional fill containing lead concentrations exceeding 10,000 ppm below the water table. A total of approximately 4,400 cubic yards of lead-contaminated fill will be removed from this area of concern.

42. For PAOC-29, soil with lead concentrations exceeding 5,000 ppm will be removed from above the water table, and all soil with lead concentrations over 10,000 ppm will be removed from below the water table. The excavation will extend to approximately 6 to 10 feet below the current grade. A total of approximately 940 cubic yards of lead-contaminated fill will be removed from this area of concern.

5 The existing surface concrete and or asphalt cover will be set aside for future onsite recycling and re-use.

43. Overall, the remediation of these two areas will remove all fill with lead concentrations >5,000 PPM above the water table.

44. The excavation of these areas will utilize the same general approach as for the excavation of the petroleum-contaminated PAOC described above. When deemed necessary by the Village, shoring or sheeting will be utilized to conduct the excavation below the groundwater in accordance with the applicable Village permit. Dewatering of the excavation will be in accordance with the procedures presented in paragraph 27 above. A geotextile demarcation barrier will be installed at the base and sidewalls of each excavation before backfilling. Excavated areas will be backfilled to existing grade and compacted with structural fill materials. Chemical stabilizers will be applied during excavation to aid in material handling and disposal and minimize generation of dust. Lead-contaminated soil excavated from these areas that is not reused on-site will be tested for waste classification, removed from the Site and transported offsite for disposal. In some instances, excavated soil may be stockpiled and would be sampled to determine, subject to NYSDEC approval, whether such fill could be treated and be re-used on-site as structural fill. Material excavated for disposal will be tested for waste classification and disposed offsite. The Village will be given a copy of the Final Engineering Report, which will contain copies of all manifests for both hazardous and nonhazardous soils shipped offsite.

45. Although concentrations of lead in groundwater in these PAOCs do not exceed the Class GA groundwater standard for low turbidity or filtered samples, additional remedial work will be conducted to assure that any residual lead contamination remaining in fill in these areas after the excavations will not adversely impact groundwater. GM will conduct Synthetic Precipitation Leaching Procedure ("SPLP") testing to ascertain whether there is any predisposition for the remaining fill above the water table to be prone to leaching soluble lead. If the SPLP data and other relevant information show that there is a high likelihood that unsaturated soils remaining at the Site (after excavation) may leach soluble lead in the future, after the existing concrete and asphalt surfaces are removed, NYSDEC may require the Applicant to agree to propose additional engineering controls within these PAOCs or portions thereof (e.g., a lower permeability cap system or other measures) to maintain stable conditions. In addition, post-excavation groundwater monitoring will be conducted by the Applicant for a period of 5 years, or as otherwise required by NYSDEC to monitor any

changes in groundwater quality with respect to lead; at the end of that period the data will be evaluated by NYSDEC to determine if additional monitoring is necessary.

46. PAOC-29, when developed, will be within the open space corridor between Kingsland Point Park and the townhouses. The area will be graded by the additional structural fill and then will be capped by two feet of clean fill. The final separation between the future cap surface and the water table will range between 3 and 9 feet.

47. PAOC-7 will be under open space and townhouses, and will be capped by either two feet of clean fill or impervious surfaces associated with the development. Up to eight feet of structural fill will be required to raise the finished grade in this area. Thus, there will be approximately 8-12 feet of separation between the post-development surface and soil containing residual lead contamination in this area. The final separation between the future cap surface and the few remaining concentrations of lead above 10,000 ppm will range from 12-24 feet. Utilities for the proposed development will not penetrate below the areas to be excavated.

48. The Environmental Easement that will be imposed on the Site (described below) as part of the BCP will prohibit use of the groundwater for any purpose.

*General Measures*

49. As part of the location-specific remediation, surveys will be conducted to identify the boundaries of all areas where excavation is conducted. These surveys will be incorporated into a final overall survey of the entire Site to be conducted post-remediation so that the elevation of the demarcation barrier, surface cap, and other remedial elements described below can be located. The survey will include global positioning system (GPS) coordinates that will be linked to a Geographic Information System (GIS). Survey accuracy shall be 0.1 foot horizontally and 0.1 foot vertically.

50. GM has proposed to transport at least 75 percent of the historic fill removed as a result of the location-specific remediation (i.e., the proposed IRMs) to offsite disposal locations by rail, and shall make reasonable best efforts to transport all of the historic fill removed as a result of the IRMs to offsite disposal locations by rail.

**Site-Wide Remediation**

51. The Site-wide remedial approach, which is discussed in the FEIS and described below, will also be contained in a Remedial Work Plan that will be reviewed and approved by NYSDEC under the BCP (after an opportunity for public review and comment). After that remediation is complete, under applicable BCP procedures, the Applicant will file a Final Engineering Report certifying to NYSDEC, and a separate, comparable certification to the Village of Sleepy Hollow, that all the remediation is complete. An Environmental Easement will be filed in the Land Records Division of the Westchester County Clerk's Office. (These documents are discussed in the FEIS and described below). The Applicant has agreed to prepare and file the SMP and the Environmental Easement providing for effectuation of that SMP by the time the location-specific remedial measures (i.e., the IRMs) are complete, thus accelerating this process and assuring effectuation of the measures described below.

52. The Site-wide remediation is as follows:

- Demarcation Barrier: One engineering control is the placement of a demarcation barrier that will consist of geotextile fabric, plastic fencing, or other appropriate material approved by NYSDEC and the Village Board above historic fill that will be left on the Site as well as structural fill from the Site placed as part of the IRMs. The barrier will be selected specifically so as to be of a color that is visible when encountered during future excavations. The barrier will warn that any work below it could disturb an area of historic fill or residual contamination. The barrier will be placed under open space and landscaped areas and under roadways. Prior to any such disturbance, the SMP will require that certain soils management, health and safety, and cap restoration measures be implemented. When landscaping and planting onsite, and when excavations below the clean fill cap are necessary, the demarcation barrier will be placed at the bottom and sides of the excavation.

- Capping System: A second engineering control is the installation of a surface cap of either impervious material (such as concrete or asphalt) or two feet of fill meeting NYSDEC restricted residential soil cleanup objectives over open space and landscaped areas to prevent exposure of the public to historic fill or residual contamination. In open space/landscaped areas, therefore, the surface cap would be at least two feet above the demarcation barrier (unless modified by NYSDEC in the Remedial Work Plan). The

capping system and demarcation barrier, along with other measures, will part of the Remedial Work Plan under the BCP.

- Prevention of Vapor Intrusion: As noted above, venting systems will be installed by Roseland, if required by NYSDEC or NYSDOH to prevent vapors from TCE, petroleum or methane from entering closed buildings. Each townhouse and Buildings I and N (if required by NYSDEC or NYSDOH) will have a passive subslab depressurization system. Subslab depressurization systems are standard measures used to prevent vapors from entering closed buildings, as they vent vapors that may be under the foundation into the air outside the structures. Other buildings will have garages with venting systems on the lower levels, which vent to the outside any vapors while also venting carbon monoxide from vehicles. The Village DPW facility will also be designed to incorporate engineering controls that will prevent the intrusion and accumulation of methane.

- Site Management Plan: The SMP, to be approved by NYSDEC, will include a complete description of the engineering controls (e.g., the cap and demarcation barrier) and institutional controls (e.g., the prohibition on the use of groundwater) that will need to be maintained under the Environmental Easement. It will also include the following elements that will apply during the remediation, construction and/or post-construction stages of the redevelopment:

  – Health and Safety Plan (HASP): The HASP will contain procedures that govern remedial activities and assure compliance with the applicable provisions of the Occupational Safety and Health Act (OSHA) and state requirements. The HASP applies to remediation and construction workers only. The HASP will require monitoring during remedial activities and during construction activities that might disturb historic fill or areas with residual contamination. There will be a general HASP for the Site as a whole, and individual subcontractors will have their own HASPs that govern their specific activities.

  – Community Air Monitoring Plan (CAMP): The CAMP will be implemented consistent with NYSDOH and other applicable guidance for such monitoring. The CAMP will provide for monitoring at construction area perimeters and the Site perimeter for volatiles and particulate matter, using real-time monitoring equipment, and will require the suspension of activities until any exceedances are addressed.

The CAMP will ensure that members of the public are not exposed to levels of dust or vapors above applicable guidelines or standards during remediation and construction.

- Dust and Vapor Suppression Measures: These measures will include spraying water mist on accessways and equipment during excavation and loading activities, and transporting waste loads in properly covered containers.
- Decontamination: The SMP will describe procedures to decontaminate construction vehicles, typically by washing them down before they leave the Site.
- Soil Management: The SMP will describe procedures for segregating and stockpiling of historic fill and contaminated soils, including provision for ensuring any NYSDEC-required separation of the Hudson River waters from any of the historic contaminated fill under the widened waterfront access area. These and other sediment and control measures will also be part of the Stormwater Pollution Prevention Plan applicable to the Site.
- New Contamination: The SMP will describe procedures to follow if additional contamination is discovered during either the remedial or construction process. These would include protocols for notification of the appropriate agency, sampling of any newly suspected unknown contamination, stockpiling such material and offsite disposal, if required.
- Characterization Sampling: The SMP will describe procedures for characterization sampling of soils that have been excavated on the Site to determine whether such soils can be reused on site as subsurface fill material or transported off-site to an appropriate disposal site.
- New Utilities: The SMP will require that trenches for new utilities will be over-excavated (by approximately one to two feet on all sides) and backfilled with clean fill.
- Dewatering: The SMP will describe requirements for the management and disposal of dewatering during any future remediation or construction activities, to assure that such waters are sampled, property managed and disposed offsite at a Westchester County municipal treatment plant.

- Clean Fill: Clean fill to be used for capping open space and landscaped areas will meet NYSDEC restricted residential soil cleanup objectives.

- Operation, Maintenance and Monitoring (OM&M) Plan: The Plan will include the following requirements for monitoring the effectiveness of the remediation and maintenance of the cap: installation of monitoring wells (including those as part of the location-specific remediation described above in PAOCs 7, 29 and 47 and the former 10,000 gallon UST area); a program of annual slab and cap inspection by a qualified professional (including details on such inspections and their frequency) to assure that the engineering controls continue to be effective and meet the criteria for maintenance and repair to all engineering control systems; and periodic engineering certifications describing measures taken to implement OM&M requirements and an annual confirmation report that all OM&M requirements are satisfied. The OM&M Plan will be subject to review by the Village consistent with Paragraph 65 of these Findings. Copies of all reports prepared under the Plan will be submitted to the Village.

- Plantings Protocol: Vegetation such as shrubs and trees with root balls will be planted with a minimum of a twelve-inch buffer of either topsoil or of clean fill that meets the NYSDEC restricted residential soil cleanup objectives for the protection of public health completely surrounding the root ball. The demarcation barrier described above will be installed between the clean fill/topsoil and the historic fill material. The Village Board notes that most of the trees and shrubs to be planted on the Site will be in areas that are to be regraded (elevated) with the placement of clean fill, so that there is more than the 12 inch minimum of clean fill/topsoil surrounding the root ball. During site plan review, the Village will retain an arborist, at Roseland's expense, to review and ensure that the planting plans are appropriate for the soil conditions.

- Post-Construction Activities: The SMP will also be applicable to post-construction activities. These post-construction soil and groundwater management protocols will be similar to those of the remediation phase but will also include criteria for determining what future activities trigger the need to implement the SMP soil and groundwater management measures. Future activities that would trigger the post-

construction aspects of the SMP will be ground-intrusive activities that may breach the demarcation barrier or extend beneath the future buildings and structures.

- Geographic Information System (GIS): At the completion of each principal phase of remediation and construction, the Applicant will have the Site surveyed to identify the location of remedial and related development components, including the boundaries of all remedial excavations, demarcation barrier, the cap, and the location of utility trenches. The survey will provide GPS coordinates for incorporation into a final site plan. This information can then be incorporated into a Village GIS system.

- Methane Scarification: Methane is present under the Site, primarily on the East Parcel as a result of the historic use by the Village as a landfill. The methane is presently trapped under asphalt on the East Parcel; there is also methane trapped under on-grade slab in the small area of the northwest corner of the West Parcel. During the initial stage of construction, Roseland will scarify (i.e., excavate trenches in) the asphalt on the East Parcel to release trapped methane vapors. Roseland will also remove the slab and asphalt in the northwest corner of the West Parcel during construction, which will release the methane trapped in that area.

- Re-use of Millings: Roseland will mill the slab and, as with the millings currently stockpiled on the Site, use this material for structural fill (i.e., above the water table and below the surface cap). The slab has already been sampled, and the only contaminant of concern found in the slab was PCBs. The concentrations of total PCBs (consisting of Aroclors 1248 and 1260) generally range from 1.8 ppm to 2.6 ppm, which is well under the 10 ppm NYSDEC criterion for use as subsurface fill. Use of the slab for millings will reduce the amount of fill that would need to be transported to the Site for the redevelopment.

- Construction Activities: The principal construction activities will include installation of utilities, cut and fill, grading, installation of piles to support buildings on the West Parcel, construction of building foundations, and construction of roads. As noted earlier, new utilities will be installed in trenches that will be over-excavated and backfilled with clean material. Piles can be safely driven, as the residual contamination on the Site is not mobile, and piles will not create a pathway for any contaminant migration. The cutting

and filling and grading will occur after the location-specific remedial activities, and will be performed using the variety of dust control and monitoring measures described above. Road and building foundations will be constructed in some portions of the Site in areas containing residual contamination, and will serve as part of the surface capping system. There is no need for buffers of clean fill around foundations or similar structures, as the top two feet of adjacent fill will be clean and any work done below the demarcation barrier will be conducted consistent with the protections identified in the SMP.

- Environmental Easement: An environmental easement will be filed with the Land Records Division of the Westchester County Clerk's Office and will be binding upon all future owners of the Site or any portions thereof. The Easement will be enforceable by NYSDEC and by the Board of Trustees of the Village of Sleepy Hollow, and, if required by NYSDEC, will specify the requisite obligations for securing the public health and environmental protection. The Easement will reference and require implementation of the SMP and the engineering and institutional controls imposed on the Site, and, if authorized by the Village, shall specify the metes and bounds for the buffer area. The institutional controls will prohibit the use of Site groundwater for potable water purposes and restrict use to classifications which includes open space and parkland use. Should the NYSDEC file a brownfields easement without providing that the obligations run in such a way as to permit enforcement by the Village of Sleepy Hollow, then the Village Trustees shall require the Applicant to execute a separate environmental easement running in favor of the Village.

53. Roseland shall obtain an initial environmental liability policy with commercially reasonable limits to be agreed upon by Roseland and the Village prior to NYSDEC's issuance of a Certificate of Completion of the Site. Such policy will be in place for at least the first ten-year period after NYSDEC issues its Certificate of Completion for the Site, which policy will include the Village, GM and Roseland as insured parties. Such a policy would cover contamination discovered after the NYSDEC has issued the Certificate of Completion for remediation of the Site under the BCP. Roseland or the Master Homeowners Association shall renew such a policy after the expiration of the initial term, if such policy is reasonably available. Such a policy, to the extent it can be renewed under the terms noted above, shall

remain in effect so long as required by the Village and will name the Village of Sleepy Hollow as an additional insured.

54. The Applicant has agreed to pay for an independent monitor, to be retained and approved by the NYSDEC and the Village to monitor its remedial activities and related earth-disturbing construction activities. The Village, NYSDEC and the Applicant will coordinate and develop the protocols for such monitoring.

**Sediments**

55. GM has conducted sampling of sediments in the Hudson River off-shore of the Site under the auspices of the BCP. Stormwater runoff from the Site will be managed under the Stormwater Pollution Prevention Plan and related provisions, and thus development is not expected to affect River sediments or surface water quality.

56. The only location in which sediment sampling to date has indicated potential contamination that might warrant remediation is in the area of OF-1, which had discharged wastewater from the former Assembly Plant until 1971.[6] The redevelopment plan for that area includes a fishing pier, which would be constructed on piles. If remediation is required under the BCP in that area, it would likely take the form of dredging and would be expected to be implemented prior to the construction of the pier in that area. If no remediation is necessary under the BCP, the piles that would be installed to support the pier will not significantly affect contaminated sediments. Any such dredging and de-watering would be conducted by GM according to a NYSDEC-approved work plan as part of the BCP and any required Village of Sleepy Hollow permit.

57. A report by Milone & MacBroom (January 2007), prepared on behalf of Scenic Hudson, Inc. and submitted to the Village Trustees after issuance of the FEIS, contains information relating to contamination of sediments in the Pocantico River. Sediments sampled in the Lower Mill Pond were found to contain mercury in excess of a level denominated as Effects Range Medium ("ERM"). This is a guidance value often applied by regulatory agencies in determining whether a concentration represents a "probable-effects" range within which adverse effects would occur in sediment-dwelling organisms. The report hypothesizes that these levels in the Lower Mill Pond may be due to backwash effects from the Hudson River

6 The results of the initial sediment sampling conducted by GM are contained in the Sediment Quality Investigation of the Hudson River (Exponent and EMCON, March 1999), which is in the NYSDEC public repositories.

or from contaminants that migrated from the GM site in a channel that extends from the Site into the Lower Mill Pond. The report recommends dredging of the Lower Mill Pond to eliminate the risk it associates with these sediments.

58. The Pocantico River flows adjacent to the northeast section of the East Parcel. As noted earlier, the East Parcel was filled by the Village, and when acquired by GM in 1960, it was paved. Although the largely paved 28-acre East Parcel drains to the Pocantico River through both overland flows and a system of ditches, which were noted in the Milone & MacBroom report, this section of the Site constitutes less than 0.3 percent of the contributing upstream Pocantico watershed of approximately 16 square miles, extending from Sleepy Hollow to Mount Pleasant and Briarcliff Manor. The channel noted in the Milone & MacBroom report does not carry stormwater from the West Parcel. The investigation of the East Parcel conducted by the Applicant did not indicate elevated levels of mercury.

59. The Milone & MacBroom report, as noted, also hypothesizes that the mercury contamination might be the result of backwash from the Hudson River. The GM site is not a significant source of mercury in the watershed.

60. Redevelopment of the East Parcel will reduce impervious surface area, and increase the pervious and grassed areas that would filter stormwater that would continue to drain from newly paved areas after East Parcel redevelopment.

*The Estuary Concept*

61. In response to public comments, the FEIS Alternative Plan introduced a curvilinear Road One along the Site's western frontage and set this road further back to expand the riverfront open space and provide a buffer, generally ranging from 75 feet to 175 feet in width, between the project and Kingsland Point Park. The Applicant has also committed to reserving this space for any possible future creation by others of a new Hudson River estuary or Pocantico River outlet (referred to herein as an "estuary"), which is not a part of the Proposed Action, and is not required for the redevelopment of the Site. As described under the Land Use findings, in order to more effectively buffer the park and better accommodate a potential future estuary in the buffer area, the Riverfront Development Concept Plan shall be modified so as to increase the minimum building setback and the width of the buffer t. As explained below, before any estuary could be developed, there need to be studies to

determine whether its creation is feasible and, if found to be feasible various approvals, permits and funding would be required.

Basic Steps to be Taken for Creation of Estuary from Hudson River to Pocantico River

- The Village will identify the entity (Entity), responsible for: (i) securing the funding for and conducting the studies necessary to ascertain the feasibility of the estuary; (ii) securing the funding for, designing, and obtaining all permits and approvals necessary for construction of the estuary; (iii) securing the funding for and arranging the construction of the estuary; and (iv) securing the funding for and performing any necessary post construction monitoring, certification, reporting, and/or long-term maintenance of the estuary.

- The Entity would secure funding and retain consultants necessary to undertake the studies to determine whether construction of the estuary is feasible, including studies to meet the requirements of SEQR and the National Environmental Policy Act ("NEPA), which studies would be expected to include hydrologic studies of the Hudson and Pocantico Rivers, ecological and engineering studies, studies of soil conditions in the area of the proposed channel, and estimates for the cost of construction and maintenance of the estuary.

- The results of the SEQR and NEPA reviews and studies should indicate the physical elements of the estuary, including channel depths, channel widths and other elements of the channel profile and configuration, surface treatment of the estuary channel and banks (including an impermeable barrier to insulate the estuary from the historic fill, and a conceptual planting plan for wetlands and banks), and basic construction requirements, including sequencing.

- After completion of the studies, if the Entity, in consultation with the Village of Sleepy Hollow, Roseland and GM, and subject to reasonable conditions by the Applicant, determines that the proposed estuary is feasible, then the Entity will make application for the requisite permits and approvals.

- The Entity would obtain appropriate insurance for the construction of the estuary of the same coverages and limits as Roseland will obtain for the development of Lighthouse Landing.

- When the work is completed, the Entity shall obtain an environmental liability insurance policy in limits acceptable to Roseland and GM and their respective successors and assigns, and the Village of Sleepy Hollow, which policy will name all of these parties as additional insureds. Such policies shall be renewed by the Entity or its successors in perpetuity.
- Upon receiving approvals for the construction, the Entity would provide Roseland and GM and their respective successors and assigns for Lighthouse Landing, and Westchester County for Kingsland Point park, and the Village of Sleepy Hollow, with an indemnification and release of liabilities for all aspects of the estuary construction and associated impacts, in perpetuity, other than any such liabilities reserved to GM under the Brownfield Cleanup Agreement.
- The Entity would be responsible for the construction of the estuary at its cost. In regard to construction, the appropriate NYS DEC brownfield SMP shall govern all activities.
- The design and engineering drawings for construction of the estuary would be subject to the review and approval of NYSDEC to the extent such construction or related activities would penetrate the demarcation barrier installed under this portion of the Site pursuant to these Findings and/or the BCP.
- Provided that the Entity meets all of the above conditions, prior to the commencement of construction of the estuary, GM or Roseland will transfer title to the real property containing the estuary to the Entity.
- On request, the Entity would pay the cost for Roseland or the subsequent owner(s) of the West and Parcel to obtain flood insurance against flooding from the estuary on an annual or other temporal basis for which insurance is available.

*Independent Evaluation*

62. The Village Trustees retained an independent environmental consulting firm, Roux Associates Inc., to review the investigation of the Site conducted by the Applicant, the proposed remediation, and related issues. Roux Associates supports the Village's findings incorporated herein.

63. The Village finds that the investigation of the Site conducted by the Applicant is sufficient for the Village Trustees to evaluate the remediation proposed by the Applicant.

64. The Village finds that the remediation described above and set forth in further detail in the FEIS (the location-specific and Site-wide remediation, together with the SMP and Environmental Easement; hereinafter the "Remediation") is consistent with the determination of NYSDEC and NYSDOH and will protect public health and the environment.

65. The Village, acting through the Village counsel and environmental engineering consultant, shall have a reasonable opportunity to review the proposed SMP and Environmental Easement and to provide comments to NYSDEC and the Applicant with respect thereto. Should the NYSDEC file a brownfields easement without providing that the obligations run in such a way as to permit enforcement by the Village of Sleepy Hollow, the Village Trustees will require the Applicant to execute a separate environmental easement running in favor of the Village.

66. The Applicant shall consult with representatives designated by the Village to coordinate, to the maximum practicable extent, the GIS described in these Findings with the Village archival systems.

67. The NYSDEC may require the Applicant to conduct remedial activities in addition to the Remediation, and any further requirements may be more stringent that those adopted herein by the Village in order to further protect public health and the environment. The Applicant shall be required to comply with any such -imposed requirements.

68. After the remediation of the West Parcel is completed to the satisfaction of the NYSDEC, there will remain residual soil contamination at low levels. The Village does not wish to assume any potential future liability to third parties as a result of this contamination. As part of the FEIS Alternative Plan certain areas of the West Parcel are proposed to be public roads, public parks and public open space both along the riverfront and within the interior of the site. In order to protect itself from any potential future liability, the Village will not take title to the land within any of these public areas or under any roads. Rather, the Village will take title to the physical improvements in those areas and the road bed and Roseland will grant easements in perpetuity to the Village which would obligate the Village to repair and maintain the public roads, public parks and public open space areas and the improvements and plantings in those areas (including but not limited to rip-rap and other shoreline

structures) and permit the Village to enter upon and disturb the land to the extent necessary to perform any such work. Notwithstanding the above, Roseland must provide for the lateral and subsurface support for the surface estate structures. Easements would also be granted to the Village obligating the Village to maintain, replace and repair public utilities under the public roads and public and permitting the Village to enter upon and disturb the land to the extent necessary to perform any such work. It is the intent of the Village and Roseland that the streets shall be public rights-of-way for all purposes, including installation of electric and gas utilities.

69. The Village Board notes that it is expecting that the trees to be planted should have the ability at maturity to grow out to their full and typical dimension, and, in designated areas, to a size consistent with those in the neighboring Kingsland Point Park. During site plan review, the Village will retain an arborist, at Roseland's expense, to review and ensure that the planting plans are appropriate for the soil conditions.

70. GM and Roseland shall hold harmless the Village from any injury or damage to persons or property arising out of the presence of any remaining residual soil contamination below the public roads and public spaces.

## 3. Socioeconomic Conditions

*Potential Impacts*

1. The GM site has long been an integral component of the Village's economy, providing a major source of employment and tax revenue generation. The closing of the plant in 1996 had a significant impact on the Village, as approximately 1,800 jobs were lost. The loss of the plant has also created a significant gap in the fiscal fabric of the Village, requiring the Village to cut back on the typical services previously provided to its citizens and forcing an increase in tax rates that was, and is still, borne by the residential tax payer.

2. The EIS included a detailed Fiscal Impact Analysis prepared by Burchell & Listokin LLC, a premier economic research organization. The analysis provided a measurement of development-generated costs versus revenues to the various jurisdictions which will be impacted by the project, including the Village, the Town of Mount Pleasant, the Tarrytown Union Free School District, and Westchester County. Costs were calculated by considering

the population introduced by the project along with the above public jurisdictions' outlays for servicing new residents. The cost to service estimates were generated through comparison of the municipal budgets with the number of residents and workers within the jurisdictions, and through costs suggested from detailed interviews with public officials. Revenue impacts were derived by estimating the property value of the project to these servicing districts and multiplying this figure by the current property tax rates. Together with non-property tax revenues, this constitutes total generated revenues. The net fiscal impact is the difference between project-induced public service costs and project-generated public revenues. As described in extensive detail in the Fiscal Impact Analyses included in the FEIS with respect to the FEIS Alternative Plan, the project would generate approximately $5.38 million annually to the Village of Sleepy Hollow and $5.62 million annually to the Tarrytown Union Free School District. After considering the public costs to service the new development, the project is anticipated to result in an annual net fiscal surplus of approximately $0.63 million to the Village, and $1.5 million to the Tarrytown Union Free School District. Westchester County is also expected to realize an annual fiscal surplus of approximately $0.96 million, and the Town of Mount Pleasant is expected to essentially break even from a fiscal perspective.

3. The project will also result in substantial secondary economic benefits during the construction phase, including discretionary worker spending and sales tax generation. The DEIS estimates suggest that over the project's construction period, the national economic impacts of the project construction phase expected to be generated per year would be approximately 1,291 jobs, $67 million in income, and $10 million in state and local taxes. New York State would be a beneficiary of a large share of these economic benefits. Westchester County and the Sleepy Hollow/Tarrytown area would also garner a portion of these benefits. The EIS included a detailed socio-economic technical report prepared by Economic Research Associates, which outlined the significant direct and secondary economic benefits resulting from Lighthouse Landing residents, employees and visitor consumer spending on-site, along Beekman Avenue and Main Street, and along Route 9.

4. Full build out of the FEIS Alternative Plan is anticipated to generate approximately 584 jobs. It is expected that the type of retailers at the project Site will be of a different type than the

independently-owned neighborhood-serving retailers found along Beekman Avenue in Sleepy Hollow and Main Street in Tarrytown.

5. The demographic data suggests that the FEIS Alternative Plan would have a residential population of approximately 2,514 persons. This would increase the Village population by 27% from its 2000 total of 9,212. The Fiscal Impact Analysis reviewed schoolchild generation figures from a demographic study prepared for the Union Free School District of the Tarrytowns, Westchester County field level experience reported by RH Consulting, and analysis of census data for newly built comparable housing in the region. Based on the most conservative of the schoolchild generation rates reviewed in the Fiscal Impact Analysis, the FEIS Alternative Plan would be anticipated to result in up to a maximum of 211 public schoolchildren. At the January 23, 2007 public hearing on the FEIS, the Superintendent of the School District concurred generally with the schoolchild generation estimates. The Fiscal Impact Analysis was, in turn, prepared using the most conservative (i.e., highest) number of schoolchildren. If the FEIS Alternative Plan generates children at the lower rates suggested by the other less conservative demographic multipliers, the net fiscal surplus to the School District would increase substantially. With the improvements associated with the 2005 bond referendum, the school district will have sufficient capacity to accommodate future enrollments from the project.

*Mitigation*

6. Roseland has committed to providing 40 affordable senior rental units and 21 Village workforce affordable housing rental units, in conformance with Westchester County affordability guidelines, which stipulate a maximum household income of 80 percent of the County median income ($61,750 for a family of 2, and $77,200 for a family of four based on 2006 limits.) The administration of the affordable housing program will be determined by the Village Board. As part of its commitment to meet the goals established in the County Allocation Plan, the Board has recently approved an affordable senior housing project. The affordable units may be either distributed throughout the rental buildings or included within a single rental building. As the project will result in a fiscal benefit to the Village and the School District, no additional mitigation is required.

*Findings*

7. The Village Board finds that the FEIS Alternative Plan would result in a substantial positive fiscal and economic impact on the Village. Although the project commercial components are anticipated to have a different character than the businesses in the existing local commercial districts, which is intended to minimize direct competitiveness, the Village Board remains concerned about the potential of the new commercial uses to adversely impact the Village's existing commercial core. In order to minimize this potential impact and enhance the overall commercial vitality of Beekman Avenue, Roseland shall make a financial contribution to the start-up costs of a not-for-profit "Downtown Revitalization Corporation" (a local development corporation or business improvement district), and to thereafter participate with downtown business owners in the activities of the organization. In order to further strengthen and reinforce the link between Lighthouse Landing and the Inner Village, the Village Board finds that the Riverfront Development Concept Plan shall be modified to introduce a streetscape element or elements that would visually connect the upgraded Beekman Avenue bridge with the Beekman Avenue/Beekman Place intersection and the Hudson River beyond.

8. The Village Board further finds that as the East Parcel parking lot primarily serves Village uses and would be a community resource, the lot should be Village managed and the parking revenues should be directed to the Village. The East Parcel lot, however, will remain available for Lighthouse Landing resident, employee and visitor use, subject to applicable parking regulations as may be imposed by the Village. Similarly, provided that the Village accepts dedication of the streets or otherwise accepts the obligation for maintaining the streets, the revenues from on-street parking in the project interior shall be collected by the Village.

9. The Village Board also recognizes that the project's commercial uses are a key component in creating the project's fiscal benefit, in that they provide tax generation while requiring relatively modest service cost. However, commercial uses may generate more impacts than other land uses in some categories (e.g., traffic generation.) The Village Board understands that overall project evaluation requires weighing potentially competing considerations, and in this context finds that the quantity of commercial use in the FEIS Alternative Plan strikes

an appropriate balance between social, economic and environmental concerns. The Village Board further finds that the required revisions to the Riverfront Conceptual Development Plan reducing density by approximately 73 units still provides the Village and other related taxing entities with a net fiscal surplus.

10. During comment on the FEIS**,** concerns were expressed that the Project's condominium units will be assessed as rental properties and, consequently, at a lower imputed value than residential lots held in fee simple ownership. With regard to Village taxes, the Village of Sleepy Hollow is certified as a "special assessing unit" and thereby utilizes a homestead and non-homestead tax classification. Thus, for purposes of Village tax assessments, the Project's condominium units will be classified as homestead parcels and thereby valued in the same manner as single-family homes in fee simple ownership. The school taxes generated by the Project will be based upon the assessments established by the Town of Mount Pleasant. The Town of Mount Pleasant is not a "special assessing unit." The analysis submitted with the EIS, however, accounts for differing assessments used for the calculation of Village taxes and all other real property taxes. The analysis projects that the Union Free School District of the Tarrytowns will obtain a net fiscal benefit, notwithstanding the form of ownership of the Project's units. The Village Board also notes that it has adopted a Resolution in support of the legislative proposal by Assemblywoman Sandra Galef requiring market-based assessments of real property owned or leased by a cooperative corporation or on a condominium basis which is converted or constructed on after January 1, 2008.

11. The Village Board finds that, with the mitigation and conditions described above, the FEIS Alternative Plan would result in a substantial positive fiscal and economic impact on the Village.

**4. Community Facilities and Services**

*Potential Impacts*

1. Development of the FEIS Alternative Plan would increase the number of residents in the Village by approximately 27%, as well as introducing new employees and visitors. This would potentially increase the demand for various public and community services, such as

police and fire protection, ambulance service, public works, refuse collection, and recreation. However, as discussed above, the EIS included an extensive fiscal impact analysis, which examined potential costs to the municipality to provide these community services. As documented, accounting for these costs, the FEIS Alternative Plan is anticipated to result in a net fiscal surplus to the Village of approximately $0.63 million annually. (The values expressed in the fiscal analysis are in 2003 terms, as the study was based on 2003 tax rates, market values, and other data. Over the course of the buildout, items such as assessed values, or the number of school children may change. Village tax rates may also change as a result of the budget decisions made by the Village Board. While acknowledging the potential for variability, the analysis utilizes an appropriate approach and provides an order-of-magnitude estimate of financial impact.)

*Mitigation*

2. In order to respond to facility and response considerations, Roseland proposed to donate land on the south parcel at the corner of Beekman Avenue and Hudson Street and contribute up to a maximum of $1,500,000 to the construction of a new fire/ambulance station to serve the western portion of the Inner Village and Lighthouse Landing. Roseland has also proposed under the FEIS Alternative Plan to donate approximately 23 and 15.9 acres of land to the Village on the East and West Parcels, respectively.

3. The Police Chief and Village administration have reviewed the project and anticipate that it will create a need to establish a fourth police post coverage area to patrol the residential and commercial portions of the project. This post would require approximately six additional police officers. However, as described above the Fiscal Impact Analysis indicates that the FEIS Alternative Plan would result in an annual net fiscal surplus, after accounting for the cost of providing public services. In addition, Roseland has committed to contracting with a private security service to monitor activity at the site. In order to further limit the extent of police services required, a secure entry system, such as a key card for the subsurface parking garages, shall be used.

4. Similarly, although the Village DPW anticipates that it will require additional staffing to service the project (approximately six new staff members to provide garbage removal, street

cleaning, landscape maintenance, etc.), the costs of DPW service have been considered in the Fiscal Impact Analysis and the FEIS Alternative Plan generates a net fiscal benefit. As noted in the FEIS, Roseland has also committed to construct a new Village DPW facility, which has been conceptually designed by the Village's design consultant in coordination with Roseland on the land Roseland proposes to donate on the East Parcel. Roseland shall be required to construct at its expense a a new DPW facility to the specifications provided by the Village's design consultant, provided that in no event shall Roseland's cost to construct the facility exceed $3,050,000. This total shall not include management/developer's fees or overhead costs.

5. In addition to the DPW site, Roseland has committed to the construction of the soccer fields, tennis courts and recreation parking spaces on the East Parcel, as well as the funding and construction of the West Parcel waterfront park and amenities described in the FEIS.

*Findings*

6. The FEIS Alternative Plan will increase the residential population of the Village by approximately 27 percent, and also includes a substantial commercial component. The Village Board finds that in light of the extent of the new development, in order to provide for public safety it is necessary to provide for an additional firehouse/ambulance station on or adjacent to the project Site that will be able to deliver effective emergency services. Therefore, Roseland shall be required to contribute towards the construction of, or shall construct at its expense, a firehouse/ambulance station at the location identified on the conceptual site plan, and in general accordance with the firehouse design prepared by Richard Daley Architects, provided that in no event shall Roseland's cost to construct the facility exceed $1,500,000. This total shall no include management/developer fees or overhead costs. The Village Board retains the right to approve the site plan associated with the proposed firehouse after review and recommendation by the Planning Board and Architectural Review Board. Based on discussions with the Fire Department during the course of the environmental review, it is anticipated that one fire company will be moved into this new location. This is not anticipated to have an adverse impact on fire insurance ratings for uses elsewhere in the Village. The project also includes a number of structured and under-building parking garages. The Village does not currently have equipment that can

effectively enter and attack fires from within these structures. In order to provide for maximum resident safety and minimize the potential for property loss, the Village will require that Roseland fund the purchase of a low-profile firefighting vehicle. The Village will require that the project incorporate appropriate fire and police safety measures (e.g., security camera installations, street level call boxes, etc.) into the site plan. This shall include installation of closed-circuit cameras in the new parks and main public thoroughfares for use by the Village, provided that in no event shall Roseland's cost to install the cameras exceed $75,000. These measures shall be reviewed and evaluated during the site plan approval process.

7. As indicated elsewhere throughout this document, the Village Board finds that the Richard Daley East Parcel Master Plan provides a beneficial and appropriate report for a variety of municipal-related functions. With the exception of the proposed provision of land to Historic Hudson Valley, the Village retains the right to review and approve the site plan for the municipally-related functions as shown on the Richard Daley Master Plan, after review and recommendation by the Planning Board and Architectural Review Board. The Planning Board for the Village of Sleepy Hollow shall be responsible for any potential improvements to the property proposed to be provided to Historic Hudson Valley.

8. The Village Board finds that with the mitigation proposed Roseland, and the conditions described above, the FEIS Alternative Plan will not result in significant adverse impacts on community facilities and services.

## 5. Historic, Cultural and Archaeological Resources

*Potential Impacts*

1. As part of the DEIS, a Stage 1A Literature Review and Sensitivity Analysis was prepared. The report reviewed site files from the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP), and the NYS Museum, mapping dating back as far as 1725, and historical texts and studies dating from 1900. The analysis concluded that if the southeastern portion of the West Parcel and the South Parcel were undisturbed they would have a high potential to yield prehistoric cultural resources. However, both of these areas

have been profoundly disturbed by prior industrial development. With the exception of these two areas, the rest of the site is man-made and therefore, based on the available documentation, lacks potential for prehistoric resources. The southern portion of the land north of Beekman Avenue, as well as the land to the south have both been impacted by past development activities. Given these factors, the analysis concluded that the project site lacks the potential to yield prehistoric cultural resources.

2. The Stage 1A Analysis also concluded that evidence of the former historic industrial operations at the West Parcel and South Parcel of the Site would have been destroyed by subsequent development. Unlike the West Parcel, the East Parcel historically contained no structures, and until construction of the railroad in the mid-19th century, was part of an embayment of the Hudson River. After construction of the railroad cut off the area from the Hudson River, the area was gradually filled with silt from the Pocantico River (with the result that the Pocantico River became channelized upstream of the culvert under the railroad tracks through which it flowed), and in the mid-20th century this area was filled to create the General Motors parking lot. Prior to establishment of the parking lot, a portion of the East Parcel was also used for a municipal land fill and Village athletic fields. Given these factors, the Analysis concludes that the Site as a whole lacks the potential to yield historic resources.

3. Based on the information presented in the Stage 1A Analysis, the NYS OPRHP has indicated that the project will have no impact on historic properties in, or eligible for inclusion in, the State and National Registers of Historic Places.

*Mitigation*

4. Based on the findings of the Stage 1A Analysis, the Applicant has not proposed any mitigation measures.

5. However, based on concerns and supplemental information provided by the Village of Sleepy Hollow Planning Board and the Historical Society of the Tarrytowns to the Village Board regarding the potential archaeological sensitivity of the East Parcel, specifically in the vicinity of a pier at the end of what was known as “Continental Road”, the Village Board will require that additional archaeological mitigation protocols be followed prior to

disturbance of this area of this portion of the East Parcel. However, since the East Parcel was created by filling events, the NYSDEC IRMs will involve the placement of additional clean fill over the top, and the East Parcel Master Plan involves a relatively non-intensive development levels, it is anticipated that any potential historic material would likely remain in the fill.

*Findings*

6. The Village Board finds that as described in the Stage 1A Analysis and indicated by the NYS OPRHP, the proposed project would not have significant impacts on prehistoric archaeological or historic resources. In response to specific concerns raised regarding East Parcel sensitivity, the Village Board also notes that the level of subsurface disturbance associated with the proposed uses (the DPW garage, recreation fields, etc.) is relatively minimal. As described in the Land, Water and Ecological Resources section of this document, the NYSDEC IRMs will involve the placement of a demarcation barrier and a minimum of two feet of clean fill over the East Parcel (unless modified by NYSDEC). It is expected that the proposed East Parcel uses will not penetrate below this level, and thus would not be expected to adversely impact any potential archaeological resources associated with the prior bay that would be at lower levels. For those building components related to the possible future expansion of Philipsburg Manor requiring excavation below the two-foot remediation level, additional archaeological field investigations shall be undertaken by HHV (in consultation with the Historical Society of the Tarrytowns). In the event that archaeological artifacts are uncovered during construction, the Village Board will require that Historic Hudson Valley, in consultation with the NYS OPRHP and subject to any requirements of that agency shall document and recover these items.

## 6. Open Space, Pedestrian Circulation and Visual Resources

*Potential Impacts*

1. In total the FEIS Alternative Plan includes approximately 39 acres that would be devoted for open space or public uses, including approximately 10.6 acres of Hudson riverfront open space. Of this total, public open space areas on the West Parcel account for approximately 15 acres. Approximately 23 acres on the East Parcel would be available for a combination of

open space/recreation and public use (e.g., DPW) facilities. Roseland has also committed to the use of a world class landscape architect to assist in the design of the waterfront open space. In response to comments on the DEIS, the FEIS Alternative Plan includes an additional ±3 acre central park open space into the project interior, an increased buffer area between the proposed residences and Kingsland Point Park, and a "village green" at the intersection of Beekman Avenue and River Road. In addition, as the EIS process progressed, the number of water-dependent uses was increased with the addition of a "dock and dine" dock, a fishing pier, an additional belvedere and/or bulkhead at the point near the hotel site, a floating dock for small craft launching, and a widened beach area near Kingsland Point Park.

2. The new additional water-dependent uses are expected to result in minimal adverse environmental impact. As described in the EIS, in order to create the beach area, approximately 100 linear feet of riprap will be removed. This would result in a minimal loss of benthic habitat from the riprap and would not be significant given the riprap on the remainder of the site's shore. The small craft dock near the boathouse will consist of a combination of permanent pier and floating dock. The primary impact of the dock that will result from the coverage of surface water is shading, which could affect benthic habitat. The pier portion of the structure will be approximately four feet above high tide, in order to minimize shading, and the relatively narrow width of the structure will allow sunlight penetration under the pier/dock. Installation of piles would be anticipated to generate a minor and temporary increase in suspended sediment. The impacts of the "dock and dine" floating dock as a result of shadowing or pile installation would be similar and not significant. The fishing pier would be elevated and relatively narrow, and as described above for the other piers, would not be anticipated to generate significant shading or pile installation impacts. Roseland has proposed an L-shaped pier extending 30 feet out from the shore and then running approximately 50 feet parallel to the shore.

3. The proposed riverfront park will create a continuous pedestrian linkage from Kingsland Point Park in the north to Horan's Landing in the south, completing a nearly one mile component within Sleepy Hollow of a larger Hudson River trail network. The buffer between Kingsland Point Park and the Site maintains an open greensward that could

potentially be used for the possible creation by others of an estuary linking the Pocantico to the Hudson River in the future, if determined feasible. The plan also provides for an additional 105-space parking lot in the northern portion of the West Parcel that would service Kingsland Point Park. This would open the potential for removing existing parking from the park and providing additional room within the park itself for recreation activities.

4. The FEIS Alternative Plan has also reduced the amount of on-street parking along the portion of Road One adjacent to Kingsland Point Park. No parking is available on the park-side of Road One from the entrance to Kingsland Point Park to the new central park open space. One-side street parking is provided for a length of one block directly north of the central park where townhouses front onto the road. This configuration attempts to maximize the area available for use as a buffer.

5. As shown in the FEIS Alternative Plan (as required to be modified to incorporate elements of the Richard Daley Architects East Parcel Master Plan, as noted above), the East Parcel would be entirely dedicated to public, institutional or recreational use. In the eastern portion of the East Parcel, both the FEIS Alternative Plan and the Richard Daley Architects East Parcel Master Plan include a new DPW yard containing a DPW garage and offices, salt storage building, composting area, DPW parking areas, and bus service building. The remainder of the Richard Daley Architects East Parcel Master Plan includes space for two multipurpose fields, two tennis courts, and associated recreation parking, which Roseland has committed to in the FEIS, and shall be required to, construct. The East Parcel Master Plan also reserves the potential for expansion of the East Parcel parking, which may be undertaken by the Village in the future.

6. The East Side Master Plan also provides space that could be available in the future for a tenant farm in the northern portion of the parcel as a westerly extension of the existing Philipsburg Manor Restoration. As contemplated by the materials submitted by Historic Hudson Valley, the largest structure under such a proposal would be a New-World Dutch barn to be moved to the site from upstate and clad in wood shingles and hewn plank siding. The farmhouse and smokehouse would be made of stone and wood. Fences that define pastures, wheat fields, orchards, etc. would be made of wood in the varied styles presently

illustrated at Philipsburg Manor. The principal land uses, in addition to the buildings, may include the following: pasture for cattle and sheep, woodland, hay meadow, grain/wheat field, and orchard. Historical interpreters in period costume would demonstrate 18th century life and work. The Village Board understands that the components of the Historic Hudson Valley proposal are necessarily conceptual at this point, and that subsequent evaluation of a detailed proposal, when ready for implementation, will be required. The Village Board notes that this contemplated potential tenant farm is not part of the proposed project and, at the time of review by the Village Planning Board of any application by HHV for site plan approval, would be subject to further SEQR review to the extent necessary.

7. With the development of the proposed project, previously unavailable open and expansive views to river will be available from the Hudson River waterfront open space area, as well as along Roads A, B, C, One, Two and Three. The existing view to the River along the axis of Beekman Avenue will be retained. View analyses from eleven vantage points surrounding the site were presented in the EIS. The project will introduce new development onto the existing vacant site that will be visible or partially visible from these locations. However, the development creates an integrated community that will be guided by a comprehensive set of Design Guidelines, included in the FEIS. The LWRP identifies 23 significant scenic views throughout the Village. Identified scenic viewsheds that are directed towards or across the Site include views down Beekman Avenue towards the Hudson River (Views 1, 9, 10), views from DeVries and Barnhart Park (Views 7, 23), views towards the Hudson River from the edge of Kingsland Point Park (View 8), and views towards the Hudson River from Kykuit (View 20), the High School property (View 12), and the intersection of Bedford Road and the Old Croton Aqueduct (View 13). None of these LWRP-identified viewsheds will have their views towards the Hudson River obstructed by the proposed project, especially given that the Village Board has determined not to further consider the Roseland's proposed zoning amendment to increase the permitted building height in the RF district within 300 feet west of the railroad tracks. Therefore, all identified LWRP viewsheds will be maintained with the development of the project. Also, the existing concrete slabs and asphalt pavement are not in context with the Village or its Hudson River location. The aerial photographs included in the DEIS and other available documentation show that the former GM assembly plant buildings exhibited a monolithic and bulky visual aspect, which was also

not in visual context with the surrounding Village either.

*Mitigation*

8. The Applicant and the Village's design consultants have developed a comprehensive set of Design Guidelines for the redevelopment of the Site that describes the design of and relationship between the buildings, streetscapes and open space within the proposed development. The application of the Design Guidelines during the site plan approval process will serve to achieve the spirit of an "old Hudson River waterfront community," one of the primary objectives of the RF district and the LWRP. This will help achieve the desired visual character expressed by the Village in its zoning and various planning documents. Roseland has also committed to, and will be required to construct the identified water dependent recreational uses.

9. The Design Guidelines also provide standards for the street network. As shown in the Guidelines, nearly all streets will provide for two-way traffic, on-street parking, and relatively narrow travel lanes of 11 and 12 feet in order to calm traffic, minimize vehicle speeds, and provide for a more comfortable pedestrian and bicycle environment. The Guidelines also state that a bicycle network of on-street and off-street paths should be provided, and illustrates a potential network running along the central park open space and connecting to Beekman Avenue via Road Four. Each block will have a minimum sidewalk width of five feet, and residential blocks have a series of interconnected mews to facilitate pedestrian movement.

*Findings*

10. During the environmental review process, Richard Daley Architects, one of the Village's design consultants, developed an alternative East Parcel Master Plan. This plan is described in the FEIS analysis and reconfigures the recreational components and reduces the parking lot to a 150-space surface facility to serve the recreation fields. The Village Board finds that this plan provides for improved recreational use, and includes a more appropriately-sized parking facility, given the lack of a confirmed new railroad station. Should conditions change in the future, the plan preserves the ability of the Village to increase parking through the expansion of the existing surface lot and the addition of a parking deck above the surface

parking, that could potentially provide an additional 250 to 350 spaces. The Village Board finds that the Riverfront Development Concept Plan is required to be modified to incorporate the foregoing elements of the East Side Master Plan (other than the expanded parking shown thereon, which may be constructed by the Village in the future at its sole cost and expense).

11. The Village Board further finds that the concept of providing a greensward that reserves open space and the opportunity for the future creation by others of an estuary or new Pocantico River outlet, if feasible, is desirable and helps buffer Kingsland Point Park from the new residential development. The buffer area provided in the FEIS generally ranges from 75-175 feet, and there is a narrow point in the proposed buffer area that pinches down to approximately 45-50 feet. As described earlier in this document, in an effort to further buffer the park and better accommodate a possible future estuary , the Village Board shall require an increase in the building setback and expansion of the buffer area. This buffer area will extend the character of Kingsland Point Park into the project Site and create a wider transitional open space between the active park uses and Road One. This will also mitigate potential noise and visual impacts on park users. The potential creation of an estuary received wide support during the public comment process and could allow for the creation of additional water-dependent opportunities. The Village Board notes that the possible estuary is a future action by others, not part of the Proposed Action, and will require further study to determine its feasibility, as well as permits and funding. However, the expansion of the buffer area preserves adequate space to accommodate this concept. With the cooperation of the County, portions of Kingsland Point Park may also be utilized for the possible creation of the estuary. However, a minimum 100 foot wide buffer area on the Site shall be reserved for open space and any future estuary. The general configuration of the buffer is provided on the Exhibit attached to this Findings Statement. The Board notes that the creation of an estuary could provide a number of potential community benefits. In order to allow for the future establishment of an estuary or Pocantico River outlet as a separate and discrete action, the reserved buffer area shall be identified as a separate lot on the forthcoming subdivision plans. The inclusion of additional land area associated with a possible future estuary would supplement the open space benefits associated with the approximately 15 acres of public open space area on the West Parcel. Approximately 25% of the West Parcel has been set

aside as public open space. Additional buffer area created as a result of accommodating the estuary concept (minimum 45 feet shown on FEIS Alternative Plan modified to minimum 100 feet) would further enhance the mitigative effects of the proposed buffer area.

12. In addition, while not part of the Roseland's plan, the Village recognizes that appropriate space should be reserved in this buffer area to provide for the construction by others of a pedestrian overpass providing a continuation of the Horseman's Trail system across the railroad tracks. It is noted that the Village has secured grant funding for the restoration of the existing historic Kingsland footbridge just to the north of this Site. However, the Village does not wish to exclude the possibility of additional pedestrian access in the future with an additional bridge at this location that could serve as a more direct extension of the Horseman's Trail.

13. The FEIS Alternative Plan indicates a train station with a pedestrian overpass that would provide for a pedestrian link in the project core between the East and West Parcels. The Metropolitan Transportation Authority (MTA) has not yet provided a commitment for the establishment of this proposed station. However, in order to allow for the potential future development of a station and a pedestrian connection between the East Parcel and the West Parcel, Roseland shall be required to reserve the space indicated on the FEIS Alternative Plan for these uses. In conjunction with the removal of the existing GM property overpass, Roseland shall use all reasonable efforts to obtain the right from MTA for a future pedestrian bridge. Roseland will also be required to join with the Village and use best efforts to encourage MTA to relocate underground the overhead lines and remove excess sidings that will not be used for remediation activities and the construction of the project. However, in no event shall MTA's failure or refusal to grant such a right or do any of the foregoing preclude the project from being constructed as otherwise permitted by this Findings Statement.

14. The FEIS Alternative Plan indicates that the majority of the townhouse units along Road One are proposed as four stories. The Village Board finds that to increase visual interest and minimize the visual impact of these structures closest to the Hudson River and Kingsland Point Park, the townhouses along Road One should include an appropriate combination of

three and four-story units so that the appearance of a single-height wall of buildings is avoided facing the River and Kingsland Point Park as demonstrated on the Lessard Plans . To further guarantee the visual interest and quality of the project when viewed from surrounding vantage points, a variety of rooftop treatments, including but not limited to roof terraces, dormers, parapets, gables, etc. shall be used throughout the project. With these modifications, the Village Board finds that the FEIS Alternative Plan would not significantly adversely impact identified scenic viewsheds.

15. The Village Board further finds that the proposed water-dependent open space uses would not result in a significant adverse impact on the environment. However, in order increase the access available for anglers and other users of the fishing pier, and to maximize the potential for the fishing pier to serve as an additional boat tie-up area, the Village Board requires that the leg of the fishing pier perpendicular to the shore be extended as close to the federal channel as permissible by the Army Corps of Engineers and NYSDEC. Given the anticipated relatively narrow width of the pier in its final design, its elevation above the water level, and the maximum limit of pier length dictated by the presence of the channel 130 feet from shore, the Village Board finds that the pier would have no significant shading or sediment suspension impact. The pier shall also be designed to accommodate tie-up by an excursion craft and historic vessels that are capable of accessing the pier through the existing channel.

16. As described above, the Applicant has proposed the removal of approximately 100 feet of riprap in order to create a new waterfront access area. The Village Board finds that the waterfront access area shoreline shall be a minimum of 100 linear feet and shaped so as to provide a cove, as indicated on the FEIS Alternative Plan. The cove and waterfront access area should be contoured and developed to be consistent with engineering and boat access standards, and with NYSDEC-approved brownfield remediation protocols applied to ensure public protection and to minimize migration of contaminants from exposed land to the Hudson River during the removal of riprap and other aspects of constructing the waterfront access area expansion.

17. The Village Board also notes that while the proposal includes some modification of the

extensive rip rap shoreline, including the creation of an expanded cove area, the installation of a bulkhead at the hotel site, and belvederes, it is important to promote a variety of water edge treatments. There may be further opportunities to enhance the existing rip rap to provide a more intimate waterfront experience. This concept will be reviewed and its appropriateness evaluated during the waterfront design process, to which Roseland has committed the use of a world class landscape architect. As a part of the Riverfront Development Special Permit, the Village Board will retain the right to approve the final design of the waterfront area and other areas to be dedicated to, or controlled by, the Village. As indicated previously, the Village Board is concerned about the relationship between the Site and the lower portion of Beekman Avenue, including the design of the new Beekman Avenue bridge. Since the waterfront area and the lower portion of the Beekman Avenue corridor are intimately connected, the Village Board shall retain the right to approve the final design of the lower Beekman Avenue corridor.

18. The Village Board finds that, with the modifications and conditions described above, the Riverfront Development Concept Plan will improve the visual conditions of the riverfront area, and would not result in a significant adverse impact on identified scenic views. The Village Board also notes that the project creates 25 acres of new publicly accessible open space (approximately 26% of the site) and accommodates the continuation of the Westchester County Riverwalk. The Village Board further finds that the project will serve as a key component of the "green crescent" and provide a significant benefit to the Village's open space and pedestrian travel networks. The Village Board notes that the water dependent uses in or on the Hudson River will require permits and approvals, and thus the construction of such improvements is subject to Roseland obtaining such permits and approvals.

## 7. Utilities

*Potential Impacts*

1. The project is anticipated to have an average daily water demand of approximately 346,000 gpd. The Village of Sleepy Hollow has been investigating the construction of a new 1.6± million gallon water storage tank to meet contemporary water supply standards and

accommodate anticipated growth, including the project. The Village Board concluded the environmental review process for the proposed water supply expansion project with the issuance of an Environmental Findings Statement in December 2006. As described in the Water Supply Improvement Program EIS, the new municipal supply will provide sufficient capacity to accommodate the project and other contemplated Village growth.

2. Under the FEIS Alternative Plan, there would be no building construction directly over, nor relocation of the existing Westchester County Saw Mill Valley trunk sewer. The design of the new DPW facility shall be modified so that no relocation of any portion of the Village's 24-inch sewer main shall be required. Vehicular access is proposed over this trunk sewer adjoining the Buildings A and B parking structure. The details of this access will be reviewed by the Planning Board and the County Department of Environmental Facilities during site plan review. The FEIS Alternative plan is anticipated to generate an average wastewater flow of 315,000 gpd. The Westchester County Department of Environmental Facilities has confirmed in correspondence dated January 16, 2004 that the Saw Mill Valley trunk sewer and the Tarrytown Extension, the Tarrytown Pump Station and the Yonkers Joint Wastewater Treatment Plant all have sufficient capacity to accommodate the project.

3. The DEIS analysis indicated that the project will also create an anticipated gas load of approximately 160,000 cubic feet per hour and an electrical load of approximately 73,500 kVA. Con Edison has indicated that it has adequate gas and electric service capacity to serve the project. The FEIS Alternative Plan has reduced the overall development program, which would result in a proportionate reduction in gas and electric demand.

*Mitigation*

4. The Village has recently completed the environmental review process for an expansion of the water supply system with a total storage capacity upon completion of the improvement program of approximately 2.4 million gallons of water. Roseland will be required to contribute towards the improvements associated with the new water supply system. Based on the proportionate share of its anticipated water usage. Roseland's contribution will be $950,000. Once the new facility is constructed, no further mitigation for water supply will be required. In order to reduce water demand, the project will utilize water conservation

fixtures complying with the Plumbing Code of New York State. Since the existing wastewater system has sufficient capacity, no additional system mitigation is required. All new sewer mains installed in the project Site will be sized to accommodate peak sewage flows and meet Village construction standards.

*Findings*

5. In addition to the mitigation described above, the project shall utilize certified water-saving devices as mandated by the NYS Environmental Conservation Law. In order to provide for efficient water service and encourage further conservation, all project buildings shall have waters meter installed in accordance with New York State Building Code and applicable Village regulations. The Village Board finds therefore, that with the mitigation and conditions described above, the FEIS Alternative Plan would not result in significant adverse impacts on utilities.

**8. Mass Transit**

*Potential Impacts*

1. Development of the proposed project would likely increase the potential ridership for mass transit, including Westchester County Beeline bus service and MTA Metro-North commuter rail service at either or both the Philipse Manor Station or the Tarrytown Station. Preliminary planning for this project considered the potential for creation of a new on-site Metro-North railroad station. This would involve the construction of new platforms along the existing inbound and outbound tracks and an overpass connecting both platforms. No commitment from Metro-North regarding this station has yet been made. The final determination as to whether and when a station would be constructed at the project Site would depend on obtaining Village input, Metro-North approvals and sufficient funding. However, space has been reserved on the FEIS Alternative Plan for a station as described above, and the Village could increase the size of the East Parcel parking lot to accommodate parking for potentially 500 vehicles, should such a station be approved and funded in the future.

2. The DEIS estimated that the project could be expected to generate between 400 to 500

project residents commuting by rail during the AM peak commuting hours. This would equal approximately 20 percent of the Peak AM inboard boardings of the existing Philipse Manor and Tarrytown stations. In addition, 170 employees of the project commercial uses, as well as a portion of the retail customers to the Site could potentially be expected to utilize Metro-North rail service. With the reduction in the project's density under the FEIS Alternative Plan, the average daily weekday boarding during peak hours is anticipated to be reduced to approximately 332 commuters. The maximum likely increase in ridership on one of eight existing trains during the morning peak would be approximately 68 patrons, which is within the capacity of one additional car.

3. The Westchester County DOT has indicated that it would be able to adjust the Bee-Line Route 13 to extend further down Beekman Avenue to River Street in order to located stops near the proposed project.

*Mitigation*

4. In the event that a new station is not constructed at the Site, Lighthouse Landing would provide shuttle service for project residents and employees to the nearby Tarrytown or Philipse Manor train stations. Roseland has proposed that the shuttle operation would be initially geared toward weekday morning and evening commuting hours. Roseland has committed to providing up to three shuttle buses, each with a seating capacity for 20-25 passengers. Roseland has agreed to and shall provide a deed restriction or other similar instrument assuring the operation of the shuttle service in perpetuity, or until such time as a new train station may be constructed on-site.

*Findings*

5. The FEIS Alternative Plan currently shows an approximately 550-space commuter lot. This number of spaces was provided in response to projections from Metro-North regarding commuter parking demand. Metro-North has projected parking demands on the Hudson Line that go well beyond what could be accommodated at this Site. In addition, much of the projected volume on the Hudson Line has been projected to come from Rockland County, across the Tappan Zee Bridge. As described above, there is no commitment or certainty from Metro-North regarding an on-site train station. Therefore, the Village Board finds that

the Riverfront Development Concept Plan shall be modified to incorporate elements of the East Parcel Master Plan prepared by Richard Daley Architects, which includes a 150-space parking lot. This plan more appropriately reflects the lack of a train station. In the event a train station is approved in the future by Metro-North, the East Parcel Master Plan preserves the ability of the Village to expand the surface parking area and provide supplemental parking in a deck over the proposed surface spaces. The Village Board retains the right to approve a new Metro-North station after review and recommendation by the Planning Board and the Architectural Review Board. In order to provide for efficient mass transit utilization and minimization of potential traffic impacts, the Village Board will require phased implementation of the shuttle service with shuttle operation to commence no later than the issuance of a certificate of occupancy for the 100th residential unit, and the number of busses and level of service to be commensurate with demand.

6. While not specifically related to the Proposed Action, in order to provide for efficient transit utilization and minimization of traffic generated impacts, the Village of Sleepy Hollow is committed to and will create a local transportation and parking entity that would be charged with the development of a public transportation system that would connect the downtown, historic/tourism related resources and the Village's waterfront and coordinating with other agencies on transportation and traffic improvements. The local transportation and parking entity shall be created by the Village prior to site plan approval for the first phase of the project.

7. In addition, one of the concepts that arose from the Village's Waterfront Linkage Study was the creation of an intermunicipal transportation system that would connect the main business districts in Sleepy Hollow and Tarrytown with each respective community's waterfront. This system would be intended to reduce overall traffic congestion, enhance the local traveling experience, and promote opportunities for continued growth of the area's tourism economy. With a Village of Sleepy Hollow system in place, there would be potential to expand to an intermunicipal system. An Intermunicipal Transportation Entity would be created and charged with the responsibility of items such as routing/frequency, system operations and fares, identifying potential funding sources, oversight, and inter-relations with existing transport services. While the studies provided in the DEIS and the FEIS

indicate that the proposed roadway improvements and shuttle service will adequately mitigate potential significant adverse impacts on the road network, as the project represents a likely significant source and destination for potential riders, the Village Board will also require that Roseland participate in the proposed Intermunicipal Transportation Entity described in the FEIS, and contribute towards the study necessary to initiate the service.

8. With the implementation of the above mitigation and conditions, the Village Board finds that the project would not result in adverse impacts on mass transit systems.

## 9. Traffic and Parking

1. The traffic to be generated by the project includes residents, employees, visitors to the residential units and patronizing the commercial establishments and deliveries. Historically the GM plant, at full operation, employed some 12,000 employees. Trucks and trains were used to bring supplies to the facility and to transport new vehicles from the assembly plant. In 1987 there were approximately 4,500 employees although that number declined up until the point where the plant closed in 1996. Vehicle trips generated by these employees utilized the same roadways that exist today.

   The DEIS Traffic Study analyzed the following intersections:

   - US Route 9/Pierson Avenue/Gordon Avenue
   - US Route 9/Pocantico Street/Old Broadway/Philipsburg Manor Driveway
   - Pocantico Street/Continental Street
   - US Route 9/Lawrence Avenue
   - US Route 9/Bedford Road/ New Broadway
   - US Route 9/Beekman Avenue/Hudson
   - Beekman Avenue/Lawrence Avenue
   - Beekman Avenue/Washington Street
   - Beekman Avenue/Pocantico Street
   - Beekman Avenue/Cortland Street
   - Beekman Avenue/Clinton Street
   - Beekman Avenue/Hudson Street

- US Route 9/Wildey Street (Tarrytown)
- US Route 9/Central Avenue (Tarrytown)
- Main Street/Washington Street (Tarrytown)
- US Route 9/Main Street/Neperan Road (Tarrytown)
- Main Street/Washington Street (Tarrytown)
- H-Bridge/Main Street/Cortland Street/Depot Plaza (Tarrytown)
- West Franklin Street/Riverview Avenue (Tarrytown)
- US Route 9/Franklin Street (Tarrytown)
- US Route 9/Benedict Avenue (Tarrytown)
- Benedict Avenue/Highland Avenue/Prospect Avenue (Tarrytown)
- US Route 9/I-87/I-287 Westbound On-Ramp (Tarrytown)
- US Route 9/NY Route 119 (Tarrytown)
- US Route 9/I87/I287 Eastbound Ramps (Tarrytown)

2. Existing traffic volumes were recorded at each of the preceding intersections using manual and Automatic Traffic Recorder (ATR) counts to determine peak AM, peak PM and peak weekend (Saturday) volumes. The traffic counts were supplemented by information from NYSDOT. Pedestrian movements were also conducted at selected locations. Based on a review of specific field conditions and existing traffic volumes, existing capacity analysis for each intersection was determined.

3. In order to evaluate future conditions without the project an annually compounded growth rate was added to the existing traffic volumes through to the design year build out. Based on traffic volume information provided by the traffic consultants for the Village of Sleepy Hollow and Village of Tarrytown, the two-way Average Annual Daily Traffic (AADT) for Broadway and Wildey Street was 18,100 in 1990 and 18,400 in 2003, while the Broadway and Prospect Avenue intersection had a two-way AADT of 24,000 in 1990, and 24,500 in 2003. Traffic growth during that time frame has been relatively flat, with an average cumulative increase of approximately 0.159 percent per year. The Applicant has used an annually compounded growth rate of 0.25 percent for traffic impact projections.

The following projects were then added to generate the "No-Build" Condition:

- Ichabod's Landing
- Kendal on Hudson
- Hess Gas Station
- Ferry Landings
- New York Life
- Spring Hill Suites
- 155 White Plains Road
- Tarrytown Schools Expansion

4. The number of vehicles to be generated by the project was then estimated based on Institute of Transportation Engineers (ITE) standards and assigned to the local road network.

*Potential Impacts*

5. The trip generation estimates were prepared for the project based on trip generation data published by the Institute of Transportation Engineers in the Trip Generation Handbook, 6th and 7th editions.

6. The project's traffic impact was determined by comparing existing traffic conditions to future traffic conditions in the 2012 year design with and without the project; these conditions are identified as the "2005 Existing Condition," "2012 No-Build Condition," and "2012 Build Condition."

7. Traffic analysis performed by the Applicant and submitted to the Village were independently reviewed and analyzed by the Village's traffic consultant, STV, Inc., as well as other Village consultants. As part of the FEIS Traffic Study, an additional twelve (12) intersections were analyzed, nine (9) of which are in Tarrytown. These additional intersections are as follows:
   - US Route 9 & NY Route 117 Westbound
   - US Route 9 & NY Route 117 Eastbound
   - US Route 9 & Park Avenue (Tarrytown)
   - US Route 9 & Independence Street (Tarrytown)
   - US Route 9 & Church Street (Tarrytown)
   - West Franklin Street & Washington Street (Tarrytown)

- West Franklin Street & Miller Avenue (Tarrytown)
- US Route 9 & Prospect Avenue (Tarrytown)
- Eastern H-Bridge Intersection (Tarrytown)
- Western H-Bridge Intersection (Tarrytown)
- H-Bridge & Cortland Street/Wildey Street (Tarrytown)
- US Route 9 & Depeyster Street/High School Driveway

8. The Arrival/Departure distribution patterns for traffic to be generated by the project were developed based upon a review of the adjacent roadway network, "Journey to Work" US Census Data, a Retail Gravity Model and the existing traffic flow patterns. Because the project density, including the number of residential units has been reduced in the FEIS Alternative Plan, the Retail Gravity Model has changed accordingly from the DEIS.

9. The FEIS Alternative Plan is anticipated to generate 612 (254 entering and 358 exiting) vehicle trips in the AM peak hour, 710 (397 entering and 313 exiting) trips in the PM peak hour, and 948 (493 entering and 455 exiting) trips in the Saturday peak hour.

10. The ability of any roadway network to accommodate anticipated traffic volumes is measured by comparing Peak Hour Traffic Volumes to roadway capacities. Thus, it is essential to determine the Hourly Traffic Volumes to be generated by the project and add them to the No-Build Traffic Volumes for the Peak Hours. Under the FEIS Alternative Plan, the project would consist of:
    - 1,250 residential units (629 apartment units including 40 affordable senior units and 21 affordable Village workforce units; 373 condominium units, and 248 townhouses);
    - 35,000 square feet (sf) office building;
    - 109,000 sf of retail (includes a 25,000 sf grocery and 18,000 sf of restaurant space along Beekman Place);
    - 140-room hotel (includes 5,000 sf of accompanying restaurant/meeting space);
    - 18,000 sf Cinema;
    - On-site Fire/Ambulance station;
    - Interpretive Center, Small Craft Launch Pier, Fishing Pier, Dock & Dine Dock;
    - Village DPW Facility;

- Soccer fields;
- Metro-North train station and associated 550-space commuter parking lot.

11. As illustrated in the FEIS Traffic Study performed for the FEIS Alternative Plan, some intersections will experience impacts as a result of the proposed project. For example, during the Peak AM hour, intersections anticipated to experience a change in LOS category between the 2012 No-Build and 2012 Build conditions include: US Route 9/Pocantico St./Old Broadway/Phillipsburg Manor driveway; US Route 9/Lawrence Avenue; US Route 9/Beekman Avenue/Hudson Terrace; Beekman Ave./Pocantico St.; Beekman Ave./Cortland St. Beekman Ave./Clinton St.; H-bridge/Main St./Cortland St./Depot Plaza; and US Route 9/Benedict Ave. However, with the implementation of the proposed mitigation measures described below, the overall operation at many intersections is anticipated to improve. Some locations will continue to operate at conditions similar to those that will be experienced in the 2012 No-Build condition in the absence of the project. Using the Peak AM hour as an example, with the effect of mitigation measures considered, the intersections anticipated to operate at LOS E or F include US Route 9/Lawrence Ave.; and US Route 9/I-87/I-287 Eastbound ramps. US Route 9/Lawrence Ave would be the only intersection studied that would experience a negative change in LOS category (from e to f). The expected increase in delay, however, is approximately six seconds on the minor street only. The US Route 9/I-87/I-287 Eastbound ramps would remain at LOS E, but would experience an increase delay of approximately nine seconds.

12. In downtown areas similar to the study area, Level of Service E is generally the limit of acceptable delay due to the traffic volumes and the closely spaced intersections. However, during Peak Hour conditions in these areas, some individual movements or intersections will tend to operate at Level of Service F, but then operate at better Levels of Service during the remainder of the day.

13. The following intersections were determined to service significant amounts of background or adjacent development traffic (including Ferry Landings) and would be impacted even in the absence of the project:
    - US Route 9 at Pocantico Street/Old Broadway

- US Route 9 at Lawrence Avenue
- US Route 9 at New Broadway/Bedford Road/Beekman Avenue/Hudson Terrace
- Neperan Road at County House Road
- US Route 9 at Main Street/Neperan Road
- Main Street at Cortlandt Street/Depot Plaza/H-Bridge
- West Franklin Street at Riverview Avenue
- US Route 9 at Franklin Street
- US Route 9 at Benedict Avenue
- US Route 9 at NY Route 119
- US Route 9 at I-287/I-87 Eastbound Ramps/Hotel Driveway

14. The parking and loading facilities have generally been designed in coordination with the proposed uses, street system and open space network. The spaces are proposed in off-street lots, garages, below-grade structures and on-street locations and in aggregate total approximately 4,000 spaces. The sum of the RF District off-street parking requirements for the individual non-residential land uses is 1,131 spaces. Based on the methodology and analysis prepared by Walker Parking, a conservative evaluation of the peak parking requirements for these land uses (without consideration of the differences in peak parking demand times among the individual uses) is approximately 972 spaces. However, accounting for the differing peak parking times of these uses, the actual highest single peak non-residential parking demand is projected to be 759 spaces. The FEIS Alternative Plan provides non-residential parking in both structures and surface configurations totaling 816 spaces.

15. The residential component of the project consists of apartments, condominiums and townhouses. The townhouses provide two spaces in each garage and allow for additional driveway parking. This is adequate to meet the zoning requirements for these units and these are therefore acceptably parked and can be dismissed from further analysis. The apartment and condominium parking is principally provided in structured parking below the buildings, with the exception that the loft buildings (I and N) have surface parking provided to the rear. The RF District off-street parking requirements for the apartment and condominium components total approximately 1,886 spaces. The peak parking demand for the apartment

and condominium component of the project has been estimated at 1,609 spaces for the FEIS Alternative Plan. The FEIS Alternative Plan has provided for a total of 1,535 spaces for the apartment and condominiums. As indicated in the Summary of Design Modifications section, due to design considerations, the Village Board will require modifications to the Riverfront Development Concept Plan that will require the loss of approximately 73 units in a mix of townhouse and multifamily configurations. The reduction in density brings the provision of parking generally consistent with project's residential parking demand.

*Mitigation*

16. The project has been designed to limit its traffic impact on the adjacent roadway network. The mix of uses such as the residential and commercial components, including the grocery, was intended to help limit the number of external trips that will occur. The project has been designed to be pedestrian friendly and to encourage walking between the uses. The project will have mass transit access, most particularly the shuttle access to the Tarrytown train station.

17. Roseland has proposed the following mitigation measures:

18. If a new train station is not built on-site, Roseland, its successors and assigns, shall provide shuttle bus service to and from the Site to the Tarrytown train station. Roseland has committed to providing a service with three shuttle buses at full build out. The Village Board will require phased implementation of the shuttle service with shuttle operations to commence no later than the issuance of a certificate of occupancy for the 100$^{th}$ residential unit, and the number of busses and level of service to be commensurate with demand. The shuttle service will be required to operate during the Metro-North peak AM and PM weekday service hours. The Board notes that these periods cover potentially up to eight hours of the day. Issues such as shuttle bus routing, the installation of associated street furniture, and signage will be addressed during the site plan and subdivision review process.

19. Based upon the capacity analyses conducted for each study location, the following improvements were suggested by Roseland to improve future operating conditions on the

area roadway network. The potential for physical improvements are limited due to existing rights-of-way and building locations. Many of these potential improvements are recommended based upon not only the Lighthouse Landing project impacts, but also based upon existing conditions and/or anticipated traffic impacts as a result of either background growth or other proposed (such as the now-approved Ferry Landings in Tarrytown) or approved developments. At some locations, poor Levels of Service are projected to occur even without the project, if no improvements are constructed. Roseland has offered to contribute its fair share toward the costs of the improvements that are suggested to mitigate conditions projected to occur even in the absence of the project.

The following is a summary of the proposed mitigation for these intersections:

**US Route 9 at Pocantico Street/Old Broadway**

20. In order to accommodate the future traffic volumes at this location, signal timing modifications are recommended for the Peak AM, Peak PM and Peak Saturday Hours. With these signal timing modifications, the location will operate at acceptable Levels of Service.

**US Route 9 at New Broadway/Bedford Road/Beekman Avenue/Hudson Terrace**

21. These two directly-coordinated signalized intersections will operate at poor Levels of Service with or without the project due to existing conditions as well as background growth and adjacent developments. Additionally, due to the offset nature and direct coordination of these signals, a large number of signal phases are needed, thus resulting in significant red time for each movement. To mitigate this impact, one improvement that shall be implemented is to provide a northbound left-turn lane at the intersection of US Route 9 and Beekman Avenue/Hudson Terrace. This left-turn lane can be provided through re-striping and the elimination of some on-street parking spaces (approximately 7 to 10 metered spaces utilizing full length tapers) along northbound US Route 9; however, the number of spaces that would need to be eliminated could be reduced by modifying the tapers, subject to NYSDOT approval. This improvement was shown conceptually on Figure No. III.I-34 in the DEIS.

**Beekman Avenue at Pocantico Street**

22. The installation of a traffic signal and an eastbound left-turn lane along Beekman Avenue could be provided through re-striping and the elimination of some on-street parking spaces along eastbound Beekman Avenue. These improvements were shown conceptually on Figure No. III.I-35 in the DEIS. However, the intersection will operate at appropriate Levels of Service, after accounting for the reduced background traffic as well as the reduced density of the retail and commercial portions of the project, with only the left turn modification. The elimination of on-street parking (potentially 10 to 16 metered spaces if full length tapers are utilized) has been identified. With the proposed improvements, this location will operate at an acceptable Overall Level of Service "c" during all three Peak Hours.

**US Route 9 at Main Street/Neperan Road**

23. In order to accommodate the future traffic volumes at this location, the installation of northbound and southbound left-turn lanes along the US Route 9 approaches has been identified. Additionally, signal timing/phasing modifications will be needed in order to provide a northbound left-turn lag phase. The left-turn lanes could be provided via re-striping and the elimination of some on-street parking spaces along Route 9 (possibly 8 to 15 metered spaces if full length tapers are utilized; however, these can possibly be reduced as the Tarrytown CBD Traffic and Parking Study shows minimal parking spaces to be eliminated for a similar improvement). These improvements were shown conceptually on Figure No. III.I-36 in the DEIS and are recommended without and with the project. With the identified improvements, this location will operate at better overall Levels of Service than the 2012 No-Build Condition during all three Peak Hours. Roseland shall contribute its fair share for the proposed mitigation measures.

**Main Street at Cortland Street/Depot Plaza/H-Bridge**

24. In order to accommodate the future traffic volumes at this location, slight signal timing modifications are required with or without the project. With the proposed signal timing modifications, this location will continue to operate at an overall good Level of Service.

**US Route 9 at Franklin Street**

25. This location currently operates at poor Levels of Service due to the utilization of West Franklin Street as the main thoroughfare for traffic traveling to and from the Tarrytown train

station originating from US Route 9 to the south. Currently, a police officer is stationed at this intersection to direct traffic during critical time periods. Based upon a Signal Warrant Analysis, this location currently meets signal warrants. The identified improvements for this location include the installation of a traffic signal, and the restriction of left turns from East Franklin Street (during all times), as well as providing a northbound left-turn lane through re-striping and the elimination of some on-street parking spaces along Route 9 (possibly approximately 16 to 20 unmarked, part-time parking spaces), depending upon the length of tapers; however, these can likely be significantly reduced as the Tarrytown CBD Traffic and Parking Study shows minimal parking spaces to be eliminated for a similar improvement) along northbound US Route 9. These improvements were shown conceptually on Figure No. III.I-37 in the DEIS. Similar improvements were recommended in the Ferry Landings DEIS and in the 1998 Tarrytown CBD Traffic and Parking Study. With these suggested improvements, this location will operate significantly better and safer than the 2012 No-Build Conditions during all three Peak Hours. Roseland shall contribute its fair share for the proposed mitigation measures.

**US Route 9 at Benedict Avenue**

26. Consistent with the EIS, the re-striping of the northbound US Route 9 right-turn lane to a shared through/right-turn lane would accommodate the existing and future traffic volumes at this location. Additionally, slight signal timing modifications should be implemented. With the proposed improvements, this location will operate at a good overall Level of Service during all three Peak Hours. Additionally, the location will operate at better overall Levels of Service than the 2012 No-Build Conditions during all three Peak Hours. The re-striping may require the elimination of some minimal on-street parking (possibly one to three spaces although no parking spaces are delineated at this location). Roseland shall contribute its fair share for the proposed mitigation measures.

**US Route 9 at NY Route 119**

27. In order to accommodate the future traffic volumes at this location, the right-most left-turn lane on the westbound NY Route 119 approach should be re-striped to a shared left-turn/right-turn lane. In addition to these geometric improvements, signal timing modifications should be implemented. With these proposed improvements, this location will

operate at an acceptable overall Level of Service "C" during all three Peak Hours. Roseland shall contribute its fair share for the proposed mitigation measures.

**US Route 9 at I-287/I-87 Eastbound Ramps/Hotel Driveway**

28. In order to accommodate the future traffic volumes at this location, signal timing modifications should be implemented during both the Peak AM and Peak PM Hours. With these improvements, the intersection will continue to operate at essentially the same overall Levels of Service as the No-Build Conditions. Roseland shall contribute its fair share for the proposed mitigation measures.

29. The identified improvements will improve traffic flow in the corridor and would help keep traffic out of the adjacent neighborhoods. Some of the improvements are similar to improvements recommended in other previous traffic studies. The improvements would require a collaborative effort with the NYSDOT, the affected Village(s) and other developers. The NYSDOT, Rockland County, Westchester County and the affected Villages should also consider regional improvements to improve traffic flow. Some of these are being considered in conjunction with the analysis of the Tappan Zee Bridge, including the potential for mass transit access from Rockland County. The on-going improvements on I-87/I-287 will also improve traffic flow in the area. Other regional improvements, including the Route 9A Bypass and the Route 9A direct connection to the Taconic State Parkway southbound will also improve traffic operating conditions in the area. However, to be conservative, the analysis did not reduce any traffic volumes to account for these regional improvements which will improve local traffic conditions.

30. Roseland has agreed to participate in the funding of a study of the formation of an inter-municipal transportation district to coordinate a trolley-type loop system operating between both the Village of Sleepy Hollow and the Village of Tarrytown. The creation of such a district would be a government initiative.

31. Roseland is amenable to consider a transportation interface between the proposed shuttle service and a potential future inter-municipal trolley/jitney loop route to travel between the project and the downtown portions of the Villages.

32. Roseland shall contribute its fair share for traffic calming measures in the Miller Park area in the neighboring Village of Tarrytown. In addition, Roseland shall contribute towards its fair share of an emergency signal preemptive system. The New York State Department of Transportation could consider an emergency signal pre-emptive system in its long-range regional improvement plan.

*Findings*

33. The Village Board recognizes the need for the mitigation measures at the specific intersections described above. As a condition of the project, the Village Board requires that Roseland implement the traffic improvement mitigation measures described above within the Sleepy Hollow municipal boundaries, subject to the review and approval of all applicable jurisdictions. The Village Board requires that all of the proposed traffic mitigation measures within the Village of Sleepy Hollow must be completed by issuance of the certificate or temporary certificate of occupancy covering the 300,000$^{th}$ square foot of new development.

34. The Village Board further requires that Roseland use diligent, good faith efforts to cause all of the required traffic mitigation measures outside Sleepy Hollow which are described above to be implemented by all applicable jurisdictions, including the NYS Department of Transportation and the Village of Tarrytown, provided that Roseland's financial liability for such improvements shall be limited to its "fair share" of the costs of such improvements which are not required solely due to the project. Roseland's fair share shall be determined by an independent traffic engineer to be selected by the Village of Sleepy Hollow In the event that Roseland's good faith offer to pay its fair share of any improvement is not accepted by the applicable jurisdiction and/or such jurisdiction declines to make the improvement, Roseland shall post a bond or other reasonable security for its fair share of the cost of those traffic improvements, as defined above, to be maintained by the Village of Sleepy Hollow for the benefit of the other jurisdictions for a period of five years after site plan approval of the first phase of the project is granted. Each jurisdiction shall have a period of five years after site plan approval of the first phase of the project to accept Roseland's fair share and make the improvements for which the fair share was offered. Upon the expiration of this period, any remaining security shall be returned to Roseland, and thereafter Roseland shall not have any further obligation with respect to the improvements.

35. In addition to the mitigation measures outlined in paragraph 36 above, the Village of Sleepy Hollow has identified several other options that could be instituted to help alleviate potential traffic congestion, particularly on weekends. The Village Board notes that such alternatives are appropriate for consideration in light of the potential for changes in the transportation network due to major regional transportation improvements (e.g., the Tappan Zee Bridge Alternatives), but also notes that the construction of the project as permitted in this Findings Statement is not conditioned upon any of them (except Roseland's financial participation in the study described immediately below). The identified options include:

- Intermunicipal Transportation Entity: As described previously at paragraph 7 of Section 8, one of the concepts that arose from the Village's Waterfront Linkage Study was the creation of an intermunicipal transportation system that would connect the main business districts in Sleepy Hollow and Tarrytown with each respective community's waterfront. Roseland has agreed to participate in the funding of a feasibility study of the formation of an inter-municipal transportation district to coordinate a trolley-type loop system operating between the Village of Sleepy Hollow and the Village of Tarrytown. Letter #17 in FEIS Appendix 1 outlines an on-going process for implementing reductions in overall traffic congestion in the greater Village of Sleepy Hollow/Tarrytown area. The reduction in traffic is coupled with the opportunity to enhance the local traveling experience for residents and promote opportunities for continued growth of the area's tourism related economy. The system could be augmented with the use of hybrid busses similar to what General Motors has developed and used in other parts of the country.
- Light Rail Streetcar System: One alternative includes the potential for establishing a new street car line, using either historic steel wheel or modern trolley cars, running from the west side of Lighthouse Landing (across from the commuter parking lot outlined in the FEIS Alternative Plan) through the Lighthouse Landing development site along River Street across the H-Bridge, or along the west side of the Metro-North tracks to the Tarrytown Station. The streetcar system has the opportunity to: provide a reliable, quick link from a

satellite parking lot (for the purposes of Metro-North car parking) to the Tarrytown Station; improve transit access to Sleepy Hollow; and provide opportunities to apply transit oriented development principles using a streetcar line and associated station(s) instead of a new Sleepy Hollow Metro-North station as its transit focus. The contemplated one to two mile routing of the streetcar line would originate on the west side of the Lighthouse Landing site, pass through the site with a stop contemplated at the Beekman Place commercial district and terminate on the west side of the Tarrytown Metro-North station. Additional stops could be considered if it improves access to the Village. An evaluation of initiating a new streetcar system would include a study of the following elements: most appropriate type of vehicle to use; station or stop locations; operating hours; frequency; right-of-way requirements; operating economics; vehicle maintenance/storage facility requirements; and other infrastructure requirements, such as electrification for the streetcar route.

- MicroRail™ Personal Automated Transit: MicroRail is a new technology under development as part of the Personal Automated Transport (PAT) growth industry. The MicroRail PAT system utilizes an elevated guideway to transport small, four passenger cars. The system is designed to allow automatic driverless travel to selected destinations. According to information from MegaRail Transportation Systems, Inc. passengers enter the cars through a full-height, side and roof opening passenger door. A lower side door provides platform level directly to four first-class size seats. The MicroRail cars run with power supplied to the four drive-wheel motors and car air conditioning from electrical power hot rails located inside enclosed rail tubes in the guideway. The speed and position control of the vehicles is controlled by the basic technology used for computer control of high-performance military aircraft.

36. In addition, at the intersection of Beekman Avenue and Pocantico Street, the DEIS had previously recommended the installation of a traffic signal and eastbound left-turn lane needed to mitigate a higher level of development at Lighthouse Landing. The FEIS Alternative Plan does not include this signal since the development levels were decreased between the DEIS and the FEIS. The Village Board finds that in order to ensure the proper

function of Beekman Avenue at Pocantico Street and afford safety to pedestrians, particularly Morse School students, the intersection should be reviewed at the time of the issuance of the temporary or permanent certificate of occupancy covering the 300,000th square foot of new development to determine whether the intersection should be signalized with a demand activated pedestrian phase and interconnected with the Beekman Avenue/Washington Street traffic signal. If the Village Board determines that such improvements are appropriate through the conduct of a Traffic Signal Warrant Study and pedestrian safety evaluation, Roseland shall pay for the signal's installation. As needed during the interim construction period and prior to the implementation of this measure, Roseland shall fund a crossing guard and/or off-duty police officer for this intersection during the same hours that crossing guards are utilized at other intersections in the Village.

37. The Village Board finds that the measures described above will mitigate the potential traffic impacts from the project to the maximum extent practicable. The Board also notes that the traffic generation was based on the FEIS Alternative Plan, which analyzed an approximately 550-space commuter lot. This number of spaces was provided in response to projections from MTA regarding commuter parking demand. MTA has projected parking demands on the Hudson Line that go well beyond what could be accommodated at this Site. In addition, much of the projected volume on the Hudson Line has been projected to come from Rockland County, across the Tappan Zee Bridge. As described above, there is no commitment or certainty from the MTA regarding an on-site train station and the Village Board finds that the Riverfront Development Concept Plan shall be modified to incorporate the East Parcel Master Plan prepared by Richard Daley Architects, which provides a 150-space parking lot for Village uses and project overflow parking, not a commuter lot. As indicated in the FEIS, in the absence of the new on-site train station and with the 150 space lot, the intersections will generally operate at Levels of Service similar or better than described above for the FEIS Alternative Plan with the 550 space lot. A portion of the traffic destined to the commuter lot would have been new trips to the area. Given the projected volumes of commuter traffic that would originate from the Tappan Zee Bridge and the south, the Village Board finds that the elimination of the commuter lot and substitution of the 150 space lot will therefore reduce traffic generation from the project and improve future traffic operations.

38. Some of the mitigation measures require the removal of on-street parking. The Board realizes the importance of these spaces for the local business district and is committed to the pursuit of additional off-street parking facilities to serve local businesses. However, in order to provide more efficient traffic operations, this loss is unavoidable. The removal of spaces shall be limited to the minimum number necessary to safely implement the mitigation. In order to mitigate the loss of identified on-street parking within the Village, Roseland shall contribute $20,000 (which is a typical industry standard cost for structured parking) for each space removed within Sleepy Hollow, up to a maximum of $320,000 to fund the development of replacement off-street parking facilities. If on-street parking will be eliminated as part of any traffic mitigation improvement required in any municipality other than Sleepy Hollow, then Roseland's fair share of the costs of that improvement, and the bond or other security that Roseland shall provide pursuant to paragraph 36, above, shall also include Roseland's fair share of the cost to replace the eliminated spaces. As indicated in paragraph 24 above, the intersection of Route 9/New Broadway/Beekman Avenue/Bedford Road/Hudson Terrace is anticipated to operate at poor levels of service in the Build Condition. Roseland has provided mitigation at this intersection to the extent practicable. However, in an effort to advance a more comprehensive evaluation of the intersection configuration, Roseland shall contribute towards a comprehensive design analysis of this intersection, in an amount not to exceed $75,000.

39. The parking and loading facilities have generally been designed in coordination with the proposed uses, street system and open space network. The spaces are proposed in off-street lots, garages, below-grade structures and on-street locations and in aggregate total approximately 4,000 spaces. The sum of the RF District off-street parking requirements for the individual non-residential uses is 1,131 spaces. Based on the methodology and analysis prepared by Walker Parking, a conservative evaluation of the peak parking requirements for these land uses (without consideration of the differences in peak parking demand times among the individual uses) is approximately 972 spaces. However, accounting for the differing peak parking times of these uses, the actual highest single peak non-residential parking demand is projected to be 759 spaces. The FEIS Alternative Plan provides non-residential parking in both structures and surface configurations totaling 816 spaces. Given

the compact nature of the proposed commercial core, the Village Board believes that it is important to provide for adequate parking to satisfy the projected peak parking demand and in proximate walking distance to these uses. The Village Board shall take a conservative approach and require that parking for an additional 150-160 cars be provided within the commercial corridor. The Concept Plan provides sufficient space to accommodate this parking in three possible locations: Area 1 – behind Building C; Area 2 – in structured parking between Buildings A and B; and Area 3 – through a reconfiguration of the at-grade area between Buildings A and I. Additional parking shall be provided in Area 1 and developed at the same time that Building C is constructed. The balance of additional parking can be accommodated in Areas 2 or 3 described above. Any additional parking in Area 3 shall initially be suitably treated and reserved so as to be used as overflow parking ("land banked"). Upon full build-out of the commercial corridor, if the future parking demand levels warrant, the Village Board can make the determination to have the land banked lot converted to full-use parking by Roseland.

40. The residential component of the project consists of apartments, condominiums and townhouses. The townhouses provide two spaces in each garage and allow for additional driveway parking. This is adequate to meet the zoning requirements for these units and these are therefore acceptably parked and can be dismissed from further analysis. The apartment and condominium parking is principally provided in structured parking below the buildings, with the exception that the loft buildings (I and N) have surface parking provided to the rear. The RF District off-street parking requirements for the apartment and condominium components total approximately 1,886 spaces. The peak parking demand for the apartment and condominium component of the project has been estimated at 1,609 spaces for the FEIS Alternative Plan. The FEIS Alternative Plan has provided for a total of 1,535 spaces for the apartment and condominiums. As indicated in the Summary of Design Modifications section, due to design considerations, the Village Board will require modifications to the Riverfront Development Concept Plan that will require the loss of approximately 73 units in a mix of townhouse and multifamily configurations. The reduction in density brings the provision of parking generally consistent with project's residential parking demand.

41. Section 62-5.1(V)12 of the Village Code encourages a mix of land uses, wherein cumulative

parking demand is less than the sum of the peak demand for each land use, and authorizes the Village Board to allow for portions of the off-street parking requirement to be satisfied by alternate parking solutions, such as shared parking, valet service, and off-site parking. The Village Board further recognizes that the project offers a number of shared parking opportunities for uses that traditionally have different peak parking hours. For example, office and retail typically have differing periods of peak activity. A parking space that is utilized by an office worker during weekday business hours would be available for use by a retail employee or shopper during weekend peak shopping hours. In addition, of the total 455 on-street spaces, approximately 245 are located on Beekman Place, or within one block of the corridor, and could be available to accommodate retail patrons. Further, approximately 200 of the on-street parking spaces are located in the residential neighborhood and would be available for visitor and resident use, subject to Village regulation.

42. Overall, the RF District requirement for off-street parking for the Lighthouse Landing residential and commercial components would be approximately 3,635 spaces. With the modifications identified above, the project provides approximately 3,450 spaces directly associated with its residential and commercial uses (and excluding East Parcel parking, recreation parking, and on-street spaces.) Given that the site has a transit and pedestrian orientation, and in consideration of the alternative parking provisions discussed above, the Village Board finds pursuant to Section 62-5.1(V)12 that as modified by the conditions above, adequate parking would be provided for the project. Although parking for some uses may not be fully located on the same lot as the use to which they are accessory, parking on adjacent streets and shared parking will be utilized to meet demand. In order to ensure effective and efficient parking sharing, project signage and other way-finding measures shall be provided and reviewed in detail during the site plan review process. Access to and from shared parking facilities shall be subject to easements or other similar restrictions that allow for continuous shared use after subdivision.

43. The Village Board further finds that the 550-space commuter lot on the East Parcel included in the FEIS Alternative Plan should be eliminated and the Richard Daley plan substituted. The Village Board also notes that the FEIS Alternative Plan indicates 24 on-street parking spaces directly adjacent to the waterfront park on Road One. The Village Board reserves the

right to determine the extent of the on-street parking to be provided in this area as part of the waterfront open space design process. Should adequate parking be available to serve the open space uses, such as the proposed boathouse, and in consideration of design and visual factors relating to the park space, the Village Board may elect to eliminate this parking. The maximum extent of removal would be 24 spaces, which does not materially affect the sufficiency of the parking being provided.

## 10. Air Quality and Noise

*Potential Impact*

1. Construction of the project will result in short-term air quality impacts from vehicle engine emissions and fugitive dust created from vehicle movement, material handling, earth moving, etc. The impact from construction vehicles will be minimized by the proper maintenance of construction equipment, controlling unnecessary idling, and providing sufficient parking for construction workers. The emissions from construction vehicles are temporary and self-correcting once the project is completed. Fugitive dust is also a temporary impact and several mitigation measures will be employed to ensure that dust suspension is minimized. No blasting is anticipated to be required.

2. Westchester County is part of a non-attainment area for ozone that encompasses most of the New York City metropolitan area. The County, like most of the New York metropolitan area, has not achieved the National Ambient Air Quality Standards (NAAQS) for ozone established under the Clean Air Act. The NYSDEC has in place a State Implementation Plan (SIP), which has been approved by the US EPA to control emissions of ozone precursors from motor vehicles in the New York metropolitan area, including Westchester County. As documented in the Air Quality report included with the EIS, NYSDOT methods were used to determine whether intersections affected by project-generated motor vehicles would have the potential to violate the NAAQS. A microscale screening analysis was conducted and showed that further air quality modeling analysis was not required and that it is highly unlikely that the project would violate the NAAQS at build-out. NYSDOT and USEPA methods were also used to examine carbon monoxide levels in the project's parking garages. The results indicate that projected CO concentrations from the proposed parking

facilities would not violate the NAAQS carbon monoxide limits.

3. The project could potentially increase noise levels in the short-term through construction activity, and in the long-term through increases in vehicular traffic. A traffic noise assessment, calculating expected noise levels increases associated with traffic volumes, was performed. The results indicate that the increases in future noise levels during the peak traffic periods would be below the impact threshold of perceptibility.

4. Noise generated during construction comes primarily from the diesel engines that power the construction equipment and from pile drivers and slab demolition equipment. The actual sound levels experienced by surrounding residential uses will be a function of distance. Since the Site covers a large area, as construction progresses no one existing use will be exposed to the same sound levels over an extended period of time. The results of the noise assessment indicate that pile driving, which is slated to occur periodically over the construction period, is the only construction activity with the potential for noise impact. During the EIS process, the project was modified so that the footprint area requiring new pile foundations was reduced by approximately 32 percent from 12.2 acres to 8.3 acres. Pile driving activity can reach a noise level of 100dBA at 50 feet. However, the DEIS analysis indicates that pile driving noise would only exceed existing Leq levels at the most proximate receptor locations. Further the analysis does not take into account intervening buildings, which would reduce actual construction noise levels.

*Mitigation*

5. Measures proposed by Roseland to be employed during project construction to ensure that dust suspension is minimized include:
   - Keeping on-site construction vehicle speed low (under 10 mph);
   - Covering trucks carrying soils and other dry materials;
   - Covering exposed stockpiles of soil and gravel, or minimizing the height of these piles;
   - Periodic washing of paved surfaces during dry periods;
   - Applying water, as necessary, during concrete slab removal and crushing;
   - Applying water to stockpiles and unpaved roads during dry periods; and

- Final grading and landscaping of exposed areas as soon as practicable.

6. As good construction practice, mufflers will be maintained on all construction equipment. Pile driving noise will be mitigated by limiting pile driving to daytime hours as stipulated in the Village's noise ordinance. The FEIS Alternative Plan has also resulted in a reduction of the amount of required pile driving activity.

7. Roseland has proposed the use of mechanically vented parking garages to maintain fresh air flow.

8. The project also involves several components that serve to reduce motor vehicle traffic generation, thereby reducing the potential air quality impacts from mobile sources. These include proximity to a rail station; the implementation of a jitney service; pedestrian connections to the Beekman Avenue corridor, Philipse Manor train station and the eventual County trail network and other public and quasi-public uses; and a mix of on-site land uses. The project is not a major stationary source emitter of air pollutants of concern.

*Findings*

9. The Village Board finds that the mitigation measures for air and noise impacts presented in the EIS are typical and appropriate as a baseline for construction projects. However, given the scale and duration of the potential construction impacts from the project, the Village Board will require a series of supplemental conditions and mitigations. The air quality and noise conditions/mitigations presented above shall be augmented by the overall list of conditions/mitigations for Construction Impacts presented in the section below. With the implementation of these conditions, the Village Board finds that the project will adequately mitigate any potential adverse impacts on air quality and noise. Further, the air quality analysis presented in the EIS demonstrates that the project would not result in any non-compliance with the SIP.

10. Furthermore, and as described in more detail earlier, in an effort to address the growing concern about greenhouse gas emissions and related efforts to incorporate energy-saving technologies, the Village Board will require that the project be a Leadership in Energy and

Environmental Design (LEED) certified project under the Green Building Council's LEED for Neighborhood Development (LEED-ND) program, that the larger buildings be designed such that they could qualify for LEED certification using the LEED for New Construction rating system, and that the townhomes be designed such that they could qualify for the Energy Star Qualified Attached Homes National Builder Option Package.

## 11. Construction Impacts

*Potential Impacts*

1. The construction of the project will result in a number of temporary adverse impacts related to construction activity, such as noise from the operation of heavy equipment and the require foundation pile driving; construction traffic from employees and material delivery; increased soil erosion from earthwork operations; and fugitive dust and emissions from the operation of power equipment.

2. To improve construction vehicle access to the Site, the Beekman Avenue Bridge will be upgraded to current HS25 highway design loading. Bridge reconstruction is expected to commence during the early phase of the overall project schedule to permit construction vehicle access from Beekman Avenue.

3. Construction activities are anticipated to be phased over an approximately six-year period. During this period, the number of employee vehicles at the Site will vary in correlation with the construction sequence and number of construction workers required. Conservatively estimating one vehicle per employee, employee vehicles are expected to gradually increase during the course of construction from an approximate 20 employee vehicles daily at the project's onset to an estimated 600 employee vehicles daily at its peak. Truck traffic is anticipated to average approximately 70 round trips per day over the construction period, with fewer truck trips expected during the earliest and latest stages of construction. At peak, truck traffic is anticipated to average approximately 160 round-trips per day over a three-month period. These averages may be exceeded as a result of overlapping, truck intensive construction activity such as concrete work and the import of off-site borrow material.

4. The FEIS Alternative Plan requires the import of approximately 200,000 cubic yards of fill material to raise the Site to the proposed grade and complete construction. Approximately 16 acres of the Site will also require surcharging in order to compress the underlying material. The surcharging is anticipated to require less than150,000 cubic yards of material, which would then be reused on-site to help satisfy the project's 200,000 cubic yard import fill requirement.

5. The construction of the project would also likely result in an increase in short-term employment opportunities and increased patronization of existing retail and service establishments with the Village.

*Mitigation*

6. Construction operations will be undertaken in accordance with all applicable Village regulations. The construction work force typically has offset early arrival and departure times which vary from the local peak commuter periods and will reduce traffic related impacts to the local roadway network. All material storage, and construction staging and employee parking will be provided on-site. The phased construction and provision of adequate staging and material stockpile areas will permit the reuse of building materials (e.g., surcharge material); coordinated use of construction crews and equipment; and the reduction of material deliveries.

7. Roseland has proposed to contribute to the repair of the Beekman Avenue Bridge to current highway design loading HS25 standard. This would allow the lifting of the existing 12-ton weight limit and the passage of large trucks. Upon improvement, truck traffic from the proposed project would be routed along Beekman Avenue to Route 9. The existing viaduct to the East Parcel will also be repaired by Roseland to its original H15 design loading. GM has also committed to remove a minimum of 75 percent of the historic fill removed pursuant to the IRMs by rail to help minimize impacts on the local roadway.

*Findings*

8. The Village Board finds that the mitigation measures presented in the EIS are typical and appropriate as a baseline for construction projects. However, given the scale and duration of

the potential construction impacts from the project, the Village Board will require a series of supplemental conditions and mitigations, presented below.

9. Upgrade of the Beekman Avenue Bridge to the HS25 standard will be necessary to allow for appropriate construction vehicle access to the Site. Roseland will therefore be required to diligently pursue approval from Metro-North and the reconstruction of the Beekman Avenue Bridge to this standard with the goal of completing reconstruction within a period of approximately 15 months and prior to the issuance of the first temporary certificate of occupancy or certificate of occupancy. Prior to reconstruction of the Beekman Avenue Bridge, project construction vehicles exceeding the current 12-ton weight limit will utilize alternate routes to the Site.

10. The Village shall retain an inspector/liaison(s) at Roseland's expense to monitor overall construction activity, soil erosion and dust prevention measures, and construction traffic management, and material deliveries the in order to protect surrounding residents, Village streets and buildings, Kingsland Point Park and the Hudson River itself. This inspector shall report directly to the Village Building Inspector. Given the scale of the proposed filling operations, Roseland will be required to coordinate with the inspector/liaison in identifying potential material sources where the material could be efficiently brought to the Site by barge or rail. The inspector/liaison position shall be retained by the Village and be funded by Roseland on an annual basis beginning with the initiation of the environmental remediation. The position shall remain engaged throughout the duration of the construction period, or until determined by the Village Board that construction is substantially complete and the remaining potential for construction impacts have been minimized sufficiently to warrant an earlier end date.

11. GM shall be required to remove a minimum of 85% of the historic fill removed pursuant to the IRMs by rail to help minimize impacts on the local roadways. Roseland will be required to investigate, and, where practicable, employ commercially reasonable opportunities to use rail or other alternate transportation means for the importation of fill required at the Site. Roseland will also be required to coordinate regularly with the Village inspector/liaison regarding construction traffic management, and to ensure all due diligence is being used to

identify sources of material that can be brought to the Site by alternate (non-truck) means. A construction management program outlining the process for coordination of the arrival/departure of workers, and material deliveries with the Village monitor/representative will also be required.

12. In consideration of the truck activity that will be required to prepare the project Site for development and to import construction materials, Roseland will be required to provide a bond for the repair of any damage to Beekman Avenue or other Village roads caused by project construction traffic activity in an amount equal to the reasonably anticipated cost of repair as determined by the Village Architect, Engineer and Administrator in consultation with Roseland. Roseland shall use all reasonable efforts to accommodate delivery by means other than trucking.

13. In addition, due to the anticipated vibration from pile driving, Roseland shall be required to prepare a pre-construction inspection report (similar in scope and content to a typical pre-blast inspection), to document, at a minimum, the condition of the interiors and exteriors of the buildings within 500 feet of the on-site pile driving activity. This report would serve as a baseline for building condition and be the basis for any damage claims. The report shall be completed and made available to the Village prior to the start of construction. In the event that pile-driving activity continues after new residences have been constructed, the requirement to prepare pre-construction inspection reports shall extended to any new buildings on the Site within 500 feet of pile driving activity. In addition, seisometers shall be used and monitored to ensure that vibrations do not exceed acceptable levels during pile driving, the use of ram hoes, and blasting activity, if any.

14. As noted earlier in this Findings Statement, the Village Board has required the Riverfront Development Concept Plan to be modified to substitute an alternate configuration of the Beekman Avenue/Beekman Place/River Street intersection. The construction access as shown on the large scale erosion control plans for the FEIS Alternative Plan indicates an access directly adjacent to Ichabod's Landing. While, at the onset, the existing entrance to the Site may need to be used for site access, the construction of Beekman Place shall begin during the initial phase so it can be available as a construction access point as soon as is

practicable. After construction and occupation of the Beekman Place development, additional construction routes will be available. Detailed construction plans indicating all anticipated construction entrance usage shall be provided and reviewed during site plan approval.

15. As shown on Figure III.L.2 in the DEIS, the concrete crushing facility shall be located towards the north end of the West Parcel (north of the existing pedestrian bridge over the tracks), and at a minimum distance of 300 feet from Kingsland Point Park. The exact placement of the facility shall be detailed and reviewed during site plan approval of the first phase.

16. The DEIS provided construction parking and material storage locations for an early plan iteration. An updated construction management plan for the specific phase for which site plan approval is being sought, including staging, parking and storage locations, shall be provided during site plan review for that phase. Construction material storage and parking areas shall be located as far as practicable from the surrounding residential uses.

17. The EIS notes that the project will involve activities such as pile driving that may result in noise levels of above 90 dBA at surrounding properties. The mitigation proposed by Roseland is that work will be done during the day when most people are at work, specifically limited to Monday through Friday from 8am to 7pm and Saturday from 9am to 6pm, in accordance with the Village of Sleepy Hollow Noise Ordinance. However, in an effort to mitigate impacts to nearby residences from pile driving, slab removal and blasting activities, as well as any slab crushing outside of the area shown on the Exhibit III.L.2 in the DEIS, the aforementioned activities shall not be permitted on Saturdays within 500 feet of residences. Periodic monitoring by the Village inspector described in this section will be performed to ensure that allowable hours and other regulations are not exceeded.

18. The Village Noise Ordinance permits deliveries between 6:00AM and 9:00PM. Strict compliance with the Village's Noise Ordinance shall be adhered to for deliveries and other site construction activities. Additionally, Roseland shall use best efforts to limit its construction deliveries to between 7am and 6pm. Additionally, to protect schoolchildren

crossing Beekman Avenue during the construction of the project, Roseland has agreed to fund a crossing guards and/or off-duty police officer for the Pocantico Street/Beekman Avenue intersection during the same hours that crossing guards are utilized at other intersections in the Village.

19. Roseland shall be required to post a bond not to exceed $20,000 for the monitoring and remediation of off-site dust impacts.

20. Both silt fence and haybale backup shall be provided along the boundary of adjoining properties.

21. The "possible sediment basin" that is shown in the waterfront open space near Ichabod's Landing, on the large scale erosion and sediment control plan, should be shifted as close as practical to the proposed hotel site, with the understanding that with the anticipated phasing, the hotel site may potentially be used for material storage and parking.

22. All grading must be designed to slope away from Ichabod's Landing so as not to direct runoff toward Ichabod's Landing. Final grading and stormwater management details will be reviewed and approved during the site plan review process.

23. Preliminary calculations and a conceptual stormwater management system have been provided and illustrate an acceptable approach for proper function of a stormwater system. Detailed stormwater calculations demonstrating the adequacy of all existing and proposed drainage lines and systems must be provided during site plan approval.

**12. Phasing**

*Potential Impacts*

1. Due to the scale of the project, full buildout is anticipated to take at least five years. In order to manage the review of detailed site plans and the physical construction of the project, phasing is required. The Applicant prepared a construction schedule in the DEIS, with some modifications to the sequence provided in the FEIS.

*Mitigation and Findings*

2. The Village Board has reviewed the construction sequencing proposed by Roseland. In order to limit the duration and extent of construction impacts on surrounding properties, and to ensure that the positive benefits of the project, including public access to the waterfront, are realized and available for use by Village residents in a timely manner, the Village Board finds that certain modifications to the construction sequence are required.

3. The Village Board finds that the timely construction and opening of the waterfront open space and various public and recreational amenities is necessary to ensure that the benefits and mitigative effects of these features are realized. The various public amenities, benefits and mitigation measures shall be constructed as described in the sequence below, subject to obtaining the requisite government approvals and permits.

| **Mitigation Measures, Public Amenities, or Benefits** | **Timing** |
|---|---|
| Waterfront open space (from Ichabod's Landing to hotel site) | Subject to the specifics of the waterfront open space design process, however Roseland shall be required to diligently proceed with, and fulfill the requirements for, the necessary applications to secure permits and approvals for the waterfront open space improvements. |
| Beekman Avenue Bridge and new Beekman Place intersection | To be commenced immediately upon Village Board approval |
| Viaduct | To be commenced immediately upon Village Board approval |
| Cove, bulkhead installation, riprap repair/modification (with the exception of that area between Ichabod's Landing and the hotel site, which shall be initiated earlier) | Subject to the specifics of the waterfront open space design process, however Roseland shall be required to diligently proceed with, and fulfill the requirements for, the necessary applications to secure permits and approvals for the waterfront open space improvements |
| East Parcel recreation facilities | To be commenced immediately after viaduct repair work |
| Department of Public Works | To be commenced immediately after viaduct repair work |
| Central park open space | To be completed prior to, or during, Phase 2 construction of the adjoining buildings |
| Fire Station | To be completed prior to completion of Phase 1 |
| Boathouse | Subject to the specifics of the waterfront open space design process, however Roseland shall be required to diligently proceed with, and fulfill the requirements for, the necessary applications to |

| | |
|---|---|
| | secure permits and approvals for the waterfront open space improvements |
| Waterfront open space (from hotel site to Kingsland Point Park)** | Subject to the specifics of the waterfront open space design process, however Roseland shall be required to diligently proceed with, and fulfill the requirements for, the necessary applications to secure permits and approvals for the waterfront open space improvements. |
| Piers, docks, launches | Roseland shall be required to diligently proceed with, and fulfill the requirements for, the necessary applications to secure permits and approvals for these waterfront open space improvements. |

**With the understanding that the hotel site may be developed during later stages, a pedestrian connection around the hotel site in order to establish continuous waterfront access shall be provided.

4. The Village Board finds that the proposed sequencing of building construction should be flexible in order to allow for manageable detailed site plan review and provide an efficient development schedule. The proposed schedule of Building Group sequencing during the construction process shall be submitted to the Planning Board for review and approval during the site plan review process.

**Alternatives**

The DEIS considered a range of alternative development scenarios, including those established in the Scoping Document. These alternatives are discussed below:

A. No Action

The No Action alternative would leave the site in its current condition, predominantly paved and used for temporary parking and storage. This is inconsistent and incompatible with the uses envisioned in the Village's LWRP and implemented as outlined in the Village's RF-Riverfront Development district. This would not meet the objectives of the Applicant to return the plant site to beneficial use and make the riverfront resource available to the public.

This alternative would permit continued untreated stormwater runoff into the Hudson and would not allow for the development of new housing stock, including affordable and senior apartments. Under this scenario, the Village would not receive the substantial open space and recreational amenities proposed with the project, and would not be able to create an open space linkage along the River between Kingsland Point Park and Horan's Landing. Infrastructure improvements, such as the repair and upgrade of the Beekman Avenue bridge, and community uses, such as the

development of new facilities for the DPW and the Fire Department, would not occur. The Village would also not receive the projected increase in tax revenues or employment opportunities.

B. Alternative Plan Configurations

1. Alternative Project Densities

The DEIS evaluated two alternative densities to the 1,562 residential unit DEIS proposal; one with 100 more units, and one with 100 fewer units. The extent of the commercial space (50,200 s.f. office, 180,000 s.f. retail, 147-room hotel) remained the same as in the DEIS proposal.

The 1,662-unit alternative would increase the residential density to 17.6 du/acre and could be accommodated with a similar site plan layout, but utilizing an additional floor on several of the larger buildings. Overall, the increase of 100 units would have the effect of raising potential quantitative impacts (e.g., schoolchildren, net fiscal impact, utility demand, and traffic generation) by between one and six percent. The alternative of a 100-unit decrease would have the effect of lowering the potential quantitative impacts from the DEIS proposal by between two and six percent.

During the public hearing process on the DEIS, the Village Board and the public expressed concern over the potential impacts related to project density, particularly traffic generation, at the 1,562 units initially proposed. In response, the Applicant prepared a new alternative, studied in the FEIS that proposed a greater reduction in residential units, as well as a reduction in the amount of proposed commercial space, which has eclipsed this initial lower density alternative. In addition, a sensitivity analysis identifying the incremental change in impacts associated with each reduction of 25 dwelling units was included in the FEIS.

During the FEIS public hearing, comments were raised suggesting that the Village review additional alternatives with significantly fewer units. As described in the Traffic Findings section above, potential traffic impacts resulting from the project can be mitigated at the FEIS Alternative plan density. However, as an example, at 850 units, the fiscal modeling prepared by the Village's fiscal consultant indicates that the Village would incur a deficit. In

this document, the Village has required a number of design modifications that will reduce the number of dwelling units. This revised program was also tested to ensure it was feasible and that the Village would continue to receive a surplus.

In response to comments raised by the Village of Tarrytown at the public hearing on the FEIS held on January 23, 2007 and in its February 1, 2007 comment letter, the Applicant analyzed the traffic implications of Tarrytown's suggested reduction in the number of dwelling units from 1,250 to 800 and from 132,000 square feet of commercial space to 90,000 square feet. The analysis, which was prepared by the Applicant's traffic engineers and submitted to the Village Board under cover of a June 26, 2007 letter from Divney Tung Schwalbe, LLP, shows that the reductions of density suggested by Tarrytown would result in only minimal changes in traffic conditions and would still require the same traffic improvement measures recommended for the FEIS Alternative Plan. In particular:

- The Traffic Study of the FEIS Alternative Plan demonstrates that project traffic impacts can be adequately mitigated. A total of 37 intersections were evaluated in the Traffic Study and improvements are recommended at 10 of these intersections in Tarrytown (including signal timing modifications and lane restriping to create turning lanes at select locations). Of the total of 22 intersections studied in Tarrytown, improvements have been suggested at eight intersections primarily due to Existing or No Build conditions. Many of the improvements recommended in Tarrytown, including selective elimination of on-street parking spaces to create turning lanes, were recommended in the Tarrytown CBD Traffic and Parking Study prepared by Adler Consulting in 1998.

- Scaling back the proposed retail floor area from 132,000 square feet to 90,000 square feet would not significantly reduce traffic. The reduction of residential units would reduce the internal draw of the retail. With the corresponding 30% retail gravity model reduction, the project retail-related trip reduction (exclusive of the hotel retail) would be approximately 43 trips out of a total of 612 primary trips (exclusive of the water dependent and East Parcel uses) in the AM Peak Hour, 43 trips out of a total of 710 trips in the PM Peak Hour, and 104 trips out of a total of 948 trips in the Saturday Peak Hour. Furthermore, a significant portion of the project retail traffic distribution will be drawn

from points north/east of Tarrytown or from within the Site (approximately 70%), and therefore would not pass through the Route 9 intersections in Tarrytown.

The reductions are limited in comparison to the overall volumes at the intersections. For example, at the intersection of US Route 9 and West Franklin, the reduction in trips resulting from the reduction in retail is 14 trips (0.59% of the overall intersection traffic) during the AM Peak Hour, 14 trips (0.51%) during the PM Peak Hour, and 38 trips (1.46%) during the Saturday Peak Hour. At the intersection of US Route 9 and Route 119, the reduction in trips resulting from the reduction in retail is 11 trips (0.30% of the overall intersection traffic during the AM Peak Hour), 11 trips (0.35%) during the PM Peak Hour, and 27 trips (0.97%) during the Saturday Peak Hour.

- Tarrytown's suggested density program would necessarily further reduce the number of total primary trips. A portion of the project residential traffic will distribute to/from points north/east of Tarrytown (approximately 45%), and therefore will not pass through any of the Tarrytown Route 9 intersections.

  For example, at the intersection of US Route 9 and West Franklin, the reduction in trips resulting from the reduction in residential is 52 trips (2.18% of the overall intersection traffic during the AM Peak Hour), 61 trips (2.22%) during the PM Peak Hour, and 54 trips (2.07%) during the Saturday Peak Hour. At the intersection of US Route 9 and Route 119, the reduction in trips resulting from the reduction in residential is 45 trips (1.22% of the overall intersection traffic during the AM Peak Hour), 58 trips (1.77%) during the PM Peak Hour, and 49 trips (1.86%) during the Saturday Peak Hour. These are small percentages of the overall intersection volume and would have marginal impact on traffic operating conditions.

- In the limited instances where the lower density program would result in an improvement in LOS at intersections where the LOS with the project and recommended improvements is E or F, those improvements: (a) all relate to a single turning lane and do not affect the overall LOS at an intersection (US Route 9A and West Franklin Street [AM Peak and PM Peak Hours] and US Route 9 and I-87/I-287 Eastbound Ramps [PM Peak Hour]); (b)

are the same LOS as the No-Build scenario (US Route 9 and Prospect Avenue [PM Peak Hour]); or (c) relate to non-signalized intersections (US Route 9 and Park Avenue [AM Peak Hour]). Overall, therefore, there would be no material improvement in traffic conditions even with the very substantial reduction in density suggested by the Village of Tarrytown.

These conclusions were confirmed by STV, Inc., the Village of Sleepy Hollow's consulting traffic engineers.

It should also be noted that the very substantial reductions in residential and commercial density would compromise the critical mass necessary to sustain a vibrant mixed-use community, and would jeopardize the significant fiscal benefits of the project to all taxing jurisdictions and would potentially make the Applicant's currently proposed open and public space program economically infeasible. For all of these reasons, the Village Board finds that the benefits of the FEIS Alternative Plan (as required to be modified by this Findings Statement) far outweighs the marginal traffic benefits of Tarrytown's suggested reduced density program.

2. Alternative Program Mix or Layout

The alternatives reviewed under the Alternative Program Mix or Layout included incorporating affordable housing units within the West Parcel; incorporating light industrial/flex office space; not requiring displacement of existing residents; and incorporating a pier.

The alternative of including affordable housing units within the WestParcel has been made part of the proposed project. The FEIS Alternative includes 40 affordable senior apartments and 21 workforce housing units located on the West Parcel. Similarly, since the park and municipal uses envisioned on the east parcel do not require displacement of existing residents from the Continental Street neighborhood, that alternative has also been incorporated into the proposed project.

The scoping document requested review of an alternative incorporating a pier suitable for

excursion boat service. However, the Village has prepared a Waterfront Use Master Plan, identifying a number of proposed water dependent improvements along the Village's shoreline. The Open Space Plan does not include a ferry/excursion boat pier, but contemplates establishing a fishing pier near the proposed extension of Beekman Avenue. The FEIS Alternative Plan has incorporated the concept of a fishing pier at this location. The Village Board does not contemplate accommodating regular commuter ferry service at Lighthouse Landing, but rather excursion boat service, similar to that accommodated at Ichabod's Landing. In order increase the length of access available for anglers and other pier users, and to maximize the potential for this pier to serve as an additional boat tie-up area, the Village Board requires that the leg of the fishing pier perpendicular to the shore be extended as close to the Federal channel as permissible by the Army Corps of Engineers. Given the relatively narrow width of the pier, its elevation above the water level, and the maximum limit of pier length dictated by the presence of the channel 130 feet from shore, the Village Board finds that the pier would have no significant shading or sediment suspension impact. The specific design of the pier will be determined at site plan review, but shall conform with the general parameters outlined above.

The Linkage Study identified "Flex/Office" spaces as a possible non-residential land use on the east parcel, and this alternative was requested in the scoping document. The Applicant analyzed an alternative with an approximately 50,000 square feet building on the East Parcel in the DEIS. The creation of this building and its associated parking would require approximately two acres. This would necessitate a reduction in size of one of the municipal uses proposed for the East Parcel. This alternative would also result in increased utility demand and traffic generation, but would yield approximately 100 more daytime workers, and additional tax revenue. Based on comments from the Village Board, the FEIS document evaluated an alternative of substituting approximately 136,000 square feet of light industrial/incubator space on the West Parcel in lieu of one of the 100 residential rental apartments. The assessment indicated that the fiscal impact of this substitution on the Village would be generally similar to the FEIS Alternative. Incubator/light industrial space would generate more traffic than 100 apartment units (approximately 134 more vehicle trips in the weekday AM peak, and 121 more in the weekday PM peak.) It is also noted that under the FEIS Alternative Plan, the two buildings along the railroad tracks are proposed to

be “live/work” loft apartments with open plans that would allow for flexibility in creating combined living and working spaces.

3. Alternative Building Heights

   This alternative examined the impact of varying roof heights by either adding or removing a floor from several buildings. This would result in impacts similar to the higher and lower density alternatives described above. The concept of providing for a variety of building heights has been incorporated into the FEIS Alternative Plan, which indicates three-, four-, and five-story buildings, as well as in the conditions applied to the project as part of this Findings Statement. The Applicant had submitted a petition to the Village Board to amend the zoning text in the RF District to allow for an increase in building height within the area 300 linear feet from the Metro-North railroad tracks on the West Parcel. Roseland has since revised the Riverfront Development Concept Plan so that the plan now conforms with current zoning.

4. Alternative Parking Concepts and Configurations

   The scoping outline requested a review of an alternative providing additional parking to serve commuters and potentially adjoining properties. The project plans studied in the DEIS and FEIS reviewed varied sizes of a parking lot for commuters on the East Parcel. Based upon parameters whereby the majority of commuter generated traffic was anticipated to come from the south and utilize Beekman Avenue as its main approach, the traffic analyses indicated that a commuter-oriented parking lot had the potential to contribute a significant increase to the project’s trip generation, and that the increase in commuter parking studied in the FEIS would essentially negate the traffic benefits from the reduction in the project’s residential and commercial program. The Village’s East Parcel Master Plan provides a smaller lot to service recreational users of the East Parcel and could provide overflow parking for other adjoining uses, such as Historic Hudson Valley.

C. Alternative Project without Railroad Station

   An alternative without a railroad station would look similar in plan to the proposed project, but would not include train station platforms and connecting stairs and ramps, drop-off areas, or a commuter parking lot. As the MTA has not yet confirmed approval of an on-site station, the

Proposed Action does not include a station, and therefore incorporates this alternative. In order to preserve the opportunity for establishing a train station in the future, the proposed project will reserve space for new platforms, parking, and an overpass. As described above, the Applicant has committed to the operation of a shuttle service that would transport project residents to the Tarrytown and/or Philipse Manor train stations. The Village's East Side Master Plan, which will be incorporated into the proposed project, includes a 150-space parking lot that will serve the recreational uses. In the event a station is deemed feasible in the future, the plan retains the potential to accommodate an additional 250-350 spaces through expansion and decked parking above the surface lot.

D. FEIS Alternative Plan

Based upon comments received on the DEIS, the FEIS included and examined a modified conceptual plan, entitled the FEIS Alternative Plan. The primary modifications included: reducing the number of residential units by 312 units to 1,250; reducing the size of the retail component to 132,000 sf, including a 25,000 sf market, 18,000 sf fine arts cinema, 84,000 sf of shops and restaurants along Beekman Place, and a 5,000 sf restaurant within the hotel; reducing the size of the office component to 35,000 sf; reducing the hotel to 140 rooms; increasing the ratio of ownership to rental residential units from 28%/72% to 49%/51%; increasing the open space to be provided along the riverfront and within the interior of the site, creating a more extensive buffer between Kingsland Point Park and the project; increasing the overall quantity of public open space and public use areas to approximately 39 acres; expanding the scope of water-dependent uses along the waterfront; and increasing the extent of infrastructure improvements to be made as part of the project. The impacts from this FEIS Alternative Plan are those that have been considered in the Findings made above. In order to allow for quantification of impacts from other design densities, the FEIS also included a sensitivity analysis table identifying the expected change in quantitative impacts for incremental modifications of the program by 25 units.

E. East Side Master Plan

On behalf of the Village of Sleepy Hollow, an East Side Master Plan was prepared by Richard A. Daley Architects. The East Side Master Plan incorporates a DPW facility, consisting of a main DPW garage building, salt storage shed, composting area, material bins, fueling facility

and surface parking. The East Side Master Plan replaces the 550-space commuter parking lot proposed under the FEIS Alternative Plan with a 150 space at-grade parking area (for recreational and public use) and shifts the two proposed soccer fields to the southern section of the parcel adjacent to the at-grade lot. A potential future parking deck located above the at-grade lot is also shown, with access proposed from Beekman Avenue via an at-grade road. The East Side Master Plan also includes two tennis courts in the northern portion of the parcel, adjacent to DeVries Park.

The East Side Master Plan contemplates a possible historic recreation of a tenant farm in the northern portion of the parcel as a westerly extension of the existing Philipsburg Manor Restoration. Under this concept, this potential expansion area would be donated by the Applicant to Historic Hudson Valley (HHV) in lieu of the currently proposed donation of the land to the Village. Such a donation to HHV is subject to a number of contingencies, including compliance of the possible tenant farm use with applicable provisions and restrictions of the BCA for the East Parcel between the Applicant and NYSDEC and HHV's acceptance of conditions attendant to any donation of the parcel to it. The largest structure contemplated would be a New-World Dutch barn to be moved to the site from upstate and clad in wood shingles and hewn plank siding. The farmhouse and smokehouse would be made of stone and wood. Fences that define pastures, wheat fields, orchards, etc. would be made of wood of the varied styles presently illustrated at Philipsburg Manor. The principal land uses, in addition to the buildings, would be pasture for cattle and sheep, woodland, hay meadow, grain/wheat field, and orchard.

The tenant farm would expand the contribution that HHV makes to preserving and presenting the history of the Village and the region. Re-creation of a typical farm would allow HHV to show and tell an historical story that is crucial to the settlement of the region. It would also create an evocative new landscape populated by rustic buildings, farm animals, historic interpreters, and students and visitors of all ages.

The Applicant has agreed to work with HHV in an effort (a) to resolve issues with NYSDEC pursuant to the BCP that would allow the donation to be made and the tenant farm to move forward without detrimentally affecting the Applicant's proposed remediation of the East Parcel

(as described in the NYSDEC IRM Decision Document, the FEIS and in these Findings) and attendant provisions of the BCA, and (b) to resolve other outstanding matters, including the conditions pertinent to any donation by GM or Roseland (whoever has title) of the subject parcel to HHV.

The tenant farm would not be a separate attraction, but rather an extension of the existing Philipsburg Manor Restoration use. It is therefore not expected to be a separate generator of visitors, but rather will strengthen the overall attractiveness of its current program. No significant traffic impacts are anticipated during peak hours from this alternative element of the East Side Master Plan. Impervious surface coverage within the tenant farm would be minimal and drainage patterns would be compatible with the surrounding area. There would be no adverse effect on community facilities, services or utilities, as the number of visitors to Philipsburg Manor Restoration would not be expected to materially increase. Noise levels would not be expected to significantly increase for the use of visitors to this portion of the East Parcel. The use would entail very limited construction and such effects would be expected to be very short in duration. There would be no adverse fiscal impact, as the land would not generate tax revenues whether owned by the Village or HHV. However, strengthening the attractiveness of Philipsburg Manor Restoration, which contributes to the Village through the attraction of tourists, would be a positive impact. It is noted that while there is no formal application for this contemplated use, it has been conceptually examined and considered as part of the overall planning and evaluation of the Proposed Action.

The East Side Master Plan would also include an extension of the existing overflow parking lot serving Philipsburg Manor Restoration to provide approximately 44 additional parking spaces with a cul-de-sac turnaround area on the East Parcel. Approximately 50 parking spaces would also be available along the cul-de-sac extending to DeVries Park. This aspect of the Plan would avoid the loss of existing overflow parking for Philipsburg Manor Restoration.

If the possible tenant farm moves forward, and as HHV's concepts become more defined, it would apply for site plan approval for such a use of this portion of the East Parcel. At that juncture, HHV's proposal would be subject to any further environmental review under SEQR required by the Village Planning Board to ascertain whether the more defined plans would cause

significant adverse environmental impacts not within the parameters of impacts discussed in the EIS.

The Village Board finds that the East Side Master Plan provides for improved recreational use, a more harmonious relationship with Philipsburg Manor Restoration, and includes a more appropriately-sized parking facility, given the lack of a confirmed new railroad station. Should a railroad station become feasible, it would be studied as a separate action, however the plan preserves the ability to increase parking through the expansion of the existing surface lot and the addition of a parking deck above the surface parking that could potentially provide an additional 250 to 350 spaces.

The Village Board understands that the components of the East Parcel Master Plan related to the HHV proposal are necessarily conceptual at this point, and that subsequent evaluation of a detailed proposal, when ready for implementation, will be required.

**Summary of Design Modifications – Findings for the Preferred Alternative**

The Village Board finds, that based on the analysis of the alternatives presented during the environmental review process, a revised version of the FEIS Alternative Plan is the preferred alternative, which will result in the greatest overall benefit to the community while minimizing adverse impacts. The preferred alternative has also incorporated concepts from several of the requested alternatives.

As documented in the various impact consideration discussions above, the Village Board will require several modifications to the FEIS Alternative Plan, and therefore to the Riverfront Development Concept Plan, as a condition of this Findings Statement. The modifications are summarized below:

- The inclusion of the alternate configuration of the Beekman Avenue and Beekman Place intersection to accommodate a roundabout at the aforementioned intersection with River Street, an associated green space, and a slight reconfiguration of Building H to provide more building frontage along the aforementioned green space

- The inclusion of the identified elements of the East Parcel Master Plan prepared by Richard A. Daley Architects
- Reconfiguration of Building M to include an extension of approximately 3,000 square feet of commercial space, with the possibility for an additional 6,000 square feet of commercial space fronting onto Road A and the waterfront open space, in an effort to bring more commercial development down to the waterfront
- The provision of additional parking (150-160 spaces) in proximity to Building C, the north side of Beekman Avenue, and in between Buildings A and I
- Reconfiguration of Road One and the proposed expansion of Kingsland Point Park parking to take into account an increase in the minimum building setback to 150 feet and an increase in the width of the Kingsland Point Park buffer area to a minimum of 100 feet, in order to provide sufficient space for any potential future establishment of an estuary.
- An adjustment of the height of the townhomes along Road One to include more of a mix of three and four story building heights
- A reduction in building height along the Metro-North railroad tracks in accordance with the Village Board's decision not to consider a proposed zoning text amendments allowing for additional height in this area (height to remain at 42 feet)
- An increase in the overall public open space and public use are from ±39 to ±44.6 acres, inclusive of an 11.1 acre waterfront open space, in part as a result of the incorporation of the alternative Beekman Avenue-Beekman Place intersection design concept and corresponding increase in the buffer between the Site and Ichabod's Landing.
- The elimination of Building N, the expansion of the buffer area adjacent to Kingsland Point Park and the land banked parking, has called for the reconfiguration of the site layout along the tracks. This proposed modification has increased the length of Building I (live/work loft building) and identifies a total of 131 residential (apartment) units. The Village Board retains the right to make certain modifications to Building I and the adjacent landed areas along the tracks. Upon mutual agreement with Roseland, it may be deemed necessary to address market and other land use considerations. In order to achieve maximum flexibility in the reconfiguration and use of Building I and the adjacent landed areas along the tracks, a reduction in residential density may occur. This reduction is to be considered as an adjustable use of the building, reducing the residential

units by the potential substitution of an alternate use comparable in overall intensity, particularly with respect to traffic, and intent.

In total, these required revisions are anticipated to result in the loss of approximately 73 dwellings, in a combination of townhome and multifamily units.

This list provides only a summary of the physical plan modifications that will be incorporated into the Riverfront Development Concept Plan as the Preferred Alternative. The project remains subject to all other conditions described in the impact sections above.

**Certification to Approve/Fund/Undertake:**

Having fully considered the Draft and Final Environmental Impact Statement and comments received at public hearings, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, the Village Board certifies that:

1. The requirements of 6 NYCRR Part 617 have been met and fully satisfied;
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the proposed project is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.