

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT FINDINGS
OF THE TOWN OF CORTLANDT TOWN BOARD REGARDING THE
CORTLANDT CROSSING PROJECT, TOWN OF CORTLANDT, NEW YORK**

In accordance with the New York State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations (6 N.Y.C.R.R. Part 617) (referenced herein as "SEQRA"), the Town Board of the Town of Cortlandt (the "Town Board"), as Lead Agency for the Coordinated Environmental Review of the Proposed Action identified below, makes the Findings contained herein:

Name of Action: Cortlandt Crossing

Lead Agency: Town Board of the Town of Cortlandt

Address: Town of Cortlandt
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Date: March 15, 2016

**Contact Person
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**SEQR
Classification:** Type I

**Date Final
FEIS Filed:** October 20, 2015

Lead Agency Adoption of this Statement of Environmental Findings: March 15, 2016

I. Introduction

This document is a Findings Statement prepared pursuant to and as required by SEQRA. This Findings Statement draws upon the information in the Town of Cortlandt Town Board Administrative Record in connection with the Application of Acadia Cortlandt Crossing, LLC for a proposed Zoning Map Amendment and re-classification of 7 acres to the Designed Commercial (CD) Zoning District, the establishment of various Special Districts, and a proposed Site Development Plan pursuant to Chapter 307, Article XII (Site Development Plan Approval) of the Town Code, regarding the proposed development of 170,000 square feet of commercial retail uses on a 36-acre parcel of property located on the north side of East Main Street (Cortlandt Boulevard), approximately 250 feet west of Baker Street (and designated on the Town Tax Map as Section 24.06, Block 1, Lot 4). This Application also seeks Permits pursuant to Chapter 179 (Wetlands), Chapter 259 (Steep Slopes), and Chapter 283 (Trees) of the Town Code.

The Town Board's Record includes the (i) a Draft Environmental Impact Statement ("DEIS"), originally submitted January 21, 2014, completeness comments from the Town Planning Consultant AKRF dated February 4, 2014, July 29, 2014, August 27, 2014, the accepted DEIS dated November 18, 2014, comments received on the accepted DEIS and associated applications at Public Hearings held on January 13, 2015 and February 10, 2015, and (ii) a Final Environmental Impact Statement ("FEIS") originally submitted on June 15, 2015, with completeness comments from AKRF dated July 21, 2015, August 4, 2015 (Landscape Plan Review) September 23, 2015, the accepted FEIS dated October 1, 2015, accepted as complete by the Town Board on October 20, 2015, and written comments received on the FEIS during the 30-day public comment period.

In preparing this Findings Statement, the Town Board has given due consideration to the DEIS, FEIS, and other documents prepared in conjunction with the SEQRA process. Further, this Findings Statement contains the facts and conclusions in the DEIS and FEIS relied upon by the Town Board to support its decisions, and considers and balances the relevant environmental impacts with "social, economic and other considerations," which form the basis for its decision (6 N.Y.C.R.R. § 617.11(d)).

In accordance with SEQRA, the following steps of the environmental process have been undertaken:

- Designation of the Town of Cortlandt Town Board as Lead Agency;
- Issuance of a Positive Declaration by the Town of Cortlandt Town Board on September 17, 2013;
- Adoption of DEIS Scope on September 17, 2013;

- Preparation and review of the DEIS;
- Acceptance of the DEIS by the Lead Agency on November 18, 2014, and subsequent filing of the DEIS and a Notice of Completion and Notice of Public Hearing;
- Conducting a Public Hearing on the DEIS and associated applications by the Lead Agency on January 13, 2015 and February 10, 2015, at which time the Hearing was closed;
- Receipt of public comments on the DEIS for at least 10 calendar days following the close of the Hearing, including a public comment period that was extended until March 13, 2015;
- Preparation and review of the FEIS;
- Acceptance of the FEIS, dated October 1, 2015 (which incorporated the DEIS by reference), by the Lead Agency on October 20, 2015, and filing of the FEIS and a Notice of Completion;
- Affording a public review on the FEIS for over 10 calendar days, including a 30-day public comment period;
- Preparation, review and adoption of this Findings Statement by the Lead Agency.

II. Location

The proposed Cortlandt Crossing Project (the “Project”) will be located at 3144 East Main Street (the “Property,” “Project Site” or “Site”). The Property consists of approximately 36 acres. It is located on the north side of Cortlandt Boulevard (Cortlandt Boulevard/Route 6), approximately 250 feet west of Baker Street in the Town of Cortlandt.

The Property is divided into two zoning districts or classifications under the Zoning Map of the Town of Cortlandt. The R-40 “Single-Family Residential District” currently comprises approximately 26.6 acres in the northern portion of the Property. The CD “Designed Commercial District” encompasses approximately 9.4 acres in the southern portion of the Property.

The Property is bounded on the west by lands of the Lakeland Central School District associated with the Van Cortlandtville Elementary School, on the north by the Wild Birch Farms condominiums, on the east by the Baker Street, Lucs Lane and Cortlandt Colony neighborhoods, and on the south by Cortlandt Boulevard and the Cortlandt Town Center (across Route 6).

The Applicant recently demolished several small, vacant commercial buildings along the Cortlandt Boulevard frontage. These structures had no common commercial or architectural theme, as well as multiple driveway curb cuts, uncoordinated parking lots, and poor circulation. Some of the former uses of these buildings, included a psychic reader, café, and auto rental. The Project will replaces these structures and parking lots with new, architecturally-pleasing retail buildings, associated parking, landscaping and streetscape amenities, while complementing adjacent commercial and institutional uses.

III. Description of DEIS Project

The Proposed Action, as originally proposed and studied in the DEIS, consisted of approximately 170,000 total square feet of commercial retail uses, with an anticipated allocation of 123,000 square feet of general retail and bank uses, 8,500 square feet of restaurant uses, and 38,500 square feet of non-retail commercial uses (e.g., fitness club) (the “DEIS Project”). No residential uses are proposed.

As part of the Project, the Applicant is requesting a Zoning Map Amendment, whereby the Town Board would extend the CD District boundary line farther north (the “Zoning Map Amendment”). Under the DEIS Project, the CD District would apply to approximately 17 acres of the Property, and the R-40 District would apply to approximately 19 acres of the Property. The Zoning Map Amendment will create a larger area of the Site within the CD District. It will permit the Project’s commercial uses to be developed on 17 acres of the Project Site, generally within the previously developed portions of the Property.

In the portion of the Project Site where the Applicant is requesting the CD District be extended farther north and adjacent to the R-10 Residential District, the side yard and buffer zones have been increased to 100 feet, with a large, landscaped berm proposed between the parking area and the adjacent homes along Lucs Lane and Baker Street. The berm has been designed with a mix of shade, evergreen and ornamental trees of various sizes to screen adjoining residences from the proposed buildings and parking areas.

The Site layout has been designed to use the existing Site elevation to maximize access to the buildings, and minimize visibility from adjacent properties. Access to the Project will include a right turn in/right turn out entrance at the southeast corner of the Property, a signalized four-lane entrance at the west-central portion of the Property, and a right-turn out only exit at the southwest corner of the Property. While the Property also has frontage on Lucs Lane, no driveway access or emergency connection to Lucs Lane is proposed.

As proposed under the DEIS Project, there would be approximately 750 on-Site parking spaces. The primary loading area is centrally located at the rear of the large building with seven loading

docks partially enclosed to keep loading activities away from adjoining properties on the east and west. The Project driveways were designed to accommodate the BeeLine bus in order to provide a bus stop interior to the Site.

The Project is designed to be pedestrian-friendly through various improvements. Under the DEIS Project, these improvements included a proposed sidewalk along Cortlandt Boulevard, a signalized pedestrian crosswalk at the main entrance, a mid-block pedestrian walkway into the Site along a daylighted stream, and pedestrian-oriented elements at the buildings' entry plazas.

IV. Off-Site Public Infrastructure Improvements And Other Project Benefits

The Project will also include significant off-Site public infrastructure improvements to the Baker Street/Cortlandt Boulevard intersection, and the existing and proposed Town and County sewer system, as summarized below. In total, the Applicant will design and construct approximately \$4.85 million worth of off-Site public infrastructure improvements.

The Project will also result in other significant benefits, including with respect to Cortlandt Boulevard streetscape improvements, open space preservation, fiscal and economic, aesthetics/architecture, and "green" sustainability practices.

The discussion that follows summarizes the off-Site public infrastructure improvements and other Project benefits as they relate to what is defined below as the "FEIS Project." Based on public comments received during the DEIS proceedings, the Town Board required the Applicant to reduce the scale of the Project. In sum, the FEIS Project, which is the subject of this Findings Statement, consists of a reduction to 130,000 square feet instead of the originally proposed 170,000 square feet. Unless stated otherwise, this Findings Statement refers to the FEIS Project.

A. Baker Street Intersection

In an effort to enhance the surrounding area and provide a substantial benefit to the Baker Street neighborhoods, the Project will include a significant off-Site improvement to the Baker Street intersection. The Applicant has included these improvements as part of the Project in order to provide enhanced overall circulation along the entire Cortlandt Boulevard corridor, and the adjoining Baker Street and Cortlandt Colony neighborhoods.

The proposed intersection improvements will include a new traffic signal and improved traffic circulation at the Baker Street and Cortlandt Boulevard (US Route 6) intersection. This will be accomplished by widening the south side of Route 6 (east lane) to create a new left turn lane onto Baker Street and new right turn lane onto a new Town road at Cortlandt Town Center. This new

Town road will provide improved access to and from the Pondview Commons site, and the Cortlandt Town Center.

The existing right-turn in/right-turn out driveway at the east end of the Cortlandt Town Center opposite Baker Street will be closed. This driveway will be relocated farther east to align with Baker Street, in order to create the new Town road. Relocating this driveway to align with Baker Street will consolidate curb cuts along Route 6, and simplify the traffic movements around Baker Street. It will also combine the existing traffic exiting including delivery vehicles Cortlandt Town Center, Baker Street, and Pondview Commons at one intersection, sufficient to demonstrate to NYSDOT that a new traffic signal at Baker Street is “warranted.”

The Route 6 commercial corridor and neighborhoods in the vicinity of Baker Street will benefit from the proposed intersection improvements. The improvements to the intersection will require the relocation or elimination of the Mohegan Beer and Soda in order to create the new Town road opposite Baker Street. The Applicant has advised the Town Board that it has reached agreement to acquire the Mohegan Beer and Soda store site. The owner of the Pondview Commons property will also dedicate a portion of its property towards these Baker Street intersection improvements, including the Route 6 widening.

B. Sewer Improvements

The Project will also include a number of sewer improvements in the area to improve existing conditions. A new public sanitary sewer collection system will provide safe and adequate sewer service for the Project, Van Cortlandtville Elementary School (which is currently on septic), Pondview, and other properties to the east in the future.

As currently proposed in the FEIS Project, sewage will be conveyed via a gravity sewer main routed through the existing parking lots on the Cortlandt Town Center property, and then to a new sewer pump station located within the parking lot replacing an existing pump station located in the central portion of the parking area. The new sewer pump station will be connected to the existing 6-inch force main which is connected to a Town gravity sewer located adjacent to the Barnes and Noble building. These improvements will be constructed to Town standards and offered to the Town as a public sewer system. Within this same tributary another pump station will be constructed on Westbrook Drive as to bypass sewer flow along a sewer line which is underperforming. The new pump station will be connected to approximately 3,000 feet of new sanitary force main within the existing Westbrook Drive right-of-way.

As mentioned, the Applicant will design and construct approximately \$4.85 million worth of off-Site public infrastructure improvements. Of that amount, approximately \$1.9 million will be

expended in connection with sewer infrastructure improvements. The Applicant will form a Transportation Corporation to construct the sewer infrastructure. The Town will acquire the Sewer infrastructure at cost for the benefit of the Cortlandt Crossing Sewer District by purchasing the stock in the Transportation Corporation, using municipal bonds. The property owner(s) within the new Cortlandt Crossing Sewer District will be charged assessments so that the District can pay back the debt service.

The Van Cortlandtville Elementary School will not be included in the Sewer District. However, the School will be provided with an opportunity to connect to the public sewer as an “out-of-district user,” which will allow the School to abandon its existing aging septic system.

With respect to the proposed new pump station and force main along Westbrook Drive, it will also be constructed by a Transportation Corporation. The improvements will be sold to a Sewer Improvement Area pursuant to New York State Town Law Section 209(q). Under Section 209(q), the new Sewer Improvement Area may be overlaid on top of the existing Sewer Districts. This will enable the Sewer Improvement Area to allocate costs appropriately between and among the Sewer Districts. The expectation is that the existing residential property owners in the Fawn Ridge Sewer District will not be charged for the debt service for the costs associated with the new Cortlandt Crossing Sewer District.

In addition, the Town has petitioned Westchester County for extension of the Peekskill Sanitary Sewer District to include the proposed Cortlandt Boulevard Sewer District. The estimated flow from the Project is approximately less than one percent of the available design capacity of the Peekskill Sanitary Sewer District. The estimated flow for the other projects and properties (Mohegan Beer & Soda, Pondview and Van Cortlandtville Elementary School) is less than two percent of the available design capacity. Accordingly, the proposed flows as a result of the sewer system improvements will not have a significant adverse impact on the available capacity of the treatment plant.

C. Cortlandt Boulevard Streetscape Improvements

The Project Site’s frontage on Cortlandt Boulevard will provide both an attractive environment for commercial tenants, and a pedestrian-friendly environment for the neighborhoods that exist along the corridor. The Project will include shade trees, ornamental trees, shrubs and Town standard street lights to create and enhance a pedestrian friendly and attractive streetscape along Cortlandt Boulevard.

The Project will also include a mid-block pedestrian connection from the proposed sidewalk along Cortlandt Boulevard to the interior of the Site. Signalized pedestrian crosswalks with

countdown timer has been designed at the main signalized entrance to both the Project and Cortlandt Town Center, as well as Baker Street to facilitate safe pedestrian connections between the two parcels. An evergreen shrub screen will be planted adjacent to the parking to further screen parked vehicles from Cortlandt Boulevard and the pedestrian sidewalk. The Project also proposes a five-foot sidewalk along the entire site's Cortlandt Boulevard frontage, as well as bike racks and other streetscape amenities. The Town Board finds that it is preferable for the sidewalk to run along the entire Site frontage, and thus the Applicant shall pursue approval of same from DOT and/or the Planning Board when the sidewalk details are finalized.

D. Open Space Preservation

As currently proposed under the FEIS Project, the northern, 21-acre portion of the Property (or 2 acres *more* than previously proposed as part of the DEIS Project) will remain residentially zoned, and maintained in perpetuity as open space and/or conservation land (the "Protected Area") through a fee dedication or conservation easement to the Town. Residential development will be prohibited. Disturbance in this northern portion of the Property will be limited to the creation of the landscape berm (mentioned above) to the northeast of the rear parking lot for screening/buffering purposes. There will be no other disturbances to the man-made pond and wetland adjacent areas in the northern portion of the Property. Indeed, these areas will be enhanced through the wetland mitigation described herein.

E. Fiscal And Economic Benefits

The Project will generate substantial new property taxes and sales taxes to the Town and Westchester County and have a net positive fiscal impact in the local area. The Project is expected to generate between \$1.1 and \$1.3 million in property taxes to the Town and other taxing jurisdictions annually, which is a substantial increase compared to the current annual tax revenues of approximately \$71,000 generated by the Property. The net fiscal benefits will be adequate to offset any potential costs associated with community services, such as police, fire or emergency services, as a result of the Project. The Project is estimated to generate approximately \$10,000 in annual sales tax to the Town of Cortlandt, as well as create new jobs, including a total of approximately 402 ongoing direct jobs.

F. Aesthetic/Architectural Improvements

The building architecture proposed for the Project has been designed to enhance and strengthen the retail corridor along Cortlandt Boulevard in the Town. The Project will include buildings with a cohesive design and architectural character that avoids a strip center appearance,

coordinated parking and access points, and attractive landscape and streetscape design along the Site's frontage to enhance the Cortlandt Boulevard corridor. The architectural design elements will include, for example, face brick, extensive areas of glass and windows, cornices, and pronounced building bases to enhance the pedestrian environment.

The current conceptual architecture of the main retail building is illustrated in FEIS Figure Nos. I-4, I-5, and I-13 to I-16. The Applicant has developed Conceptual Architectural Design Guidelines to establish a common architectural vocabulary for the Project, while also allowing for flexibility with respect to final architectural details and design. Individual tenants may express their unique retail identity through the use of signage, storefront modifications, window displays, variations in storefront glazing, or other architectural elements, consistent with the overall character of the retail center. The Design Guidelines are included in FEIS Appendix 6.

G. "Green" Sustainability Practices

The Project will also incorporate a number of "green" sustainable design measures and practices where practicable, including the use of sustainable site development measures, sustainable building materials, responsible waste management, provisions for green transportation, and reductions in energy and water usage. The building envelopes have been designed, for example, for performance to exceed the current energy code by up to 10% in terms of thermal insulation, including walls, roofs and slabs.

More specifically, with respect to the incorporation of green technology into the development of the Site and structures, the Project shall incorporate the following:

- Buildings shall utilize water use reduction concepts in an effort to reduce water usage up to 20%. This would be achieved by using high efficiency plumbing fixtures, water saving appliances, and using on-demand hot water systems.
- Buildings will comply with or exceed the 2010 New York State Energy Conservation Code and the 2010 New York State Building Code by relying on active (and passive) design measures in an effort to exceed current energy performance standards. Active measures would include utilizing high efficiency HVAC (roof top) equipment, and an energy recovery system for ventilation.
- Building design shall be sensitive to its geographic location. An example of this will be the use of materials which are harvested and/or manufactured regionally, to minimize energy used for material transportation and support the regional economy.
- Building design shall utilize environmentally preferable products. Where possible, materials with high recycled content would be used in the building envelope and

interior finish construction, especially post-consumer recycled content. In addition, all paints, coatings, adhesives, sealants, flooring systems used on the inside of the buildings would be low emitting, low or no-VOC, to reduce the pollutants in the building.

- To the greatest extent possible demolition and construction debris shall be recycled, either separate or comingled, in an effort to divert waste from landfill and find alternatives for the end use of the waste generated.
- Future tenants will be encouraged to incorporate LEED design, solar panels and other Green Sustainable practices.
- Site furniture, such as benches and wheelchair accessible picnic tables will feature recycled plastic components comprised of post consumer materials.
- Buildings shall enhance the indoor environmental quality and comfort of the occupants of the buildings. This would be achieved by providing individual occupant controls for the lighting and HVAC systems, where practical, based on the occupants' operational requirements. HVAC system filters would also be replaced after construction and prior to occupancy to ensure construction pollutants are not passed through the occupied space.

With respect to Site sustainability the Project includes the following measures:

- Recycling and repurposing of the Project Site
- Access to public transportation and the provision of a sidewalk along the entire frontage of the project site.
- Installation of 12 bicycle racks to provide parking for 24 bicycles.
- Restoration of existing on-site wetland buffers and daylighting of a portion of the stream, which will improve water quality and create additional habitat opportunities
- Provision of on-site stormwater management measures in accordance with NYSDEC water quality standards, which will allow a significant volume of stormwater to infiltrate into the ground
- Planting of native plant materials and the eradication of invasive plant species adjacent to the pond and replacement with native shrubs that attract local wildlife.
- Use of high-efficiency LED light fixtures with cutoff features to control glare
- Reuse and recycling of demolition debris in site paving bases and landscape elements
- Installation of solar reflective light colored "cool" roofs to reduce the "heat island effect"
- Reduction in amount of proposed parking spaces to avoid excessive impervious surfaces
- Installation of adaptive traffic signals to ease traffic congestion

- Install conduits in the parking lot that will allow for the future installation of charging stations to give customers the opportunity to charge plug-in electric vehicles while shopping or dining.
- Facilitate future potential trolley linking site to other major Town land uses including the Cortlandt Train Station by setting aside an area within the site to be used as a future stop for the trolley. Should the Town commence the Trolley service Acadia commits \$50,000 towards the implementation of the route.
- Evaluate the feasibility of solar panels or alternative energy sources including the possibility of creating a micro-grid for the Cortlandt Crossing site and the Cortlandt Town Center site.

Estimated energy and water usage reduction

At the request of the Town Board, and for illustration purposes only, the applicant quantified the estimated reduction in electric, gas and water usage that the relevant conservation measures described above are anticipated to achieve. These reductions were measured against a baseline scenario of standard consumption patterns. Relative to usage in the baseline scenario, the applicant estimated that the conservation measures would result in an approximate 17.3% reduction in electric usage; 12.5%, gas; and 20.0%, water. In addition, the applicant estimated the anticipated electric usage that would be offset through the potential installation of solar panels on the roof of the in-line (98,860 SF) building: up to one megawatt of power, which is the equivalent of 1,150 kWh, or 45.7% of the baseline scenario electric usage.

The applicant used the following assumptions in developing these estimates:

- Considered energy savings for the in-line building only. No pad sites were considered.
- The following conservation measures were deemed to drive reductions in electric, gas or water usage, and are included in this analysis:
 - Efficient HVAC design
 - Other active and passive measures described above that would result in an estimated 10% improvement in building envelope performance
 - Solar reflective white roof
 - High-efficiency LED light fixtures in parking lot
 - Water use reduction concepts, including high efficiency plumbing fixtures, water saving appliances, using on-demand hot water systems and recommending tenants include notices for water saving tips in the restrooms and service areas.
- Occupancy and usage of interior space assumed to conform to ASHRAE standards:
 - Occupancy of 33.3 SF/person, as prescribed by ASHRAE Standard 62.1-2007

- Lighting rates of 1.4 Watts/SF, as prescribed by ASHRAE 90.1-2010 (i.e., Building Area method)
- Receptacle usage rates of 1 Watt/SF, as prescribed by ASHRAE 90.1-2010
- No specific tenant mix assumed.
- Baseline building usage rates reflect ASHRAE 90.1-2010 minimum electricity and gas usage rates.
- Heating is based on 5,000 degree days. Heating system assumed to maintain 70 degree Fahrenheit in tenant units when outdoor air temperature is 14 degrees Fahrenheit.
- Air conditioning assumed to maintain 75 degrees Fahrenheit when outdoor air temperature is 93 degrees Fahrenheit.
- Off-set in energy usage driven by installation of solar panels assumes the potential installation of up to 3,000 solar panels on rooftop space (subject to confirming their financial feasibility). Amount of the offset is preliminary and is based on current technology; it could vary significantly based on advances in technology, final count of panels that roof can accommodate, and other factors. Offset amount is based on initial conversations with government agencies and solar developers.
- Estimated baseline usage and reductions in consumption assume landlord work only. For instance, since all water heating and distribution will be completed by tenants, no reductions in energy or water consumption from tenant work is assumed. If tenants implement additional conservation measures—as the applicant will encourage tenants to do—energy and water usage would be further reduced.

Preliminary Estimate:
Reductions and Offsets to Electric, Gas and Water Usage at Cortlandt Crossing

	Electric Supply (kWh/year)	Gas Supply (Therms/year)	Water Supply (Gallons/Year)
Baseline Building ⁽¹⁾	2,514.6	113.4	4,989,915
Reduction in usage attributable to energy conservation measures ⁽²⁾	(435.9) 17.3% reduction	(14.2) 12.5% reduction	(997,983) 20.0% reduction
Reduced consumption for the in-line building	2,078.7	99.2	3,991,932
Offset through installation of solar panels ⁽³⁾	(1,150) ⁽⁴⁾ 45.7% offset		

⁽¹⁾ Electric & gas supply assume ASHRAE 90.1-2010 minimum electricity and gas consumption rates. Water supply consistent with standard baseline levels of usage defined in LEED standards.

⁽²⁾ Conservation measures considered: Efficient HVAC design, 10% improvement in envelope performance, white roof, parking lot LED lighting, and water efficiency measures including high efficiency plumbing fixtures, water saving appliances, and using on-demand hot water systems.

⁽³⁾ Assumes installation of up to 3,000 solar panels on roof of in-line 98,860 SF Cortlandt Crossing building. Number of solar panels is preliminary and is based on conversations with government agencies and solar developers. Similarly, estimate of offset is preliminary and subject to further refinement.

⁽⁴⁾ Based on estimated reduction of up to 1 megawatt; conversion to kWh based on 1 kW = 1.15kWh. Final offset that Con Edison would credit against Cortlandt Crossing's electric usage is uncertain at this time.

V. Alternatives Considered

The DEIS evaluated various Alternatives to the Proposed Action. In sum, the following Alternatives were studied:

- Alternative A: No Action
- Alternative B: As of Right Development
- Alternative C: Pedestrian-Friendly Site Plan with Smaller Buildings and Reduced Impacts to Wetlands and Buffers
- Alternative D: Project with Building Height Modification

Alternative E: Alternative with Condemnation of Mohegan Beer & Soda Parcel

Section VII of the DEIS evaluated each of these Alternatives with respect to the same areas of potential environmental impacts assessed in the DEIS for the DEIS Project. Alternatives A, B and C were required by the Scoping Document. Alternatives D and E were suggested by the Applicant.

VI. Purpose and Need

The Town Board finds that the Project will serve an ongoing need and demand for quality commercial shopping and associated services in the Town, in a non-strip center setting based on a Market Study contained in the DEIS. The Project will provide an architecturally pleasing, pedestrian-friendly shopping experience for the Town's residents and its visitors, while at the same time serving to protect as open space the environmentally-sensitive northern portion of the Property, and resulting in significant off-site public improvements. The Project will also enhance the appearance of the Property by replacing the existing small buildings that are in disrepair, with new buildings, efficient access and circulation, and an attractive streetscape along Route 6.

**VII. Consistency With Town's Comprehensive Master Plan,
Open Space Final Report, and Zoning**

This Board finds that the Project is consistent with the overall commercial development and redevelopment goals of the Town's Comprehensive Master Plan, dated July 2004. Generally, the Project will advance the protection of open space, the provision of infrastructure and aesthetic improvements to existing commercial areas, the implementation of Cortlandt Boulevard streetscape elements, and the formation of a new commercial Route 6 sanitary sewer district. The Project will also be consistent with the expected development trend of the Cortlandt Boulevard corridor to remain the Town's primary commercial center.

More specifically, the Master Plan indicates the Town is largely a residential community, and the Master Plan seeks to achieve a jobs/housing balance in the Town, as well as balance the Town's ratable base relating to commercial development and re-development. Section III.F.2.a.(1) of the DEIS contains a detailed description of the relevant Master Plan policies, and the Project's consistency with those policies.

The Board finds that the Project will also be consistent with the Town's Open Space Final Report, dated May 2004, insofar as the Project will achieve open space protection of approximately 21 acres of the northern portion of the Property. This northern area of the

Property provides wildlife habitat, wetland ecosystems, and the opportunity for future connections to other open space in the Town. The Project has been designed to be developed primarily in the southern and eastern portion of the Property, in areas that have already been disturbed.

The Board finds that the Project will be consistent with the CD District zoning regulations. The Project is an expressly permitted use in the CD District. The Project will comply with most of the bulk zoning regulations in the CD District. The Project requires three variances from the Town Zoning Board of Appeals. As described in greater detail below, these variances pertain to (i) Minimum Buffer Requirement Along Residential District, (ii) Parking Spaces, and (iii) Minimum Landscape Coverage. The Town Board is aware that the Applicant has begun processing the variance applications before the ZBA, and that the ZBA cannot make its final decision until the SEQRA process is completed.

VIII. Project Background and Evolution

The Town Board has served as Lead Agency for the coordinated environmental review of the Proposed Action. The Town Board has determined that the requirements of SEQRA have been met through the actions described below.

A. SEQRA Review Begins

The Town Board adopted a Positive Declaration pursuant to SEQRA, requiring the preparation of a Draft Environmental Impact Statement. The Town Board adopted a Scoping Document for the DEIS on September 17, 2013.

The Town Board, its professional staff, and its independent planning consultants (AKRF) reviewed the initial draft DEIS submitted by the Applicant to determine whether to accept it as “adequate with respect to its scope and content for the purpose of commencing public review” pursuant to 6 N.Y.C.R.R. Section 617.9(a)(2). Following a series of comments and revisions to the DEIS, the Town Board deemed the DEIS complete and adequate for public review on November 18, 2014.

B. DEIS Public Hearing

The Town Board held a duly noticed Public Hearing on the DEIS on January 13, 2015 and February 10, 2015. Citizens testified at the Hearing. Other persons and/or agencies submitted written comment letters, including the Town Planning Board, Town Chamber of Commerce and the Westchester County Department of Planning.

The public commenters raised many important issues, primarily relating to reducing the size of the Project. Some of the more specific comments related to traffic concerns along Cortlandt Boulevard, coordinating construction with existing utility poles, improving the appearance of the Property's frontage by eliminating the existing small buildings, the demand for new retail uses in the Town, protecting the safety of neighboring elementary school children, and expressing support for the proposed Baker Street intersection and off-Site sewer improvements.

The Planning Board submitted a comment letter, dated February 11, 2015, which also offered important comments on the DEIS. The Planning Board raised issues relating to screening the Project from Route 6, landscape coverage calculations, blasting, creating a more inviting outdoor seating area for Project visitors and employees, fencing, traffic mitigation, elaborating upon Alternative C, potential jitney service, wetlands impacts and mitigation, providing more distance between the curb and sidewalk along Cortlandt Boulevard, and others.

The Town Board listened carefully to all of the comments raised during the Public Hearing, and read all of the comment letters. The Board ensured that these issues were considered during these proceedings and addressed in the FEIS.

C. Project Revised Through SEQRA: Reduction From 170,000 SF To 130,000 SF, Plus Other Improvements

As SEQRA contemplates, the Project evolved as a result of the comprehensive public environmental review that the Town Board has led. Based on all of the comments received during the DEIS proceedings, and prior to the Planning Board beginning its Public Hearing on the proposed Site Plan, the Town Board adopted a Resolution on April 14, 2015, which requested that a "smaller sized building and layout be reviewed." (FEIS Appendix A). The Resolution also states, in sum, that the Planning Board should review a reduced-sized plan of no more than 130,000 square feet of construction as part of the Planning Board's site plan review process.

As referenced above, the Applicant made various modifications to the DEIS Project in accordance with the Town Board's Resolution, resulting in a new plan referred to in the FEIS and this Findings Statement as the "FEIS Project" (the "Proposed Action" hereinafter refers to the FEIS Project). As discussed herein, the FEIS Project is the Alternative which is determined in these Findings to be the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable. FEIS Table I-1 contains a comparison of the FEIS Project to the DEIS Project, as well as to the Alternatives analyzed in the DEIS.

The FEIS Project includes:

- 23% reduction in square footage to approximately 130,000 sf
- Increased buffer between the Project and residential neighbors
- Maximum height of 35 feet as permitted by zoning
- Removal of second story commercial space closest to the residential neighbors to the east
- Elimination of rear parking lot
- Total reduction in on-Site parking spaces from 756 spaces to 610 spaces
- Enhanced wetlands conservation in northern portion of Site
- Enhanced and relocated daylighted stream to northeast portion of Site, near wetlands and open space, and featuring amenities such as benches, picnic tables, and a gazebo
- 0.5 acres less overall Site disturbance
- Fewer potential environmental impacts, including those related to noise, lighting, traffic

In addition, under the FEIS Project, the Protected Area in the northern portion of the Property will increase from 19 acres to 21 acres. As such, the CD District will contain 15 acres, and the R-40 District will contain 21 acres. The modifications to the proposed CD District boundary will also locate the District farther to the south and west, away from neighboring adjacent residential uses to the east.

The FEIS Project will also continue the Applicant's commitment to the current estimate of approximately \$4,850,000 in off-Site public infrastructure improvements, including the Baker Street intersection and sanitary sewer upgrades. The final amount of the cost of the proposed improvements is subject to change based on the New York State Department of Transportation ("DOT") and Town of Cortlandt final approvals.

The FEIS Project will also provide a continued commitment to building a high-quality shopping center that incorporates well-thought-out architectural features, including contemporary architecture and landscaping, and is compatible with surrounding land uses.

Specifically with respect to the proposed off-Site sewer improvements, the Town Board finds that such sewer improvements, as described above and as modified under the FEIS Project, will result in less overall land disturbance, less wetland disturbance, and less tree removal, than the sewer improvements proposed under the DEIS Project. In sum, under the DEIS Project, the sewer force main would have been constructed along a proposed 15-foot easement on the adjacent Van Cortlandtville School property, and then through a Town-owned parcel to an existing sewer main on Jo Drive. The sewer system under the FEIS Project will avoid the easement through and associated disturbance on the School District property.

Nonetheless, as described below, if for whatever reason the Town and Applicant determine that the sewer system design needs to revert to the DEIS Project design, the Town Board finds that such sewer design may be implemented. The sewer improvements as shown under the DEIS Project will be adequately mitigated, and will not cause any significant adverse environmental impacts.

D. FEIS Public Comments

Like the DEIS, the initial draft FEIS was also reviewed by the Town Board, with the assistance of Town staff and AKRF, to determine whether the FEIS was complete and ready for public review. The Town required additional information regarding, for example, the appearance of the retaining walls, proposed landscaping, a hydrologic/hydraulic evaluation of the watershed leading to the retention basins on Cortlandt Town Center property, and architectural details and guidelines, before accepting the FEIS as complete.

Comments were submitted in writing by the general public, and involved and interested agencies, during the 30-day public comment period. The Town Board has paid close attention to all of the oral and written comments made during these proceedings, and deliberated at length to weigh and balance the differing views.

IX. Summary of Discretionary and/or Ministerial Approvals and Involved Agencies

The following list summarizes the required approvals or permits, and the corresponding reviewing agency:

	INVOLVED AGENCIES	PERMIT OR APPROVAL DESCRIPTION
1.	Town of Cortlandt Town Board (Lead Agency) Cortlandt Town Hall One Heady Street	- SEQRA Findings - Zoning Map Amendment - Approval to Create a Sewerage Transportation Corporation

	Cortlandt Manor, NY 10567	<ul style="list-style-type: none"> - Sewer District Formation and Modification, and related approvals - Execution of Agreement to Acquire Transportation Corporation stock - Land Transfer to NYSDOT for Road Widening - Establishing Sewer Improvement Area under NYS Town Law § 209(q)
2.	Town of Cortlandt Planning Board One Heady Street Cortlandt Manor, NY 10567	<ul style="list-style-type: none"> - Site Plan Approval - Wetland Permit - Tree Removal Permit - Steep Slope Permit
3.	Town of Cortlandt Zoning Board of Appeals One Heady Street Cortlandt Manor, NY 10567	<ul style="list-style-type: none"> - Variance of Buffering Requirements along a Residential District - Variance of Minimum Landscape Coverage - Variance of Parking Requirements
4.	Town of Cortlandt Department of Technical Services One Heady Street Cortlandt Manor, NY 10567	<ul style="list-style-type: none"> - Building Permit - Stormwater Pollution Prevention Plan (SWPPP) Review
5.	Westchester County Department of Health 145 Huguenot Street New Rochelle, NY 10801	<ul style="list-style-type: none"> - Sewer Expansion Review
6.	Westchester County Department of Environmental Facilities 270 North Avenue New Rochelle, NY 10801	<ul style="list-style-type: none"> - Sewer Expansion Review
7.	Westchester County Board of Legislators 800 Michaelian Office Building 148 Martine Avenue White Plains, NY 10601	<ul style="list-style-type: none"> - Expansion of Peekskill Sewer District to Include Property
8.	Westchester County Planning Board 432 Michaelian Office Building 148 Martine Avenue White Plains, NY 10601	<ul style="list-style-type: none"> - Section 239 of NYS General Municipal Law Referral
9.	New York State Department of Transportation 4 Burnett Boulevard	<ul style="list-style-type: none"> - Highway Work Permit, Traffic Signal Permit, Use & Occupancy Permit

	Poughkeepsie, NY 12603	
10.	<p>New York State Department of Environmental Cons. – Region 3 21 South Putt Corners Road New Paltz, NY 12561</p> <p>New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233</p>	<ul style="list-style-type: none"> - SPDES General Permit GP-0-15-002 For A Construction Activities - Off-Site Wetland Permit
11.	<p>New York State Office of Parks, Recreation and Historic Preservation P.O. Box 189, Peebles Island Waterford, NY 12188</p>	- Coordinated Review with NYSDEC
12.	<p>United States Army Corps of Engineers 26 Federal Plaza New York, NY 10278</p>	- Permit (Wetlands)

X. Evaluation of Potential Impacts

The DEIS contained an evaluation of the potential environmental impacts related to the DEIS Project, as well as the Alternatives summarized above. The FEIS compared the FEIS Project to the DEIS Project in each of the environmental impact areas studied in the DEIS.

The following sections summarize the evaluation of the potential significant adverse environmental impacts of the DEIS Project and FEIS Project, as contained in the DEIS and FEIS. The following sections also describe, as applicable, how the FEIS Project, which resulted from comments during the DEIS Public Hearings, further minimizes adverse environmental impacts as compared to the DEIS Project. The Board finds that, on balance, the reduced size plan under the FEIS Project avoids or minimizes adverse environmental impacts to a greater extent than the DEIS Project.

A. Geology

The Town Board finds that the Proposed Action will not cause any significant adverse impacts on either soils or topography.

The Town Board considered the Project's potential adverse impacts on the Site's subsurface geology, soils and topography. The Board reviewed the relevant geotechnical information and steep slopes analysis, and related technical information contained in the DEIS and FEIS.

Significantly, the Project will be located primarily in the southern and eastern portion of the Property, which has previously been developed or disturbed. The Project shall incorporate certain measures to effectively manage soils and/or slopes limitations during construction, as set forth herein.

The DEIS contained an analysis of the types of soils on the Project Site, including depth to bedrock. Based on the relevant soils surveys and maps, the majority of the Site contains Charlton Loam soils. The geotechnical investigation revealed that bedrock (0.2 to 9.0 feet thick) was encountered between approximately 2.5 to 20.4 feet below ground surface. The rock areas were located primarily in the southwestern portion of the site. Bedrock excavation through controlled blasting will be required to establish some proposed grades. Blasting operations shall be undertaken by New York State Licensed Powder Men and Licensed Blasting Contractors, under the direct supervision of a geo-technical engineer and blasting consultant, in accordance with all applicable laws and in coordination with the Town building officials.

The Project will be substantially balanced in topographic cut and fill. Approximately 69,000 cubic yards of materials will be cut based on Site grading and building elevations. Approximately 71,000 cubic yards of fill will be required for grading activities. Importation of fill material shall be minimized to the extent practicable by processing as much existing materials as possible.

The DEIS also categorized the slopes on the Site into the 0-15%, 15-20%, 20-30%, and over 30% categories. Approximately 6.2 acres, or 17% of the Project Site, are regulated as steep slopes (i.e., 15% or greater). Of this amount, approximately 2.3 acres of steep slopes will be disturbed for the Project (there will also be approximately 2.5 acres of disturbance of general slopes that are between 10-15%). The DEIS evaluated the criteria for a Steep Slope Permit pursuant to Section 259-6 of the Town Code.

Compared to the DEIS Project, the FEIS Project will alter approximately 3,000 square feet *less* of slopes that exceed 15% and are regulated as steep slopes under the Town Code. The Town Board finds that the Project has been designed through the FEIS Project to avoid or minimize disturbances to existing steep slopes and the creation of new steep slopes, as well as overall land disturbance, to the greatest extent practicable.

The Project shall include the following design elements that reduce or eliminate potential adverse impacts associated with geology:

- Soil erosion and sedimentation control measures shall be implemented and maintained in accordance with the NYSDEC New York State Standards and

Specifications for Erosion and Sediment Control requirements, and the Town of Cortlandt requirements, and shall remain in effect until disturbed areas are permanently stabilized;

- A Soil Management Plan shall be developed during construction activities to address the detection of soil and groundwater contaminants within the limit of disturbance;
- If dewatering is necessary, a filter system shall be required to remove the identified contaminants;
- An asbestos and lead-based paint survey shall be completed prior to the demolition of the existing commercial structures on the Project Site; and
- A Blasting Control and Monitoring Plan shall be developed and implemented prior to commencement of any blasting activities, in accordance with Town Code and Policy.

For these reasons, the Town Board finds that the Project will not have an adverse environmental impact on the Site's subsurface geology, soils or topography. Any potential impact has been minimized or avoided to the maximum extent practicable through the incorporation of mitigation measures as set forth herein.

B. Water Resources

The Town Board finds that, with the requirements provided herein, the Project will not significantly impact water resources. The Town Board carefully examined the Project's impacts to the area's water resources during these SEQRA proceedings, including with respect to wetlands/wetland buffers, and stormwater run-off.

1. On-Site Wetlands

On-Site wetlands total approximately 3.73 acres. The wetlands start in the northern portion of the Project Site as a forested wetland, and drain south-southeast into a man-made pond, which drains through a drainage channel south and exits the Property via a culvert under East Main Street. The on-Site wetland is regulated by the US Army Corps of Engineers and the Town of Cortlandt. The Town Board retained its own wetland consultant to delineate the wetlands, and to assist in evaluating the Project's potential impacts on the wetland system. This Report is contained in DEIS Appendix 6.

Based on observations by the Town's wetland consultant, the wetland system has been significantly altered, and is considered a moderate functioning wetland system. Much of the Property is largely disturbed with land use impacts from surrounding properties, and recent and past activities on the Property. Invasive plant species are prominent around the areas where commercial and residential activities occur. The northern portion of the Project Site is less disturbed than the rest of the Property. While plant abundance is higher in the northern forested wetland, the diversity observed was lacking, and the pond downstream has been significantly altered due to previous land use activities.

The development of the Project will occur primarily in the southern, previously disturbed portion of the Property. In total, 0.19 acres of channelized stream corridor will be impacted by the Project, and 3.60 acres of previously disturbed wetland buffer will be modified due to redevelopment of the southern portion of the Property for commercial buildings and parking lots. None of the relatively undisturbed riparian forested wetland or the forested upland area adjacent to the wetland (including the 100' wetland buffer) in the northern portion of the Site will be disturbed by the Project. The DEIS evaluated the criteria for a Wetlands Permit pursuant to Section 179-6(B) of the Town Code.

The FEIS Project will result in approximately 0.5 acres *less* in overall Site disturbance compared to the DEIS Project. Like the DEIS Project, the FEIS Project will impact approximately 0.19 acres of the existing channelized stream corridor, and 3.60 acres of previously disturbed wetland buffer will be modified on the Project Site.

As discussed in the DEIS, the Town's wetland consultant recommends that all mitigation efforts be concentrated on the enhancement of the man-made pond and the wetland areas in the northern portion of the property. As described in the DEIS and FEIS, the mitigation measures include replanting the northeast area of the Site with native species of trees and shrubs using seed mixes comprised of perennial grasses and forbs. This will allow this area to provide additional habitat for the species currently occupying the Site. Additional mitigation efforts will be focused around the southern edges of the man-made pond, where removal of invasive species and replanting of native shrubs with higher wildlife value will enhance the functional value of this waterbody.

The Town Board finds that these mitigations efforts will replace the functions lost due to encroachment within the regulated areas, and will preserve the integrity of the higher quality upland habitats, which are in the northern areas of the Site. The mitigation will also reduce the potential impacts to water resources to the greatest extent practicable. No further mitigation measures are necessary or required.

2. *Stream Daylighting*

As discussed in the DEIS, the existing on-Site pond drains into a man-made ditched stream. As identified by the Town's wetland consultant, historically the stream has been fairly disturbed as a result of previous land use activities, including aging septic systems on the Project Site and utilization of surrounding areas.

As part of the DEIS Project, a portion of the channelized stream course just north of Route 6 was proposed to be restored through the removal of invasive species, along with "daylighting" an approximately 125-foot portion of the stream. Upon further evaluation, the Town Board, the Applicant, and their respective wetland consultants, determined that the ecological and biodiversity benefits of the proposed daylighting just north of Route 6 would have been limited, due primarily to the isolation of the stream from the remainder of the proposed open space and existing pond. Additionally, the daylighted stream would have been within a proposed parking area in close proximity to Route 6, thereby resulting in limited recreational and wildlife habitat, and the potential to collect litter.

In light of these considerations, the stream daylighting has been revised in the FEIS Project. It is now shown to be relocated to the northeast of the proposed retail building and service drive. As illustrated on FEIS Figure No. I-7, *Stream Daylighting Plan*, the relocated stream provides the opportunity to increase the length of the daylighted portion of the stream from approximately 125 feet to approximately 300 feet. In addition, the relocation places the stream adjacent to the existing pond, wetland and open areas, providing for an integrated wildlife habitat system.

The Town Board finds that the increased daylighting, and proximity to the pond and wetland system, will result in the following ecological and habitat benefits:

- Increase in creation of aquatic habitat for wildlife, including access to open water;
- Creation of riparian (stream-side) habitat, and potential corridors for wildlife movement adjacent to the proposed open space and natural areas on the northern portion of the Site;
- Opportunity to allow additional water to infiltrate into the soil and replenish local groundwater;
- Reduction in runoff velocities by placing the stream closer to the existing pond;
- Relief of choke points and flooding caused by undersized or clogged culverts; and,
- Improvement of water quality by reducing pollutants.

The Town Board further finds that the relocated daylighted stream will serve as an important amenity for the Project. It will be accessible to members of the public, including the Project's

employees and patrons, for their use and enjoyment during normal business hours. The area adjacent to the stream will include amenities such as benches, picnic tables and a gazebo.

3. Stormwater

a. SWPPP

A Preliminary Stormwater Pollution Prevention Plan (“SWPPP”) containing a Stormwater Management Report and a comprehensive Erosion and Sediment Control (“ESC”) Plan, was included in the DEIS. The SWPPP was prepared to address the potential impacts on water quality and quantity leaving the Site both during and after construction. The Applicant shall submit the final SWPPP to the Town Board’s engineering consultant and the Town’s Department of Technical Services for final review and approval, in accordance with the requirements of the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual. Coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity will also be required for the Project.

As described in the SWPPP and reviewed by the Town Board, stormwater runoff is currently conveyed from the Site via storm drainage piping, manmade streams and channels, ultimately discharging to the Cortlandt Town Center basins and wetland system. No changes to these systems are proposed as stormwater impacts will be mitigated on-Site. The stormwater management plan is required to meet the design criteria set forth in the NYSDEC Stormwater Design Manual. The final stormwater management plan will be designed to utilize proposed detention provided in underground storage pipes and other best management practices suitable infiltration measures. The Town Board finds that the exact types, sizing and other details of the infiltration measures, as well as any associated non-material changes to the Site development layout, shall be determined during the final review and approval of the SWPPP by the Town Board’s engineering consultant and the Town’s Department of Technical Services. As compared to the DEIS Project, the FEIS Project will result in approximately 2.6 acres *less* of impervious surfaces.

The SWPPP demonstrates that the Project will result in peak rates of runoff under developed conditions to be at or below existing peak rates of runoff for all-storm events, up to and including the 100-year storm event. The Town Board finds that the proposed stormwater management measures will further mitigate stormwater runoff impacts by providing channel protection, and overbank flood and extreme storm protection.

Erosion and Sediment Control

In accordance with the General Permit, all erosion and sediment control practices, and all post-construction practices identified in the SWPPP, shall be maintained. All soil erosion and

sediment controls shall be installed in accordance with best management practices set forth in the NYSDEC Standards and Specifications for Erosion and Sediment Control Manual, and the Town of Cortlandt municipal code. The use of silt fencing, hay bales, inlet protection, sediment traps, swales, berms anti-tracking pads and other measures shall be provided to minimize soil and sediment leaving the Site during construction. The Town Board finds that the ESC Plan, together with the required inspection schedule by a qualified inspector, will protect existing on-Site and off-Site wetlands, watercourses, and water bodies from soil erosion and sedimentation to the maximum extent practicable.

b. Stormwater Basin Evaluation

The Applicant shall provide a hydrologic/hydraulic evaluation for the entire watershed leading to the Cortlandt Town Center retention basins (the “Stormwater Basin Evaluation”), as requested in the Town Board’s Scoping Document. The purpose of the Stormwater Basin Evaluation is for the Town to study the feasibility of restoring and/or improving the functionality of the stormwater basins behind the Cortlandt Town Center, and to make recommendations in connection therewith. Although not necessary for the completion and approval of the Project’s SWPPP, it is possible that a certain portion of the post-development runoff from the Project could be accommodated in these off-site basins, if they are successfully restored/improved pursuant to the recommendations in the Stormwater Basin Evaluation. In the event it is determined that post-development runoff from the Project could be accommodated in these retention basins, the Project’s SWPPP could be modified accordingly at the appropriate time, in conjunction with and upon the review and approval of the Town Engineer.

The Applicant shall begin the Stormwater Basin Evaluation, on behalf of the Town, as soon as reasonably practicable, and the Evaluation shall be pursued diligently (weather permitting) until completion. Selective maintenance activities by the Town and/or its designee within and adjacent to the retention basins may be required prior to the start of the Stormwater Basin Evaluation in order to provide for proper inspection, and to accurately document existing conditions. The Stormwater Basin Evaluation, and any maintenance activities and/or restorative/improvement work performed in connection therewith, shall be paid for solely from drainage district funds. The Town of Cortlandt shall be responsible for all work and costs associated with obtaining any permits or approvals and prerequisite maintenance required to perform the Stormwater Basin Evaluation, and to implement any of the recommendations set forth therein.

4. Off-Site Wetlands

A NYSDEC regulated wetland, A-9, is located off-Site, on properties located on the southern side of Cortlandt Boulevard.

The DEIS studied the potential environmental impacts to this off-Site wetland associated with the potential relocation of the Mohegan Beer & Soda store to accommodate the Baker Street intersection improvements. If needed, the store will be relocated approximately 50 feet to the east, into the buffer area of this off-Site wetland. More specifically, approximately 0.4 acres of the wetland buffer for wetland A-9 will be disturbed as a result of the proposed relocation of the Mohegan Beer & Soda store. There will be no disturbance of the wetland itself. These potential impacts will remain the same under the FEIS Project.

The Town Board finds that any such potential relocation of the Mohegan Beer & Soda store into the buffer of wetland A-9 will be mitigated to the maximum extent practicable through a buffer restoration/enhancement plan. This restoration effort will include removal of invasive woody species, and replacement with native trees and shrubs. The trees and shrubs will provide shade for the pond edge, as well as wildlife food and cover for species utilizing the pond and wetland to the south.

As referenced above, the Town Board acknowledges that the Applicant has completed negotiations to purchase the Mohegan Beer & Soda store. Under this scenario, the store will be demolished rather than relocated into the wetland buffer, and would therefore avoid any potential impacts to the buffer.

C. Terrestrial and Aquatic Ecology

The Town Board finds that the Project will pose no significant adverse ecological impacts. The Board, assisted by its ecological consultant, Stephen W. Coleman Environmental Consulting, LLC, studied the potential impacts related to natural resources and biodiversity that might result from the Project. These analyses are described in detail in the Biodiversity Study prepared by Mr. Coleman in December 2007, and updated in August 2012 and 2013 (DEIS Appendix 6).

As described in the Biodiversity Study, the predominant plant community on the Project Site is an upland deciduous forest, which includes a riparian forested wetland complex with floodplain and a permanent pond. The Biodiversity Study concludes that the most sensitive area of the Project Site is the northern forested wetland complex. The Biodiversity Study indicates that the area of the Site located to the south and east of the forested wetland complex is highly disturbed, and is most suitable to development.

The Biodiversity Study also concludes that the wildlife corridors in the Project Site's vicinity have been historically compromised due to the land use and fragmentation. Wildlife diversity on the Project Site is considered low to average, and the species represented are common species which tend to be more adaptable to disturbed conditions. The Biodiversity Study also found that the Project Site does not support any threatened or endangered species of plants or animals.

Like the DEIS Project, the FEIS Project will provide a Protected Area in the northern portion of the Site, which will be maintained in perpetuity as open space and/or conservation land through a fee dedication to the Town. The Protected Area will include approximately 21 acres, or 2 acres *more* than previously proposed as part of the DEIS Project. The Town Board finds that the provision of the Protected Area is consistent with the recommendations set forth in the Biodiversity Study, and as a result the Project will not have significant adverse impacts on the vegetation or wildlife in the northern portion of the Site.

In addition, the FEIS Project will remove approximately 1,370 trees, or 70 *fewer* trees than the DEIS Project. The proposed landscape design and reforestation for the on-Site portion of the Project will include the planting of approximately 565 trees throughout the Site as part of the mitigation to meet the requirement of Section 283-3 C(3)(d) of the Town Code. The landscaping plan will include a landscaped berm, which is generally located in the northeastern portion of the Site. The berm has been updated in response to public comments and those of the Planning Board to include two (2) distinct areas of planting: a transitional planting area, and a forested buffer. The forested buffer and landscape berm will provide screening and buffering between the proposed retail structures and the adjacent properties. The Town Board finds that this planting plan is more representative of a traditional successional planting plan occurring in nature, rather than a plan that will completely reforest the entire are of the proposed berm.

Landscaping will also be provided adjacent to the proposed retail buildings, and within the parking lot islands. Such landscaping will include a combination of hardscape elements, shade and ornamental trees, evergreen and deciduous shrubs, and ornamental grasses and ground cover plantings where appropriate. The Town Board finds, as advised by its planning consultant (AKRF), that the landscaping plan is appropriate for the Project.

The Town Board further finds that the Project will satisfy the requirements of Chapter 283 of the Town Code regarding tree removal. For the proposed 790,422 square feet (18.15 acres) of disturbance, 791 trees would be required to be planted. The Applicant proposes to plant 565 trees throughout the Site as part of the mitigation to meet the Town Code's requirement. Section 283-7.A(7) of the Town's tree regulations specifically authorizes the approving authority to consider "if the property owner will replant replacement trees of a similar species or add other vegetation to offset the negative effects of the tree removal to the satisfaction of the approving

authority.” In addition to the 565 proposed new trees, the Applicant also proposes to plant the following vegetation throughout the Site in order to provide for additional wildlife habitat areas, visual interest, and screening, all in accordance with the Town Code:

- Approximately 1,100 deciduous and evergreen shrubs and groundcovers, ranging in size from 12 to 36-inches in height, within the Cortlandt Boulevard streetscape, parking lot islands, and perimeter buffer areas of the Site;
- 200, one gallon containers of ornamental grasses with the parking lot islands;
- 400, one gallon containers of assorted annuals and perennial plants within the parking islands and entry landscape features;
- 500 stream buffer shrubs, and 500 stream buffer emergent plants within the proposed stream corridor;
- Over 200,000 square feet of various seed mixes within lawn areas, steep slope areas, the transitional area, and restoration area; and
- Landscape improvements within the new Town right-of-way and on the south side of Cortlandt Boulevard associated with the proposed improvements of the Cortlandt Boulevard and Baker Street intersection.

AKRF also assisted the Town Board in reviewing the general health and condition of the trees proposed to be removed as part of the Project. AKRF concluded that many of the existing trees within the limit of disturbance are in a state of decline due to invasive vines that grow unchecked.

As discussed in the DEIS, the off-Site sewer improvements proposed as part of the DEIS Project would require the removal of approximately 117 trees within the School District and Town-owned property during construction. In contrast, under the FEIS Project, the Project will avoid any disturbance to the School District property, as the sewer improvements will be routed through the existing Cortlandt Town Center parking lots and within the Westbrook Drive right-of-way. Accordingly, in the FEIS Project, no off-Site trees will be removed as part of sewer improvements.

In the event, however, that the prior sewer plan as shown in the DEIS needs to be implemented for whatever reason, the Town Board finds that tree removal within the easement area on the School District property will not result in an adverse significant impact related to biodiversity or ecology. The majority of the easement area is located within lands that have previously been disturbed, and is separated from the key habitat areas on the School District property. The reforestation on the Project Site will mitigate the majority of the tree removal, and on balance, the benefits associated with sewer improvements outweigh any minimal impact due to tree removal.

For the reasons stated in the DEIS, the Town Board also finds that the Project will not cause cumulative significant adverse impacts on vegetation or wildlife, or result in significant adverse impacts on vegetation or wildlife on adjoining properties.

The Town Board finds that with the implementation of the above measures as part of the Project design, including the Protected Area encompassing approximately 21 acres in the northern portion of the Site, and the reforestation/berm plan, the FEIS Project will not result in any significant adverse environmental impacts related to terrestrial and aquatic ecology. The mitigation measures will reforest portions of the Site that will be disturbed as part of the construction of the Project, and preserve the integrity of the higher quality wetland and upland wildlife habitats found in the northern portion of the Site through the use of the Protected Area. The tree planting program will provide replacement shade, screening and habitat comparable to that lost during construction.

D. Air Quality and Noise Resources

The Town Board finds that the Project will not result in significant adverse air quality or noise impacts. The changes proposed in the FEIS Project, including a reduction in commercial square footage, traffic and parking spaces, further minimizes the potential for any air quality or noise impacts resulting from the Project.

1. Air Quality

The Town Board carefully studied the potential for air quality impacts from the Project. As explained in the DEIS, air quality impacts can be either direct or indirect. Direct impacts result from emissions generated by stationary sources at a development site, such as emissions from fuel burned on site for heating and hot water systems. Indirect impacts are impacts that are caused by emissions from nearby existing stationary sources or by emissions from on-road vehicle trips generated by a project or other changes to future traffic conditions due to a project.

The potential for air quality impacts associated with the Project due to potential emissions from mobile sources/vehicles associated with the Project was analyzed during the SEQRA proceedings. Potential impacts caused by emissions from on-site fuel combustion from the Project's heating and hot water systems were also examined. An assessment of the potential air quality effects of carbon monoxide (CO) concentrations that will result from the Project was performed following the New York State Department of Transportation (NYSDOT) Environmental Procedures Manual (EPM), January 2001. This included a mobile source screening analysis to determine the locations where a more detailed mobile source analysis may

be required. The study area corresponds to the study area for the traffic analysis, including 17 intersections for the CO microscale analysis.

Based on the analyses, the Town Board finds that the Project is not expected to cause any new exceedances of air quality standards, or exacerbate any existing exceedances, and therefore will not result in any significant adverse air quality impacts.

2. Noise

The Town Board also carefully studied the potential for noise impacts from the Project. The noise analysis considers the noise levels that will be produced by operation and construction of the Project, and whether that noise could result in significant adverse noise impacts on the surrounding area. The noise impact assessment examined noise generated by traffic traveling to and from the Project Site, vehicles moving within and parking at the Project Site, the operation of mechanical equipment associated with the Project, and construction of the Project.

The Town Board finds that, based on the analysis performed, the operation of the Project will not result in significant adverse impacts at nearby sensitive receptors. The Project's mechanical equipment system will be designed to produce less than 44.4 dBA at the Project's property line, and consequently will comply with the noise level restrictions in the Town of Cortlandt Noise Control Law. The Project's noise, both during construction and operation, shall comply with the standards set forth in the Town of Cortlandt Noise Control Law, Chapter 197 of the Town Code.

E. Transportation

The Town Board knows that traffic was a primary area of environmental concern expressed during the Public Hearings. The Board, with the assistance of its traffic consultants at AKRF, has carefully studied the Project's potential impacts on vehicular traffic. AKRF prepared the Traffic Impact Study for the Project.

The Town Board finds that with the transportation-related mitigation measures identified herein, the Project's potential adverse traffic impacts have been minimized to the maximum extent practicable.

The Traffic Impact Study contains a detailed discussion of the methodology utilized to perform the comprehensive analysis of the Project's potential traffic impacts. In summary, potential impacts were analyzed using the 2010 Highway Capacity (HCM) methodology. Synchro 8 software based on the HCM methodology was used to calculate existing and future traffic operating conditions (level of service and average delay) at each of the Study Area intersections.

The Town Board, with AKRF's assistance, identified an expansive study area containing the following 15 intersections for detailed traffic analysis along the Route 6 corridor:

1. U.S. Route 6 & Conklin Avenue/Burger King Driveway (Signalized)
2. U.S. Route 6 & Pikes Plaza/Parkway Drive (Signalized)
3. U.S. Route 6 & Bear Mountain State Parkway Southbound Ramps/Retail Driveway (Signalized)
4. U.S. Route 6 & Bear Mountain State Parkway Northbound Ramps/Gas Station Driveway (Unsignalized)
5. U.S. Route 6 & Locust Avenue (Signalized)
6. U.S. Route 6 & Millington Road (Signalized)
7. U.S. Route 6 & Jerome Drive/Kohl's Driveway (Signalized)
8. U.S. Route 6 & Westbrook Drive/Cortlandt Town Center Drive (Signalized)
9. U.S. Route 6 & Renee Gate (Unsignalized)
10. U.S. Route 6 & Constitution Drive/Cortlandt Town Center Driveway (Signalized)
11. U.S. Route 6 & Cortlandt Town Center Driveway/Retail Driveway (Signalized, near McDonald's)
12. U.S. Route 6 & Cortlandt Town Center Driveway (Unsignalized, eastbound U.S. Route 6 access only)
13. U.S. Route 6 & Baker Street (Unsignalized)
14. U.S. Route 6 & Regina Drive (Unsignalized)
15. U.S. Route 6 & Lexington Avenue (Signalized)

The transportation analysis describes existing conditions along the U.S. Route 6 corridor, and assesses future conditions in 2016, both with and without the Project. In addition to the analysis of the U.S. Route 6 corridor with the Project, an analysis was conducted which examined future conditions with the implementation of a new Baker Street/U.S. Route 6/Cortlandt Town Center intersection configuration

Existing traffic conditions in the study area were established based on traffic counts conducted in October 2013. Manual turning movement counts were collected at the study area intersections during the weekday AM (8:00 AM – 10:00 AM), weekday PM (4:00 PM – 6:00 PM), and Saturday Midday (12:30 PM 2:30 PM) peak periods. In addition to the manual turning movement counts, Automatic Traffic Recorder counts were also conducted at the following 4 locations:

- US Route 6 – east and west of Baker Street
- Baker Street North of US Route 6
- Easternmost CTC driveway south of Route 6

The peak hours of the analysis are as follows:

- Weekday AM Peak Hour – 8:00 AM to 9:00 AM
- Weekday PM Peak Hour – 5:00 PM to 6:00 PM
- Saturday Midday Peak Hour – 12:30 PM to 1:30 PM

During peak hours, LOS D operations are generally considered to be acceptable operating conditions for signalized and unsignalized intersections. The majority of the lane groups/approaches for signalized intersections in the Study Area generally operate at overall LOS D or better under 2013 Existing conditions during the peak hours analyzed, with exceptions at Route 6/Westbrook Drive, Route 6/Lexington Avenue, Route 6/Bear Mountain Parkway (northbound ramp) and Route 6/Baker Street.

Using data from the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition*, the Town's traffic consultant estimated that the DEIS Project will generate approximately 161 trips during the weekday AM peak hour (100 entering, 61 exiting), 623 trips during the weekday PM peak hour (299 entering, 324 exiting), and 809 trips during the Saturday Midday peak hour (421 entering, 388 exiting).

These estimates were further reduced because 25 percent of trips generated were assumed to be "pass-by trips." Pass-by trips refer to intermediate stops on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the Site on an adjacent street or roadway that offers direct access to the generator. Pass-by trips are not diverted from another roadway. When pass-by trips are accounted for, the Project will generate approximately 121 net new trips during the weekday AM peak hour, 467 net new trips during the weekday PM peak hour, and 607 net new trips during the Saturday Midday peak hour.

As indicated in the Traffic Impact Study (DEIS Appendix 9 and FEIS Appendix 3), with the Project, the LOS for the Study Area intersections will be impacted at the following intersections: U.S. Route 6 and Westbrook Drive/ Cortlandt Town Center Driveway; U.S. Route 6 and Lexington Avenue; U.S. Route 6 and Bear Mountain Parkway Northbound Ramps; U.S. Route 6 and Renee Gate; and U.S. Route 6 and Baker Street.

The Traffic Study also included an alternate analysis with the Cortlandt Town Center eastern driveway relocated opposite Baker Street. With this alternate, installation of a traffic signal at

U.S. Route 6 and Baker Street/Relocated Cortlandt Town Center Driveway will meet the minimum peak hour warrant (warrant 3) requirements for the installation of a traffic signal. The installation of a traffic signal at Baker Street is not required mitigation for the Project, but will be included as part of the Proposed Action (and provided by the Applicant) if permitted by NYSDOT as a general enhancement for the Route 6 corridor and Baker Street/Cortlandt Colony neighborhoods.

Based on the Traffic Impact Study and discussions with NYSDOT, AKRF recommended certain traffic improvement measures to mitigate any new potential significant adverse traffic impacts associated with the Project. These measures will *improve* existing conditions, specifically with respect to safety, by having turning movements under control of a traffic signal. The Project will also provide key technological improvements to Route 6, which, among other things, will improve emergency response time and alleviate congestion through the studied intersections.

Accordingly, the Town Board finds that the following mitigation measures shall be implemented as part of the Project to improve traffic operations and safety in the area of the Project Site:

- The installation of an Adaptive Traffic Signal (“ATS”) system at each of the signalized intersections that provide access to the Cortlandt Town Center (“CTC”) and the Cortlandt Crossing (“CC”) project. An adaptive traffic control system can adjust signal timings incrementally based on real-time traffic volume information and can make adjustments of when green lights start and end to accommodate current traffic patterns to promote smooth flow and ease traffic congestion. The ATS will be installed at the following US Route 6 intersections:
 - Westbrook Drive/CTC Driveway
 - Constitution Drive/CTC Driveway
 - CTC and CC driveway
 - Baker Street and the CTC Driveway
 - Lexington Avenue
 - Mohegan Fire District Driveway
 - Lakeland Street/Mohegan Avenue
- The installation of fire/emergency vehicle pre-emption devices on fire/emergency vehicles and at all signalized intersections on U.S. Route 6 from Lexington Avenue to Conklin Avenue to improve emergency service response time and allow for congestion free travel through these intersections during emergency conditions. The pre-emption device can be installed on emergency vehicle as needed and clear the intersection prior to the vehicle’s arrival at the intersection.

- Improvements to U.S. Route 6 and Cortlandt Town Center Driveway/Cortlandt Crossing Main Driveway including the removal of the existing traffic signal and the installation of a new traffic signal, which will be part of the ATS system and incorporate traffic signal pre-emption technology.
- The relocation of the unsignalized Cortlandt Town Center Driveway 160 feet east to line up with Baker Street to create a 4 legged intersection, the addition of an exclusive eastbound left turn lane on U.S. Route 6, the addition of an exclusive westbound left-turn lane on U.S. Route 6 to provide access to Baker Street at this new intersection to provide entry into the Cortlandt Town Center, and signalization of this new intersection. This intersection will be part of the ATS system and incorporate traffic signal pre-emption technology. If required by NYSDOT the installation of a traffic signal warning sign on the downhill grade along Barmore Hill (U.S. Route 6) will warn drivers of the new signal. This newly aligned intersection will provide safer entry and exit to/from Baker Street and the Cortlandt Town Center by reducing the number of curb cuts and having turning movements under control of a traffic signal.
- The applicant will fund a signal warrant study at the intersection of U.S. Route 6 and Bear Mountain Parkway Northbound Ramps one year after the grand opening of Cortlandt Crossing to determine if the intersection meets warrants for the installation of a traffic signal with Cortlandt Crossing open and in operation.
- The installation of new wireless signal detection and traffic signal controllers at the intersection of U.S. Route 6 and Lexington Avenue. With the installation of this technology, this intersection could become part of the ATS system along U.S. Route 6 in the future, if desired by NYSDOT.
- The potential implementation of a trolley service by the Town on U.S. Route 6 to serve major destinations along U.S. Route 6 (e.g., Cortlandt Town Center, Cortlandt Crossing). The Applicant will make a fair share contribution to the Town for a potential community jitney service to be owned and operated by the Town. The Applicant will set aside an area on-Site where the Town can install a jitney stop.

The Town Board acknowledges that these mitigation measures within the Route 6 corridor are all subject to approval by NYSDOT, and are in addition to the approximately \$4,850,000 of off-Site public infrastructure improvements mentioned above. In the event that NYSDOT decides not to approve any of the identified mitigation measures and/or modifies them, then the Town Board finds that such decision(s) by NYSDOT shall constitute the transportation mitigation required for

the Project. The Applicant shall not be deemed to be in violation of these Findings should NYSDOT not approve or modify any of the above-referenced mitigation measures.

Access to the Project Site will be provided via the existing Project Site access driveway off of U.S. Route 6, as well as via two newly constructed driveways connecting to U.S. Route 6. As part of the Project, the main Project driveway will be constructed and aligned with the existing signalized Cortlandt Town Center Driveway (located east of Constitution Drive) and will operate as a four legged intersection. Various geometric improvements will be made at the driveway, including an exclusive eastbound left turn lane with 125 feet of storage, westbound right-turn lane with approximately 160 feet of storage, and the Project exit (the southbound approach) will be striped as an exclusive left-turn lane with 120 feet of storage, a shared left-through lane, and a channelized right-turn lane (controlled by the traffic signal).

The Town Board finds that the Project has been designed to avoid impacts related to parking, mass transit, pedestrians, and bicycling to the maximum extent practicable, including through the provisions of sidewalks along Cortlandt Boulevard, a mid-block pedestrian sidewalk into the Site, signalized pedestrian crosswalks at the main Cortlandt Town Center/Cortlandt Crossing driveway intersection, and access for BeeLine buses through the Site.

The Town Board further finds that the FEIS Project will not result in any additional significant adverse impacts related to traffic and transportation compared to the DEIS Project, and thus no additional mitigation measures beyond those identified herein are required. The Town's traffic consultant analyzed the potential traffic impacts from 170,000 square feet of retail use, and proposed mitigation measures to offset the increase in traffic generated by the DEIS Project. The Town Board required the Applicant to reduce the Project from 170,000 square feet to 130,000 square feet based on public comments on the DEIS. The reduced scale FEIS Project will not result in any greater traffic impacts as compared to the DEIS Project. If anything, the FEIS Project will result in fewer trips. Nonetheless, the Town Board finds that the required mitigation shall remain the same.

F. Land Use and Zoning

The Town Board finds that the Project will have a positive land use impact, and that any adverse environmental impacts from the Project on land use have been minimized or avoided to the maximum extent practicable.

The Town Board finds that the Project presents an opportunity to redevelop the Site, which previously contained small, one-story buildings in various states of disrepair with no common commercial or architectural theme, with new buildings and an attractive streetscape along

Cortlandt Boulevard. As defined in the Scoping Document no individual tenant may exceed 60,000 square feet, nor may more than 20% of the gross floor area (26,000) be for single tenants less than 1,500 sq. ft.. These two requirements may be increased by up to 20% so long as the total square footage of the center does not exceed the maximum permitted.

The Town Board finds that the Project advances the purposes of the CD District, including “to provide a means for the establishment of well-designed, efficient and convenient retail shopping centers and complementary activities serving a wide area.” Town Zoning Code § 307-5(B)(3). The Town Board also finds that the Project is in harmony with the pattern of development of other commercial developments along Cortlandt Boulevard, including the Cortlandt Town Center across the street.

The Town Board further finds that the Project is consistent with the overall commercial development and redevelopment goals of the Town’s *Comprehensive Master Plan*, and specifically advances at least six (6) of the Master Plan policies (i.e., Policy 2, Policy 44, Policy 51, Policy 86, Policy 92, Policy 98). In summary, the Board finds that the Project will advance the protection of open space, the provision of infrastructure and aesthetic improvements to existing commercial areas, the implementation of Cortlandt Boulevard streetscape elements, and the formation of a new commercial Route 6 sanitary sewer district. The Project is also consistent with the Town’s objective to protect the areas of the Property that provide wildlife habitat, wetland ecosystems, and the opportunity for future connections to other open space in the Town, as described in the Town’s *Open Space Final Report*, through the protection of approximately 21 acres in the northern portion of the Property.

Under the zoning change, the Town Board will extend the CD District boundary line north, and apply it to approximately 15 acres of the Property. This is approximately 2 less acres than proposed in the DEIS Project. The modification to the proposed CD District boundary in the FEIS Project will also locate the CD District further to the south and west, away from the neighboring properties along Lucs Lane. The northern 21 acres of the Property will be zoned R-40 under the FEIS Project, as compared to 19 acres in the DEIS Project. The zoning map change is necessary to ensure that the Project is located on that portion of the Site that is zoned for commercial uses.

The Town Board finds that the Project incorporates measures to improve the visual and aesthetic qualities of the Project to avoid any significant adverse land use impacts to neighboring residential and other properties. The Project has been designed to concentrate commercial development in the southern portion of the Site along Cortlandt Boulevard, and away from the majority of the residential neighborhoods to the north and northeast of the Site. Side yard and buffer setbacks have been doubled in the area adjacent to residential properties on Lucs Lane. A

large landscaped berm will be installed to provide additional landscaping and screen the Project from adjoining properties to the greatest extent practicable. The Applicant will also preserve a portion of the existing trees along the eastern edge of the berm, which the Board finds will further enhance and augment the proposed landscaping.

The Town Board also finds that the Project will provide a safe environment for employees and visitors during evening hours, while avoiding any significant adverse lighting impacts to neighbors. The Project will utilize a combination of cut-off street lights and building security lighting. Public parking areas will utilize appropriately-scaled street lights styled to complement the architecture. The lighting distribution will be contained on-Site through the cut-off design of light fixtures, in combination with the perimeter vegetation. Illumination from the ground floor retail use will be similar to the existing retail located elsewhere along the Route 6 commercial corridor.

Under the FEIS Project, the Project requires the following three variances from the Town Zoning Board of Appeals:

1. Minimum Buffer Requirement Along Residential District (Zoning Ordinance §307-23) – 50 feet is required; 30 feet is proposed along the western property line.
2. Parking Spaces (Zoning Ordinance § 307-29) – 693 spaces are required; 610 spaces are proposed.
3. Minimum Landscape Coverage (Zoning Ordinance § 307-17) – 25% is required in the CD District; 22% in the CD District-portion of the Property is proposed.

The Town Board has studied the potential environmental impacts of these variance requests. The Town Board finds that the requested variances will not have a significant adverse effect on environmental conditions. First, the Board finds that the reduction of the buffer area along the Property's western boundary will not result in any significant adverse visual or other impacts given the non-residential use of the adjoining school district property, the grade change to the Property, and the proposed retaining wall, fence and landscaping. Second, the proposed reduction in parking spaces is consistent with Institute of Transportation Engineers and Urban Land Institute standards, and will avoid excessive impervious surface. Third, the Property, when viewed in its totality instead of just the CD District-portion, will have ample landscape coverage (approximately 63%).

The Town Board also acknowledges that none of these variances would be required if the CD District boundary line was extended farther north into what is proposed as protected open space.

The Town Board finds that, on balance, it makes better planning sense to limit the extent of the CD District in order to maximize the protected open space, rather than expand the CD District further to avoid these insignificant variances. The Town Board also acknowledges that the Town Zoning Board of Appeals has the jurisdiction for evaluating the requested variances under the balancing test set forth under New York State Town Law, and determining whether to grant the variances.

The Town Board notes that under the FEIS Project, the previous requested variances for rear yard setback and building height (Alternative D) are no longer needed. The Applicant has reduced the number of variance requests under the FEIS Project.

Accordingly, the Town Board finds that the Project will not have significant adverse impacts on zoning or the neighboring land uses, and no further mitigation is required.

G. Community Services

The Town Board finds that the Project will not have an adverse impact on the provision of community services. The FEIS Project will result in a decreased demand for community services as compared to the DEIS Project, given the decrease in the total proposed square footage of commercial use.

The Town Board examined the Project's potential effect on the provision of community services, including police protection and traffic enforcement, fire protection, hospitals and ambulance services, utilities, public water, public sewer, solid waste disposal, and Indian Point evacuation plan. This analysis demonstrated that the increased tax revenues from the Project will offset any potentially increased service costs attributable to the Project. In addition, the existing infrastructure network is expected to be either capable of or upgraded to support the utility demands of the Project.

1. Police Protection and Traffic Enforcement

The Town Board finds that the estimated property tax revenues that Westchester County (the Town does not have its own police service; the County shares patrol responsibility with New York State) will receive under the Project (approximately an additional \$106,000 to \$125,000 annually) could be used by the County to offset any necessary additional police personnel as a result of the Project.

The Applicant, which also owns Cortlandt Town Center across the street, has advised the Town Board that the Westchester County Police regularly patrol that property. Given the close

proximity, it is anticipated that regular patrols by NYS Police and County Police will readily occur at both properties.

Moreover, the Applicant employs a private security firm to patrol the Cortlandt Town Center property from 10:00 AM to 7:00 AM the next day. A similar private security plan will be implemented at the Cortlandt Crossing Project.

2. *Fire Protection*

The Town Board finds that the Town could use a portion of the taxes it will receive from the Project to pay for any costs associated with an increased demand on staff, equipment and facilities caused by the Project. The Project is expected to add additional tax revenue of approximately \$49,000 to 58,000 annually to the Lake Mohegan Fire District.

In response to concerns expressed by the Fire Chief, the Project shall install fire hydrants within the proposed parking areas near the retail buildings. The Town Board finds that hydrant flows will be provided at rates required for firefighting purposes based on test results. Water will be provided from an existing main located on the south side of Cortland Boulevard. In addition, the Town Board finds that sufficient fire truck access is shown on the site plan. The Applicant shall coordinate with the Fire District to confirm the exact number and location of fire hydrants, and final details relating to fire truck access during the Site Plan stage.

3. *Hospitals and Ambulance Services*

The nearest full service hospital to the Project is the New York-Presbyterian/Hudson Valley Hospital Center (HVHC), which is located on Crompond Road in Cortlandt. HVHC confirmed that there will be no significant impact upon the Hospital based on the location and proposed usage of the retail space of the Project.

In addition, Cortlandt Regional Paramedics, which augments the services of the Mohegan Volunteer Fire Association & Ambulance Corps, indicated that Cortlandt Town Center has averaged 78 calls for Cortlandt Regional Paramedic services over the past five years. Cortlandt Town Center includes approximately 775,000 square feet of retail and restaurant use, including a cinema. Cortlandt Town Center is over four times larger than the proposed Project. It is expected that the calls for paramedic services to the Project will be a fraction of those experienced at Cortlandt Town Center.

The Project is also expected to generate additional tax revenues that will be paid to the Ambulance District.

The Town Board finds, based on this information, that there will be no significant adverse impacts to local health care and ambulance service providers.

4. Utilities

The existing utility services to the Site will be abandoned and replaced with new services, subject to receipt of all necessary approvals from the utility companies. The Applicant's consultants have initiated discussions with Con Edison and Verizon regarding service to the Project. Final details regarding the provision of electrical, gas, telephone, cable, and communication services will be determined during the Site Plan stage.

Through coordination with the service providers, the Town Board finds that there will be no significant adverse impacts relating to providing electric, gas and telephone services to the Project, as well as abandoning the existing services.

5. Public Water

The Site is currently supported with existing public water services to the existing businesses and structures. The water is filtered and supplied by Northern Westchester Joint Water Works (NWJWW). The filter plant is located west of the Project on Locust Avenue. The water is provided to the Site with an existing 12-inch ductile-iron pipe main, located on the south side of Cortlandt Boulevard. Water mains and services will be extended into the Site to service the proposed buildings. Based on discussions with the Town, the Project will provide a water loop through the Site and connection to an existing 8-inch water main in Lucs Lane.

The estimated average daily water usage for the proposed project is approximately 36,700 gallons per day or 0.0367 MGD. This estimate is based upon the use of low flow fixtures and the application of published New York State Department of Environmental Conservation (NYSDEC) Design Standards for Wastewater Treatment Works wastewater design flow unit rates, which are then adjusted upward by 10% to obtain the expected water demand. The Town of Cortlandt DES water records indicate a hydrant flow test had a flow of approximately 2,847 gpm with a static pressure of 140 PSI and a residual pressure of 100 PSI. The maximum daily peak flow for the Project is estimated to be 43 gpm which is well within available flow. Therefore, the Project will not have a significant adverse impact on the public water supply, and no additional mitigation measures are required.

6. Public Sewer

As described above, the Project requires creating the formation of a new sewer district. The new sewer district will include the Cortlandt Crossing Project, Mohegan Beer & Soda parcel, and a portion of the existing Cortlandt Town Center, which is currently within the Town's Fawn Ridge Sewer District and the County's Peekskill Sewer District. The Town has petitioned the County,

on behalf of the Applicant, to extend the County Sewer District to cover those areas not currently within the County District.

As also described above, under the FEIS Project, the sewer improvements will be routed through the existing Cortlandt Town Center parking lots to a proposed pump station, which connects to existing infrastructure within the Town Center leading to a proposed second pump station at the intersection of Westbrook Drive and Cynthia Road. From there sewage will be pumped through a new sanitary main within the Westbrook Drive right-of-way, ultimately discharging to the County trunk line in Root Street. The improvements will continue to provide the adjacent School with the opportunity to abandon its septic system, and will further reduce septic leachate into the groundwater and surface water.

The Town Board, together with the Town's Department of Technical Services, has reviewed and is familiar with the sewer report located in DEIS Appendix 12 regarding the Project's proposed sewer improvements as shown under the DEIS Project. The Town Board is also fully familiar with the sewer improvements as shown in the FEIS Project. The final details and specifications regarding the sewer improvements shall be coordinated with the Town's Department of Technical Services, and prepared in accordance with Westchester County Department of Health rules and regulations during the Site Plan stage.

As mentioned above, and for the reasons stated herein, the Town Board further finds that the sewer system designed under the DEIS Project may be implemented, if for whatever reason (whether engineering and/or legal) the Town and the Applicant determine that the prior sewer design is the preferred design. The potential adverse impacts associated with the sewer system designed under the DEIS Project have been adequately mitigated, and such sewer improvements will provide a significant public benefit.

The Town Board thoroughly studied the sewer system as designed under both the DEIS Project and FEIS Project. The Board finds that, as a result of the proposed sewer improvements (whether the FEIS Project or DEIS Project design), the Project will have no significant adverse impacts relating to sewer service, and no additional mitigation is required.

7. Solid Waste Disposal

The Town Board finds that the Project will not have a significant adverse impact as a result of solid waste, and no mitigation measures are required.

The Applicant will contract with a licensed, private carter for the removal of refuse and recyclable materials for the Project. Refuse and recyclable materials will be stored within dumpsters or compactors until they are picked up by the private carter at the designated loading

areas.

Utilizing solid waste generation rates from the Urban Land Institute the Project is estimated to generate approximately 14.5 tons per month. The Applicant anticipates that the private carting service will utilize Wheelabrator Westchester, L.P. waste-to-energy facility for disposal of the collected refuse. Based on data from the New York State Department of Environmental Conservation, Wheelabrator Westchester has capacity to accept the anticipated solid waste generated by the Project.

8. *Indian Point Evacuation Plan*

In the event of an emergency at Indian Point requiring an evacuation, the employees and visitors of the Project will follow the same evacuation plans as other commercial establishments along Route 6. The Project does not contain any residential uses, and thus no residents would need to be evacuated.

H. Fiscal Analysis

The Town Board finds that the Project will not result in any significant adverse fiscal impacts to the Town of Cortlandt, Lakeland Central School District, or other taxing jurisdictions. As described in these Findings, and the DEIS/FEIS, the Project will have positive fiscal and economic impacts for the Town and other taxing jurisdictions.

The Town Board recognizes that economic considerations per se are generally not within the scope of SEQRA review. The Town Board has, nevertheless, thoroughly evaluated the Project's potential economic impacts in connection with its responsibility under SEQRA to weigh and balance the relevant environmental impacts with social, economic and other considerations. The information summarized below is contained in greater detail in the updated tax and fiscal studies that were completed for the FEIS Project, and included in the FEIS Appendix 5.

Similar to the DEIS Project, the FEIS Project will generate significant new property taxes and sales taxes to the Town and Westchester County. In sum, the Project is expected to generate between \$1.1 and \$1.3 million in property taxes to the Town and other taxing jurisdictions annually. The Lakeland Central School District will receive the greatest share of between approximately \$822,715 and \$966,045 annually. The Town of Cortlandt and its special districts are expected to receive between \$143,619 and \$168,640 annually. This remains a substantial increase as compared to the current annual tax revenues of approximately \$71,000 generated by the Property. All tax exemptions applicable to any other commercial property in the Town under the New York Real Property Tax Law or other regulation will be available to the Applicant.

In addition, the Applicant will design and construct approximately \$4.85 million worth of public infrastructure and related improvements in the Project area as part of the FEIS Project:

Baker Street Intersection Improvements	\$1.70 MM
Relocation of the Mohegan Beer & Soda Store	\$1.25 MM
Sewer infrastructure improvements	\$1.90 MM
Total:	\$4.85 MM

With respect to other economic benefits, the FEIS Project will result in a net increase in direct jobs, along with associated indirect jobs and economic spending. The proposed retail, restaurant and bank uses at Cortlandt Crossing will create approximately 402 ongoing direct jobs.

The Town Board finds that the Project will have a significant positive fiscal impact on the Town of Cortlandt, Lakeland School District, Westchester County, and other special districts. The Town Board further finds that the net tax benefits will be adequate to offset any potential costs associated with community services, such as police, fire or emergency services. Therefore, no additional mitigation measures are required.

I. Cultural and Visual Resources

The Town Board finds that the Project will not have a significant adverse impact upon any cultural or visual resources.

A Phase 1A/1B cultural resources survey of portions of the Project Site, and subsequently a Phase 2 archaeological evaluation of an on-Site location identified during the Phase 1B field survey, were conducted on the Property in 2009. An addendum Phase 1B cultural resources survey, and Phase 2 archaeological evaluation was conducted in 2013. Based on these archaeological investigations, additional excavation is unlikely to provide a greater understanding of prehistory in the area. The archaeological investigations concluded that no additional archaeological work was necessary on the Project Site. The Town Board finds that development of the Project on the Site will have no significant adverse impacts on archaeological resources.

The review of the Project for NYSDEC permits during the SEQRA process triggers the coordinated review of historic and archeological resources by the NYS Office of Parks Recreation and Historic Preservation (OPRHP). OPRHP remains an Involved Agency for the purpose of SEQRA.

An historic-architectural re-evaluation of 10-12 Frooms Place and associated carriage house (located in the central portion of the Site, just east of the pond) was also conducted in 2013 by the applicant. Although the house retains some architectural elements that represent its Greek Revival and Queen Anne architectural style, the structure lacks the overall integrity of design and materials, and is not connected to any individuals that would be considered significant in local, state or national history. For these reasons, the house and carriage house would not be eligible for the State and National Registers of Historic Places due to their lack of design integrity and historical significance. Additionally, an evaluation of fieldstone walls was conducted and archaeological investigations concluded that the fieldstone walls and spillway that may be removed as part of the Project possess no historic or architectural significance, and would not meet State and National Register eligibility criteria.

With respect to visual resources, the Town Board finds that the Project has been designed to be an attractive addition to the Cortlandt Boulevard commercial corridor. The aesthetic improvements include the Town's lighting standard along the Cortlandt Boulevard right-of-way, and a landscaped front yard that will include street trees, sidewalk, and Town-specified decorative light fixtures with arms for hanging baskets or banners and other streetscape amenities. The FEIS Project will also provide for approximately 4% more landscape coverage within the Proposed CD District as compared to DEIS Project. The Project's architecture shall be generally consistent with the Conceptual Architectural Design Guidelines contained in FEIS Appendix 6 to ensure that the new retail buildings will be architecturally-pleasing, and enhance the views of the Project.

The Town Board further finds that the FEIS Project also includes an enhanced streetscape along Route 6, given the introduction of an evergreen shrub screen adjacent to the parking lot to further screen parked vehicles from Cortlandt Boulevard and the pedestrian sidewalk. As recommended by NYSDOT and the Town, the sidewalk has been realigned *away* from Cortlandt Boulevard to provide between 9 feet and 16 feet of separation from the edge of pavement for more than 250 feet along the Cortlandt Crossing frontage. In addition, the FEIS Project will also maintain existing vegetation between the end of Lucs Lane and the limit of disturbance. When taken together with the proposed landscape berm and planting plan, views of the proposed buildings and driveway from the residences on Lucs Lane will be adequately screened.

Therefore, the Town Board finds that the FEIS Project will not result in any significant adverse cultural or visual impacts, and no additional mitigation measures are required.

XI. Alternatives

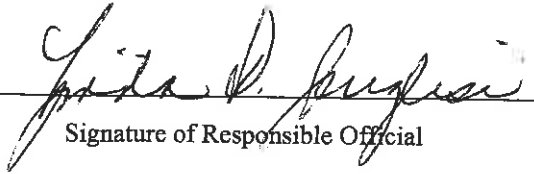
As described above, the Town Board required the Applicant to study a series of Alternatives. The Town Board finds that the FEIS Project, which the Town Board required in response to public comments during the DEIS proceedings, avoids or minimizes adverse environmental impacts to the maximum extent practicable.

Certification

The Town Board hereby certifies that the requirements of 6 N.Y.C.R.R. Part 617 have been met and complied with in full. After due consideration of the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS, and after weighing and balancing the relevant environmental impacts with social, economic, and other considerations pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617, the Town Board of the Town of Cortlandt, as Lead Agency, certifies, for the reasons set forth in these Findings, that:

1. The Town Board has given due consideration to the DEIS and FEIS, and information derived from other documents and Public Hearings and Town Board meetings during the course of this SEQRA review process;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating those mitigation measures that are set forth herein;
3. The Proposed Action is one that appropriately balances potential adverse impacts against potential beneficial impacts, including in the forms of significant off-Site infrastructure improvements to the Baker Street/Cortlandt Boulevard intersection and the existing and proposed Town and County sewer system, Cortlandt Boulevard streetscape improvements, open space and wetland preservation, positive fiscal and economic impacts, including substantial net tax revenues and new jobs, and aesthetic benefits associated with demolishing the existing small structures in disrepair and redeveloping the Site with new buildings having a cohesive design and architectural character, consistent with the other commercial uses within the retail corridor along Cortlandt Boulevard, and “green” sustainability practices; and
4. The written findings statement contains the facts and conclusions utilized by the Town Board to make its decision.

Town of Cortlandt Town Board


Signature of Responsible Official

Linda Puglisi

Name of Responsible Official

Town Supervisor

March 17, 2016

Title of Responsible Official

Date


Town of Cortlandt Planning Division

1 Heady Street

Cortlandt Manor, NY 10567

Telephone: (914) 734-1081

Contact: Chris Kehoe, AICP, Deputy Director


Approved
Town Attorney
Date: 3/17/16