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November 9, 2011

Hon. Dean Stickles, Building Inspector
Village of Walden
One Municipal Square
Walden, NY 12586

Re: Overlook At Kidd Farm

Dear Mr. Stickles:

As per your direction, we have compiled and reproduced the complete FEIS which includes the following:

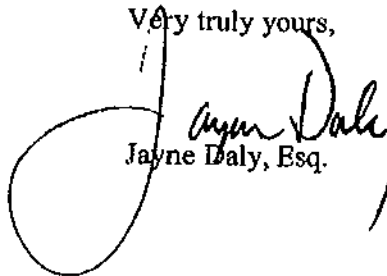
1. Notice of Completion.
2. Narrative
3. Appendix A
4. Site Plan.
5. Building elevations.

We have collated these documents into sets and put them in addressed envelopes with postage and are delivering those to you so that you can arrange for the mailing.

Thank you for your courtesies and cooperation.

This package replaces the package that was previously delivered on November 8th which included only the Notice of Completion and Narrative.

Very truly yours,


Jayne Daly, Esq.

State Environmental Quality Review

Notice of Completion of Final EIS

Lead Agency: Village of Walden Planning Board

Address: One Municipal Square
Walden, NY 12586

Date: November 7, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Final Environmental Impact Statement (DEIS) has been completed and accepted for the proposed action described below.

Name of Action: The Overlook at Kidd Farm

Description of Action: The Overlook at Kidd Farm, is a clustered 204 unit townhouse development with associated recreational amenities and a four lot commercial subdivision on approximately 37.37 acres of land. Currently there is an existing single family house located on the property, which fronts on Colden ham Road. This house will remain, however, all associated outbuildings will be removed. There is no development proposal for the four lot commercial subdivision.

Each townhouse will have 3 bedrooms, and will range in size from approximately 1,700 to 1,900 square feet. The townhouse units will be organized along the internal roadways in buildings of four or six units. The project will include a 2,500 sf community clubhouse as well as recreational facilities and amenities. On site recreational facilities will include an outdoor pool, two children's playgrounds and a half basketball court. Amenities will also include a dog run and a gazebo.

The project proposes two main access points, one off of Coldenham Road and a second from NYS Route 208. The internal road network is looped with one cul-de-sac. An emergency only access road will extend from the bulb of the cul-de-sac out to Coldenham Road. The streets will include street lights, curbs, drainage facilities, shade trees, street signs and deSigned cross walks.

All proposed buildings will be served by Village of Walden water and sewer services. Stormwater runoff will be collected through a network of structures, piping, and swales and conveyed to several onsite stormwater treatment and detention facilities. The stormwater facilities will be designed in accordance with all NYS Department of Environmental Conservation (NYSDEC) regulations.

Location: The project is located on Coldenham Road and New York State Route 208 in the Village of Walden. The Town of Montgomery town boundary runs along the south and east property line.

SEQR Notice of Completion of Draft /Notice of Hearing

Potential Environmental Impacts:

1. The Viewshed and Community Character
2. Impacts upon the Village's municipal water and sewer systems
3. Groundwater impacts
4. Stormwater Management
5. Wetlands
6. Transportation
7. Historical/Archeological

A copy of the Final EIS may be obtained from:

Contact Person: Mr. Stan Plato, Planning Board Chairman
c/o Dean Stickles, Building Inspector

Address: Village Hall
One Municipal Square
Walden, NY 12586

Telephone Number: (845) 778-2177

A copy of this notice must be sent to:

Joe Martens, Commissioner
New York State Department of Environmental Conservation
625 Broadway Albany, New York 12233-1750

Brian Maher, Mayor and Village of Walden Village Board of Trustees
1 Municipal Square
Walden, NY 12586

Deputy Regional Permit Administrator
New York State Department of Environmental Conservation -Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1620

Ms. Jean M. Hudson, M.D., M.P.H., Commissioner
Orange County Department of Health
124 Main Street
Goshen, NY 10924

Mr. Charles W. Lee, P.E., Commissioner
Orange County Department of Public Works
2455-2459, Route 17M
P.O. Box 509
Goshen, NY 10924-0509

David E. Church, AICP, Planning Commissioner
1887 County Building
124 Main Street Goshen, NY 10924

Mr. Richard A. Peters, Planning Group
New York State Department of Transportation Region 8
4 Burnett Boulevard
Poughkeepsie, NY 12603

U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

Environmental Notice Bulletin (ENB)
New York State Department of Environmental Conservation, 4th Floor
625 Broadway
Albany, NY 12233-1750
<http://www.dec.ny.gov>

Final Environmental Impact Statement (FEIS)

THE OVERLOOK AT KIDD FARM

NYS Route 208 and Coldenham Road

Village of Walden

Orange County, New York

Village of Walden Tax Lots 315-5-3.2, 4, 7, 8, 10 & 12

Lead Agency:

Village of Walden Planning Board

One Municipal Square

Walden, NY 12586

Contact Person:

Dean Stickles – Building Inspector, Village of Walden Planning Board
(845) 778-2177

Project Consultant and Contact Person:

Ross Winglovitz, P.E.

Engineering Properties, PC

99 Clinton Street

Montgomery, New York 12549

(845) 457-7727

Date of Submission: October 7, 2011

Date of Acceptance: November 7, 2011

PROJECT SPONSOR

845 Area Code LLC
156 Orange Avenue
Walden, NY 12586
(845) 778-2581
Contact Person: Brian Paz, Esq.

PROJECT CONSULTANTS

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Hawthorne, NY 10532
(914) 347-7500

Environmental Consultant:

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AV Agovino Associates, Inc.
12 Hastings Lane
Hainsport, NJ 08036
(609) 518-6714

Cultural Resources

Gail Guillet
City/Scape: Cultural Resource Consultants
166 Hillair Circle
White Plains, NY 10605
(914) 328-3032

Fiscal Analysis:

Chad Wade, RLA
Esposito and Associates, Inc.
262 Greenwich Avenue
Goshen NY, New York 10924

Legal:

Jayne Daly, Esq.
1655 Route 300
Newburgh, NY 12550
(845) 778-3793

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Appendix A:

- Public Hearing Transcript and Written Comments
- April 21, 2011 letter from Patrick Kennedy, Senior Engineer, Orange County Department of Public Works;
- May 12, 2011 letter from Jennifer MacLeod, Planner, Orange County Department of Planning;
- June 1, 2011 memo from, Village of Walden Planning Board and its consultants; and
- June 1, 2011 email from Robert Miers Jr. to Dean Stickles.
- October 3, 2011 comments from Village of Walden Planning Board meeting.

Introduction

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the requirements of the New York State Environmental Conservation Law, Article 8, Section 8-0109, State Environmental Quality Review (SEQR) Act and Title 6, Part 617 of the New York Code Rules and Regulations pertaining thereto. It examines the impacts associated with the development of a clustered 204 unit townhouse development and a four lot commercial subdivision on approximately 37.27 acres of land in the Village of Walden, New York.

The purpose of this FEIS is to respond to comments made, both orally and in writing, on the site plan, subdivision and Draft Environmental Impact Statement (DEIS) during the public hearing and comment period. Commentators included the public, agency representatives, the Planning Board and its consultants. This FEIS incorporates by reference all information contained in the DEIS, unless specifically amended, revised and/or replaced.

Following circulation of this FEIS and publication of the Notice of Completion in the Environmental Notice Bulletin (ENB), a Findings Statement can be adopted and the SEQRA process concluded. The Findings Statement considers the relevant environmental impacts presented in the DEIS and FEIS and certifies that the requirements of SEQRA have been met. Once the Findings Statement has been adopted, the Planning Board can take action on the proposed applications.

This FEIS is organized under the following section headings:

- **Section 1.0, Project Summary**, is provided to update and clarify information on the proposed site plan's layout and design; and
- **Section 2.0, Public Comments and Responses**, is a comprehensive compilation of all comments received during the public hearing and comment period along with the applicant's responses thereto.

1.0 Project Summary

The property proposed for development is located in the Village of Walden, Orange County, NY, with access from NYS Route 208 and Coldenham Road. It originally consisted of six tax parcels, five of which are those listed in the Village of Walden as Section 315, Block 5, Lots 3.2, 4, 7, 8 and 10. The sixth lot, previously known as Section 14, Block 1, Lot 44 on the tax map for the Town of Montgomery was annexed by the Village of Walden and has now been made a separate tax lot in the Village of Walden, tax lot 315-5-12. There is a total of approximately 37.37 acres.

The proposed project, the Overlook at Kidd Farm, is a clustered 204 unit townhouse development with associated recreational amenities and a four lot commercial subdivision. Currently there is an existing single family house on the property which fronts Coldenham Road. This house will remain, however, all associated buildings and debris will be removed. There is no development proposed for the four lot commercial subdivision, at this time

After conducting the environmental analysis on the original plan as required by State Environmental Quality Review ("SEQR"), the applicant is proposing a modified site plan, (hereinafter "alternative site plan which is similar to the original in many ways including proposing the same number of units, but the building sizes have been modified to include 20 foot wide uphill market rate units. Accordingly, the applicant is proposing that all 52 uphill units will be 20' wide and a minimum of 11 of those units will be affordable units. The remaining 152 downhill units will comply with the provisions of the Town Code with the market rate units being 24' wide and the affordable units 20' wide. The applicant believes that this plan is superior to the original plan for the following reasons:

- The costs associated with building 24' wide uphill units, which are required under the Village's zoning ordinance, will be too costly to be viable in today's real estate market. By reducing the width of the uphill market rate units by 4', the floor plan and room layouts maintain their functionality, while the overall size of the unit is reduced by less than 10%. By reducing the size of the units,

the sales price of the market rate uphill townhouses will be reduced by approximately \$20,000.00 making homeownership within the financial reach of a larger segment of the population while still maintaining the integrity and quality of the units and site design.

- The construction of smaller and less expensive uphill townhomes is more in line with today's economy and is essential to the financial viability of the project.
- This alternative site plan proposes the same number of townhouse units, 204, and the same recreational amenities and therefore the impacts as they relate to traffic, water and sewer would remain or be reduced as compared to the original plan.
- The fiscal impact of the proposed alternative plan will be positive with all taxing jurisdictions experiencing a positive fiscal impact as all taxing jurisdictions are anticipated to receive more revenue than it will cost to provide services to the development.
- By keeping all the uphill units at 20' wide, there will be uniformity in appearance and construction will be easier.
- Utilizing smaller uphill market rate units will increase the amount of open space and decrease the amount of impervious surface.
- As the uphill market rate buildings will be smaller, potential visual impacts may also be reduced.

The proposed reduction in the width of the units will require an amendment to the Village's zoning ordinance to permit the smaller townhouse widths as the ordinance requires 24 foot wide units for all market rate units. Affordable units are currently allowed to be 20 feet wide.

1.1 Background

On or about July 31, 2008, the project sponsor, 845 Area Code, LLC, filed site plan and subdivision applications with the Village of Walden Planning Board requesting approvals for a 204 unit clustered townhouse development with associated recreational facilities and a 4 lot commercial subdivision.

After reviewing preliminary sketches for the development, the Planning Board declared its intent to become Lead Agency, under the New York State Environmental Quality Review ("SEQR") Act on November 19, 2008. Acting in its capacity as Lead Agency, the Planning Board, by resolution, issued a Positive Declaration on January 21, 2009, determining that the proposed project may have a significant adverse environmental impact and instructed the applicant to prepare a Draft Environmental Impact Statement ("DEIS").

On February 18, 2009, the Planning Board held a public scoping session to consider and discuss the potentially significant adverse impacts related to the proposed project that were to be addressed in the DEIS. The final scope was adopted on March 18, 2009.

In August, 2010, the DEIS was submitted to the Planning Board for review. The Planning Board deemed the DEIS incomplete on October 20, 2010. After review and revision, on March 10, 2011 a revised DEIS was submitted to the Board, which addressed the issues and comments raised by the Planning Board. On April 4, 2011, the Planning Board deemed the revised DEIS complete for purposes of commencing public review.

On May 18, 2011, the Planning Board held a public hearing during which the public was given an opportunity to comment on the project and the DEIS. The public hearing was closed that night and written comments were accepted by the Planning Board for an additional 14 days, until June 1, 2011.

1.2 Design and Layout

1.2.1 Structures

The alternative site plan proposes 204 townhouses in 38 residential structures. Twelve of these structures contain 4 townhouse units and 26 contain 6 townhouses. All units will have three bedrooms with two and ½ bath, a one car garage and basement. There will be an "uphill" model and a "downhill" model. All units in each building will either be "uphill" or "downhill" units. Figures F-2A, F-2B and F-2C provide a conceptual front elevation and floor plan for the downhill unit and a floor plan for the proposed uphill unit. As described in Section 1.0 above, the overall size of the uphill market rate units has been reduced from 24 foot wide units to 20 foot wide for the

downhill units.. As a result, the uphill market rate townhouses will be approximately 150 SF smaller, approximately 1,750 SF in size¹. The proposed units include a single car garage.

The alternative site plan provides for recreational amenities including a clubhouse, outdoor pool, two playgrounds, a dog run, ½ basketball court and gazebo.

1.2.2 Land Use and Zoning

The alternative site plan would require an amendment to the Village's zoning ordinance to permit the uphill market rate units to be 20' in width. The ordinance now requires all market rate units to be a minimum of 24' wide.

Section 148-56.1B(2) of the Village Code provides the following:

"The minimum lot width of a townhouse lot shall be 20 feet for an affordable townhouse unit and 24 feet for all other units." Should the Planning Board determine that the proposed alternative plan is preferable to the original plan, the Board or applicant could petition the Village Board to amend this section of the Code to allow the market rate uphill units to be a minimum of 20' wide..

As this proposed project is the only undeveloped property zoned TH in the Village, the amendment of this zoning as proposed would have no effect on any other properties in the Village. Accordingly, the potential environmental impacts of the zoning amendment, as proposed, have been studied during this environmental review and the impacts are shown to be positive rather than negative. As indicated above, while many of the environmental impacts of the project will remain the same, by reducing the required width of the townhouse units, the project will protect additional open space and decrease the amount of impervious surface..

The proposed alternative plan meets all other bulk and dimensional requirements of the Village Code.

¹ The lower level – ground floor – of the uphill units may be partially finished for additional living space.

2.0 Public Comment and Responses

This section provides a comprehensive list of all questions and comments received during the public review process, whether made orally at the Public Hearing on May 18, 2011 or submitted in writing, as well as responses to same. It also includes, when necessary, any additional data and analysis.

The Planning Board received both written and verbal comments during the public hearing on The Overlook at Kidd Farm site plan, subdivision and DEIS. Verbal comments appear as part of the official transcript of the public hearing held on May 18, 2011 and are included in Appendix A of this FEIS.

The list below constitutes the complete list of all written comments received by the Planning Board during the public comment period. Copies of these letters are also included in Appendix A of this FEIS.

- April 21, 2011 letter from Patrick Kennedy, Senior Engineer, Orange County Department of Public Works;
- May 12, 2011 letter from Jennifer MacLeod, Planner, Orange County Department of Planning;
- June 1, 2011 memo from, Village of Walden Planning Board and its consultants;
- June 1, 2011 email from Robert Miers Jr. to Dean Stickles; and
- October 3, 2011 comments from Planning Board Meeting.

To facilitate the readers' understanding of where specific comments are addressed, hand written notations have been added to the original source documents in Appendix A, cross referencing the original comment with the corresponding comment and response number in the FEIS.

Comments have been grouped and are referenced by the relevant section number in the DEIS. Where appropriate, some of the comments are summarized or paraphrased. When comments were repeated, all commentators are referenced.

2.1 General Comments

Comment #1: Board Member DeJesus during the May 18, 2011 Public Hearing: Have the issues raised in the letter from the Orange County Department of Planning been answered?

Response #1: All issues contained in the Orange County Department of Planning's letter dated May 12, 2011 are included in this FEIS along with the applicant's response. See specifically Comments and Responses # 4, 6, 8, 11b, 12, 16, 19, 27, 33, 45, 44, 48, 50, 51, 55, 62, 63.

Comment #2: Robert Miers Jr. email to Dean Stickles dated June 1, 2011: The online DEIS report refers to diagrams and photos. I can't find any of these online. Are these diagrams available?

Response #2: Hard copies of the DEIS as well as all plans, diagrams and photos are available in hard copy at the Village Hall and Library.

Comment #3: Board Member DeJesus during the May 18, 2011 Public Hearing: The Orange County Department of Planning letter indicates that their comments are "advisory" only. Why is this?

Response # 3: Compliance with GML 239 m requires a complete submission to the OCPD, which takes place after the local planning board has made its SEQRA determination.

Comment #4: Orange County Department of Planning memo dated May 18, 2011: Due to the size of the project it is recommended that the applicant and the Village work with the Town of Montgomery during the review to address any concerns the Town may have regarding the project.

Response #4: The applicant sent the Town of Montgomery a certified letter notifying it of the date and time of the public hearing held on May 18, 2011. No comments or concerns regarding the project were raised by the Town during the public hearing or during the public comment period. A portion of the property was annexed to the Village

from the Town and the proposed project was disclosed and reviewed by the Town as part of the annexation proceedings.

2.2 Site Location and Environmental Setting

Comment #5: Becky Pearson during the May 18, 2011 Public Hearing: The R-3 zone in the Northwest corner of the site plan - is that going to be a town house or is it going to be R-3, single family homes?

Response #5: The applicant is requesting that the Planning Board approve a cluster development of the 4.575 acres of land located in the R-3 zoning district. Pursuant to the Village of Walden Local Law I-1 of 2009, the Planning Board is authorized to approve a subdivision plat that allows for the placement of townhouse units and related infrastructure on the 4.575 acres zoned R-3, if the Planning Board finds that the plan meets the requirements and fulfills the purposes and goals for a cluster development as set forth in the local law and Village Law, §7-738.

Comment #6: Orange County Department of Planning memo dated May 18, 2011: County records show that lot 315-5-3.2 is in the R-3 zone and not in the TH zone.

Response # 6: Lot 315-5-3.2 is in the R-3 zone and as indicated above in Response #5, pursuant to the Village of Walden Local Law I-1 of 2009, the Planning Board is authorized to approve a subdivision plat that allows for the placement of townhouse units on the 4.575 acres zoned R-3 if it finds that the plan meets the requirements and fulfills the purposes and goals for a cluster development.

Comment #7: Becky Pearson during the May 18, 2011 Public Hearing: You refer to the "Commercial" portion of the project, aren't those lots zoned for light industry?

Response #7: The term "commercial" is used in its generic sense to mean the lots are not zoned for residential purposes but rather for "commerce". Lot 315-5-10 is included in this project and is zoned OLI (Office light industry). There is no "commercial" zoning district, as such, in the Village Code.

Comment #8: Orange County Department of Planning memo dated May 18, 2011: The Village should ensure that future utilization of the parcel in the OLI zone is compatible with residential townhouses.

Response #8: There is no plan for development currently proposed in this application for the lot zoned OLI. The applicant is seeking only to subdivide the single lot into 4 lots. In the future, when a development plan is proposed for those 4 lots, the Village will be the agency responsible for ensuring the project meets all necessary and appropriate regulations.

Comment #9: Becky Pearson during the May 18, 2011 Public Hearing: In the DEIS it says the town house zone allows multi-family dwellings, I'm not sure that the town house zone allows multi-family dwellings. Can that be clarified?

Response #9: The Table of Use Regulations provides that townhouses are permitted structures within the TH zone. There are generally three categories of residential structures – single family, two family (aka duplexes) and multi-family dwelling units. Townhouses are generally referred to as “multi-family” dwelling units since they are often grouped in building of 4 or more units.

Comment #10: Becky Pearson during the May 18, 2011 Public Hearing: The Village does not have a cluster law; is that something that needs to be addressed before you decide on doing the clustering in a certain section?

Response #10: As indicated in Response #5 above, the applicant is requesting that the Planning Board approve a cluster development of the 4.575 acres of land located in the R-3 zoning district. Pursuant to the Village of Walden Local Law I-1 of 2009, the Planning Board is authorized to approve a subdivision plat that allows for the placement of townhouse units and related infrastructure on the 4.575 acres zoned R-3, if the Planning Board finds that the plan meets the requirements and fulfills the purposes and goals for a cluster development as set forth in the local law and Village Law, §7-738

2.4 Project Description & Layout

2.4.1 Development Concept, Structures and Site Improvements

Comment #11(a): Board Member DeJesus during the May 18, 2011 Public Hearing and (b) Orange County Department of Planning memo dated May 18, 2011: Parcel 315-5-12 is shown on the site plan but it is not included in this project's description. Please explain why?

Response #11: The project originally consisted of six tax parcels, five of which are those listed in the Village of Walden as Section 315, Block 5, Lots 3.2, 4, 7, 8 and 10. The sixth lot, previously known as Section 14, Block 1, Lot 44 on the tax map for the Town of Montgomery was annexed by the Village of Walden and has now been made a separate tax lot in the Village of Walden, tax lot 315-5-12.

Comment #12: Orange County Department of Planning memo dated May 18, 2011: The Planning Department appreciates that the proposed project is within a County Priority Growth Area, the purpose of which is to focus growth, including residential growth where existing infrastructure already exists. Such focused growth allows the more rural areas of the County to retain its open space

Response #12: No response is required by the applicant.

Comment #13: Village of Walden Planning Board review memo dated June 1, 2011: The visual appearance and character of the development is of significant interest to the Planning Board, to assure that the project is attractive and doesn't detract from the community's character. This aspect of the project, including building designs, materials, colors, etc. will be reviewed by the Planning Board, acting as the Village's Architectural Review Board. The applicant should merely acknowledge that such review and approval will be obtained by the applicant for the overall project.

Response #13: It is acknowledged that architectural review is required before the Planning Board with respect to building design, materials, colors, etc. and the proposed plans will be submitted to the Planning Board as the Architectural Review Board as part of the final approval process.

Comment #14: Ann Marie Mohl during the May 18, 2011 Public Hearing: Is there any low income housing or anything like that in the project?

Response #14: The project includes 41 units that will be restricted as "affordable" pursuant to the Village of Walden's regulations. These units will be offered to applicants with incomes ranging from 101% to 120% of the Orange County median family income. For 2010, the Orange County Median Family Income is \$83,400 (www.efanniemae.com). Units offered within these income ranges are more often referred to as "moderate income" or "workforce" housing which is geared toward making sure that housing is available for local service personnel including fire department members; ambulance corps members; municipal employees; school district employees; US Armed service veterans; health care workers; and persons over the age of 60 years and those with disabilities. There is no "low income housing" proposed for this project.

Comment #15(a): Board Member DeJesus during the May 18, 2011 Public Hearing: The Orange County Department of Planning letter cited the Three County Regional Housing Needs Assessment that indicates that the affordable range is \$139,000 to \$209,000 which is not consistent with the affordability range for this project, which is \$250,000. How do we answer that?

15(b): Village of Walden Planning Board review memo dated June 1, 2011: The \$250,000 selling price given for the affordable housing pricing in the DEIS seems far higher than appropriate, suggesting a large discrepancy from actual local economies. This issue should be further researched by the applicant and clearer justification and financial figures established for this aspect of the project.

15(c): Village of Walden Planning Board Meeting, October 3, 2011, Board Members Dejesus and Chairman Plato: Provide updated numbers and calculations for the affordable housing units and clarify why the affordable housing units we propose are so different from the 3 county study. We need to have the latest numbers so that we calculate what the sales price and the affordable levels will be.

Response #15(a, b and c): For the affordable housing offered at Overlook at Kidd Farm, the pricing and qualifications of the affordable housing program is not controlled by the developer of this project. The standards that are embodied in the Village's law are the standards that will dictate the initial sales price. As mandated by the Village of Walden Code §148-56.1, 25% of the affordable units are to be offered to applicants earning between 101% to 105% of the Orange County median family income (MFI); 25% of the units offered to applicants earning between 106% to 110% of the Orange County MFI; 25% of the units offered to applicants earning between 111% to 115% of the Orange County MFI and 25% to applicants earning 116% to 120% of the Orange County MFI. The Village Code also provides that the initial sales price of a unit shall be determined by the Village Board and calculated such that the annual cost of the sum of principal, interest, taxes, townhouse association common charges and private mortgage insurance (PMI) shall not exceed 32% of the Orange County median family income allowed for such unit for a family of four.

Using a proposed home price of \$250,000, at current 30 year interest rates of 5%, and further assuming a down payment of 5%, taxes of \$4800/year and HOA fees of \$250/month, the total cost including principal, interest, PMI, taxes and HOA fees would be \$2,111 per month. Based on 32% of the median family income of \$83,400 year, \$2,246 per month is available for housing for a family making 100% of the median income. Therefore, if the units are priced at \$250,000, it would be affordable under the above referenced market conditions. This analysis is a good faith estimate by the applicant based on current market conditions and will need to be performed again by the Village Board at the time of construction of these units using the then current data and the home prices adjusted accordingly as the initial sales price of the affordable units "shall be set by resolution of the Village Board and amended from time to time after review of relevant information" §148-56.1 J(5)(a). The Village Board oversees the administration of the affordable housing program, setting income limits, initial sales prices and resale prices and can appoint the Village Manager or an Affordable Housing Committee to accept and review applications to determine eligibility and ranking for affordable housing units.

The Three-County Regional Housing Needs Assessment, prepared by the Planning Departments of Dutchess, Orange, and Ulster Counties of NY, utilizes the same methodology as used above to calculate the range of affordable housing prices and the affordable units offered at Overlook at Kidd Farm are very much in line with the Assessment. There are two important differences to note:

1. The first important difference is that the Assessment utilizes 2006 data, even though the publication is dated "2009". Over the past 5 years, the annual median income in Orange County has risen substantially from \$60,076 in 2006 to \$83,400 in 2010. Accordingly, utilizing 100% of the median income in 2006, a home purchaser could afford a home of \$170,717 (2006 Affordable Home Price, Town of Montgomery, p. 144). Keeping all other factors the same, but utilizing the current, 2010 median income in Orange County, that same homeowner could purchase a home for approximately \$250,000.

2. The second important difference is that the range of "affordable housing" quoted in the study looks at meeting the needs of a broader spectrum of income levels than that proscribed by the Village ordinance. Specifically, the study looks at housing prices to meet the needs of families with income ranges from 50% of the median income to 120% of the median income. The 50% income range qualifies for federally subsidized housing from US Department of Housing and Urban Development (HUD) as is often referred to as low income housing. The Village's ordinance, on the other hand, targets "moderate income" housing also known as "work force" housing and seeks to provide housing for families earning 100% to 120% of the Orange County median income.

The chart below compares the data in the 3 County Assessment, to updated information based on the current median income, taxes, private mortgage insurance, etc. The results, utilizing the same criteria as the 3 County Assessment, indicate that the sales price of \$250,000 would be affordable to families earning 100% of the Orange County median income (2010).

100% Percent of Median Household Income	2006	2010
Annual Household Income	\$ 60,000	\$ 83,400
Monthly Household Income	5,006	6,950
% of Income for Payments	30%	32%*
Affordable Mortgage, Property Tax, and Insurance/Mo.	1,502	2,224
Insurance	53	53
Taxes	328	400**
Private Mortgage Insurance (.78%)	105	200***
Mortgage Payments (6.41%)	1,016	1,550
Affordable Home Price	\$170,717	\$250,000

* The Village of Walden Ordinance sets the percentage of income at 32%; the County Assessment utilized 30%.

** The 2006 study estimated \$3,936 for taxes; current taxes are estimated at \$4,800 annually or \$400 per month.

*** PMI is higher because it is based on a percentage of a larger mortgage.

Accordingly, utilizing the current median income for the Town of Montgomery, the affordable units should be priced in the range of \$250,000 (100%) to \$270,000 (120%).

Comment #16: Orange County Department of Planning memo dated May 18, 2011: The affordability of the "affordable" units is questioned when compared to the "Three-County Regional Housing Needs Assessment: Orange Dutchess, and Ulster Counties from 2006-2020" report which indicates that affordable home prices range from \$139,487 to \$209,231.

Response #16: See response to Comment #15 above.

Comment #17: Ann Marie Mohl during the May 18, 2011 Public Hearing: The project has proposed parks and recreation facilities, will those be for the residents of the project only or will they be available for use by Village residents?

Response #17: The recreational amenities proposed for the project will only be available to residents at the Overlook at Kidd Farm.

Comment #18: Village of Walden Planning Board review memo dated June 1, 2011: With respect to payment of recreation fees, the DEIS merely acknowledges that they will comply with the requirements of §7-730 of the Village Law. However, the Planning Board wishes to have the applicant's commitment to pay any appropriate recreation fees that may be assessed against the project pursuant to Village Code more clearly stated. It is understood that the payment of recreation fees must first be based upon the Planning Board's finding that the project's impact upon present and anticipated future needs for such facilities would require set aside of parklands or otherwise payment of recreation fees by the applicant. Provided this finding is made by the Planning Board, the applicant should clearly state that recreation fees assessed by the Village against the project shall be paid.

Response #18: Inclusion of adequate recreational facilities is part of the standards to be satisfied by the project. To the extent appropriate, recreational facilities are provided on site. In a prior study entitled, "Parkland and Recreation Study", the study contained the following facts and conclusions:

- The Village's recreational opportunities have lagged far behind population growth. This fact can especially be established when the Village's list of recreational facilities are compared to National standards and guidelines for park development and facilities.
- Much of the Village's existing recreational equipment is either inadequate as to the amount of equipment available relative to the number of users or is old and worn out.
- The Village's existing park facilities require ongoing upgrade, maintenance and repair.
- Examples of the inadequacy of the Village's current recreational facilities abound. According to the Standards, for its current population the Village has a shortfall of tennis and basketball courts. Further inadequacies include picnic tables, hiking trails, boating, field games, etc.
- Further, it is noted that the Village's existing parks, with the proper upkeep and improvement, could meet the recreational needs of Village residents now and in

the future. Moreover, these large parkland parcels obviate the need for many small play lots or pocket parks elsewhere in the Village and allow the Village to concentrate its resources on improving the opportunities in its present parks.

A contribution from this project to off site recreational facilities will be included as a finding and a condition of the final approval. That determination will be made after the need is analyzed and a determination as to the extent that the on site recreational facilities meet those needs. Recreation fees are due and payable, provision will be made to dispose of those fees as part of the conditions of the findings and final approval. The amount will be determined by the Village Board recognizing the applicants onsite provisions for recreation. Recreation fees will be paid in a manner provided for in the terms of final approval.

Comment #19: Orange County Department of Planning memo dated May 18, 2011: We appreciate the provision of a bus shelter for school children that will reside at the site.

Response #19: No response is required by the applicant.

Comment #20: Orange County Department of Public Works memo dated April 21, 2011: All drawings and site plans must label County Road No. 75 as "Coldenham Road."

Response #20: Future submission to the OCDPW will be amended to include both the County road number and the road name.

Comment #21: Orange County Department of Public Works memo dated April 21, 2011: The following language must be on all sheets of the project plan set "No site preparation or construction, including utility connections, shall commence until a valid Highway Work Permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law."

Response # 21: The project was referred to OCDPW for SEQR purposes only and not for permitting. Subsequent to preliminary approval, permit plans will be prepared with the appropriate notes and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed.

Comment #22: Orange County Department of Public Works memo dated April 21, 2011: Emergency Access Road: Provide a profile for the emergency access road. The emergency access road must be paved from the edge of travel lane (white line) for 50 feet with 12" of compacted Item 4 Subbase and Grass Pavers. Provide a gate across the emergency road entrance. Show locations and provide details for "Do Not Enter - Emergency Access Only" signs.

Response #22: The project was referred to OCDPW for SEQR purposes and not for permitting. Subsequent to preliminary approval, permit plans will be prepared with the additional information and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed. .

Comment #23: Village of Walden Planning Board review memo dated June 1, 2011: It is acknowledged that the applicant proposes a gravel emergency road for use by emergency vehicles. However, no detail of the intended construction is provided. This must be an all-weather surface, capable of supporting vehicle loads of any and all vehicles which may be required to utilize it. Grass pavers or similar materials would be suitable. Confirmation of the intended emergency road construction should be provided.

Response # 23: The surface of the gravel emergency road for emergency vehicles will be an all weather surface, capable of supporting vehicle loads of any and all vehicles which may be required to utilize it. Grass pavers or similar materials will be used. The construction details will be provided as part of the detailed construction plans to be submitted for final approval. OCDPW's comments will be satisfactorily addressed.

Comment #24: Orange County Department of Public Works memo dated April 21, 2011: Provide a Road A entrance apron detail. The apron must have 30' to 40' radii. The curbed apron must have 10 foot return sections and 2 foot bull nose end Sections 10 feet from and parallel to the edge of the travel lane.

Response #24: The design meets the criteria outlined. The additional detail requested will be provided during the OCDPW permit process. OCDPW's comments will be satisfactorily addressed.

Comment #25: Orange County Department of Public Works memo dated April 21, 2011: The Stormwater Management Pond at the emergency road proposes a 1 on 2 slope 10 feet from the edge of travel lane of Coldenham Road. It appears that guide rail will be required in this location.

Response #25: A guide rail will be added at this location. OCDPW's comments will be satisfactorily addressed.

Comment #26: Orange County Department of Public Works memo dated April 21, 2011: Show location and provide details for a Stop Sign and Painted Stop Bar at the exit lane of Road at Coldenham Road. All signage mounting and striping must be in conformance with the specifications of the Orange County Department of Public Works.

Response #26: The project was referred to OCDPW for SEQR purposes and not for permitting. Subsequent to preliminary approval, permit plans will be prepared with the additional information and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed.

Comment #27: Orange County Department of Planning memo dated May 18, 2011: Applicant should provide potential locations where future roads could connect to the site, should adjacent large parcels be developed in the future.

Response #27: All roads proposed are private roads for the use of the residents and their guests. This ownership scenario limits ability to connect with adjacent parcels. Presently, there are no such proposed roads.

2.4.4 Access, Circulation and Parking

Comment #28: Becky Pearson during the May 18, 2011 Public Hearing: Am I correct in concluding that the roads are not being dedicated to the Village? Does that then allow the roads to be smaller in width?

Response #28: The roads are to remain private. The road width proposed is 26 feet. This width is the minimum width permitted under the New York State Building Code for Townhomes.

Comment #29: Becky Pearson during the May 18, 2011 Public Hearing: Does the fire department have to come back in now that the roads are smaller?

Response # 29: The Fire Department reviewed the proposed plans and issued their comment letter on March 23, 2010, which is contained in the DEIS at Appendix I. The Fire Department did not indicate any concerns with respect to the road width. A width of 26 feet, which is stipulated by the New York State Building Code, is based on the ability of fire fighting apparatus to service the buildings.

Comment #30: Becky Pearson during the May 18, 2011 Public Hearing: With the roads being private and not being dedicated to the Village, is there an enforcement issue with the Police?

Response #30: We are unsure of what enforcement issue the commenter is speaking of; however, if the Village desires, New York law permits the HOA to provide the Village with the right to enforce applicable traffic and parking requirements on the private roads.

Comment #31: Becky Pearson during the May 18, 2011 Public Hearing: Do we know which side of the road the sidewalk will be on, the uphill or downhill side?

Response #31: The sidewalks are located on the "uphill" side in certain areas and on the "downhill" side depending upon topography and site features. The sidewalks are shown on the plans submitted with the DEIS.

Comment #32: Becky Pearson during the May 18, 2011 Public Hearing: The DEIS refers to a potential sidewalk between this development and Edmunds Lane. Whose responsibility would this potential sidewalk be - the Village or the developer?

Response #32: If the sidewalk is constructed, construction and any maintenance would be the responsibility of the Village for any portion of the public right of way that is a Village street. Any portion within the project site would be constructed and maintained by the HOA.

Comment #33: Orange County Department of Planning memo dated May 18, 2011: We appreciate the provision of sidewalks on one side of all internal roads for this subdivision. We recommend the applicant extend the sidewalks along Coldenham Road and State Route 208 to expand on the pedestrian-friendly environment created in the interior of this site.

Response #33: Coldenham Road is an Orange County highway controlled by the County Department of Public Works. Their policy is to not to have responsibility for sidewalks within their right of way. They require the village to take responsibility for any liability, repairs, maintenance, snow removal and/or ice control. They also require liability insurance and hold harmless-indemnification agreements from the village since these are significant costs and risks. If these sidewalks are constructed, Orange County will require that the construction and maintenance would be the responsibility of the Village of Walden.

2.4.6 Water Services

Comment #34: Becky Pearson during the May 18, 2011 Public Hearing: In regards to the proposed pump station to get increased water pressure for the top of the hill, is that something that the developer or property owner builds or is that something the Village has to do? And who would be paying for the pump station?

Response #34: The water booster pump station would be constructed at the sole cost of the developer.

Comment #35: Ed Leonard during the May 18, 2011 Public Hearing: In the water section, four wells are listed in the Village. To my knowledge there are two wells in the Village and two in the Town. I also believe there are three water storage tanks.

Response #35: There are five wells supplying the Village's water system, all of which are located within the Town of Montgomery; 3 at the East Walden Well Field and 2 along Lake Osiris Road. There are four tanks in the Village's water distribution system; 1 on Gladstone Avenue, 1 at Highland Avenue and 2 on Wait Street.

2.4.8 Stormwater Management

Comment #36: Becky Pearson during the May 18, 2011 Public Hearing: Will swales be used on this project?

Response #36: Yes.

Comment #37: Becky Pearson during the May 18, 2011 Public Hearing: On the right side of the map, where there is currently a detention basin, the soils report indicates a high seasonal water table. What will be built there and what will stop water from entering the basement?

Response #37: Residences and stormwater ponds are proposed in this area. The presence of groundwater is often an aid to establishing a permanent pool elevation in these stormwater ponds and is therefore not a negative impact. All residences in this area as well as the entire site will have foundation drainage systems to mitigate the potential for water entering basements

Comment #38: Ann Marie Mohl during the May 18, 2011 Public Hearing: In regards to storm water run off towards 208, currently in the area of the site it runs onto my property with no where else to go. Will the project be placing additional water run off onto my property?

Response #38: A stormwater pollution prevention plan has been prepared for the project that demonstrates that there will be no increase in peak stormwater runoff from the site to the culvert under New York State Route 208. In addition, any future development of the commercial lots, including those that drain to the culvert under New York State Route 208, will contain a stormwater management system designed in compliance with the NYSDEC "Stormwater Management Design Manual" latest edition, to ensure that there is no increase in peak stormwater runoff to this culvert.

Comment #39: Orange County Department of Public Works memo dated April 21, 2011: On sheet C-106 there is a cross hatched area across the Road A entrance apron. It is unclear what this cross section is.

Response #39: The cross hatching signifies a very small area of federal wetland disturbance.

Comment #40: Orange County Department of Public Works memo dated April 21, 2011: The plan appears to indicate that the existing drainage along Coldenham Road will be diverted into culverts and catch basins within the Road A entrance outside of the Coldenham Road right of way then back into the County Road drainage system. This is unacceptable. The Department of Public Works must maintain the flow of drainage along the County Road right of way and cannot have said drainage run through private lands or within a private road.

Response #40: This design detail will be modified on the permit plans, which will be submitted to OCDPW after the project has received preliminary approval. OCDPW's comments will be satisfactorily addressed.

Comment #41: Orange County Department of Public Works memo dated April 21, 2011: A culvert must be run across the Road A entrance apron for the continued flow of the County Road drainage. The northerly end of the culvert (inlet) must have a Flared End Section and 10 feet of Rip Rap. The southerly end (outlet) must be tied together with the existing 15" culvert crossing the adjoining driveway with a catch basin to pick up the drainage from the proposed drainage system crossing Road A. However, it appears that the existing culvert crossing the adjoining driveway will have to be replaced as, although Sheet C-106 does not provide inverts of any of the existing or proposed drainage as it should, Sheet C-116 provides inverts of the existing drainage and the inverts provided shows that said culvert is graded in the wrong direction.

Response #41: The project was referred to OCDPW for SEQR purposes and not for permitting. Subsequent to preliminary approval, permit plans will be prepared with the additional information and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed.

Comment #42: Orange County Department of Public Works memo dated April 21, 2011: The Grading and Drainage Plan must note that the existing drainage ditch along Coldenham Road must be aligned to the proposed culvert crossing Road and the existing ditch clean and graded across the entire project frontage to insure positive flow.

Response #42: The project was referred to OCDPW for SEQR purposes and not for permitting. Subsequent to preliminary approval permit plans will be prepared with the additional information and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed.

Comment #43: Orange County Department of Public Works memo dated April 21, 2011: Sheet C-111, Erosion Control Plan: Provide erosion control within the existing drainage ditch along Coldenham Road and at culverts down stream of the proposed site.

Response #43: The project was referred to OCDPW for SEQR purposes and not for permitting. Subsequent to preliminary approval, permit plans will be prepared with the additional information and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed.

Comment #44: Orange County Department of Public Works memo dated April 21, 2011: Sheet C-201, profiles: The Road A profile must show the proposed drainage crossing the road entrance.

Response #44: The project was referred to OCDPW for SEQR purposes and not for permitting. Subsequent to preliminary approval permit plans will be prepared with the additional information and submitted to the OCDPW for their review and approval. OCDPW's comments will be satisfactorily addressed.

2.4.10 Lighting Plan

Comment #45: Orange County Department of Planning memo dated May 18, 2011; We appreciate the applicant proposing to use lighting that is designed to minimize skyward lighting, glare and lighting beyond the site boundaries.

Response #45: No response is required by the applicant.

Comment #46: Robert Miers Jr. email to Dean Stickles dated June 1, 2011: I was concerned about the lighting of the site. The DEIS addressed this concern by indicating that low impact outdoor lighting will be utilized.

Response # 46: No response by the applicant is required.

3.2 Visual Impacts

Comment #47: Orange County Department of Planning memo dated May 18, 2011: The visual impact analysis was done when leaves were on the trees and we recommend that the applicant provide a visual impact analysis for the site after the leaves have fallen off of the trees.

Response #47: With regard to the visual impact analysis, the DEIS includes two sets of photographs, one with the leaves on and one with the leaves off. The photos in the leaf off scenario were taken in November, 2009 in conjunction with the Planning Board's visit to the site. The vast majority of the leaves were off the trees at the time of the visual impact analysis except for the oaks which may retain their foliage through January or February.

Comment #48: Orange County Department of Planning memo dated May 18, 2011: The use of earth-tone colors and natural materials for the townhouses will help reduce the visual impact of the proposed development.

Response #48: Comment noted. The applicant will be required to obtain the Village Architectural Review Board's approval of the exterior design, colors and materials of all structures proposed within the project.

Comment #49: Robert Miers Jr. email to Dean Stickles dated June 1, 2011: I was concerned about the visual impacts of the project. In reviewing the DEIS, it refers to the inclusion of privacy fencing and leaving the trees intact for more privacy. So I'm Ok with this.

Response #49: As more fully detailed in Section 3.2 of the DEIS, the project contains several measures intended to reduce the potential for visual impacts to neighbors including the following: the project has been designed to preserve mature vegetation and buffer areas along the property boundaries to the greatest extent practicable, up to the limits of clearing; supplemental planting and screening, as detailed in Figures F-3.2O of the DEIS and as shown on the Landscape Plan, included in Appendix M of the DEIS, will be used; a 6 foot high privacy fence is proposed along the property border with the four existing residences along Coldenham Road which will serve to significantly reduce the visual impact of the project on these neighbors. In addition, the applicant has preserved the existing row of evergreens between three of these residences and the site.

3.4 Wetlands and Surface Waters

Comment #50: Orange County Department of Planning memo dated May 18, 2011: We appreciate the applicant's use of reduced road widths and grass swales to help allow stormwater to naturally infiltrate the ground. We recommend that the applicant consider additional low impact development techniques, such as permeable pavement and curb cuts to allow stormwater to flow to grassy areas and increase stormwater absorption near where rain falls.

Response #50: To reduce the volume and improve the quality of runoff, a number of low impact development techniques are being incorporated including roof top disconnects, grass swales and reduced impervious area. The Final Stormwater Pollution Prevention Plan will be consistent with the newly adopted NYSDEC green infrastructure guidelines.

Comment #51: Orange County Department of Planning memo dated May 18, 2011: Recommends that impacts to the wetlands be avoided or mitigated through the creation of a wetland buffer at this site. The current lot layout proposes townhouses, stormwater ponds and the emergency access road be built very close to ACOE wetlands. We caution that the proposed design should not conflict with the integrity and function of the onsite wetlands due to the close proximity of the proposed townhouses, stormwater ponds and road.

Response #51: There is no requirement that wetland buffers or mitigation measures be provided. These wetlands are regulated by the Army Corps of Engineers (ACOE) and as such do not require buffers. Any disturbance to the wetlands is minimal and does not meet the ACOE's threshold for mitigation.

3.6 Groundwater Resources

Comment # 52(a): Village of Walden Planning Board review memo dated June 1, 2011: The DEIS discussion on the proposed project well to be used for landscaping purposes indicates that while off-site impacts are not expected, any which do occur will be mitigated. However, this mitigation is not described in any detail. A clear and detailed mitigation plan should be presented in detail, for the benefit of the Planning Board and local residents.

Response #52(a): In the event that on site well which is proposed to be used for landscape maintenance purposes only has any off site impacts that cannot be mitigated otherwise, the use of the well will be terminated. The appropriate mitigation measures will depend directly upon the specific impact identified and its severity. Ways in which the impact can be mitigated might include the scheduling of use of the landscaping well at off peak times, limited pumping hours or volume. Off site impacts would not affect any properties within the Village since they are all served by municipal water supply. Water for landscaping purposes can also be utilized from on site stormwater retention facilities when such capacity is available and the landscape purpose well service would alternate.

With regard to the protocol to be used in addressing problems associated with water supply at neighboring wells, the applicant proposes to address any complaints received by the Village Building Department according to following procedure:

- Upon receipt of a written complaint, the Building Department will promptly refer such complaint to both the Planning Board and the applicant.
- The applicant, at its sole discretion may:
 - 1) notify the Planning Board of its intent to discontinue use of the irrigation well, if such action is taken, no further action by the applicant will be required; or
 - 2) retain a hydrologist, at the cost and expense of the applicant, to investigate the complaint, which investigation will include a review of available water level data from the Overlook at Kidd Farm's irrigation supply well, together with data obtained during investigation of the complainant's well.
 - The applicant will submit a description of the neighbor's complaint, the hydrologist's recommendations to remediate any identified problems and all appropriate hydrologic data to the Planning Board for review.
 - If the Planning Board determines that the individual well is not being affected by the Overlook at Kidd Farm's irrigation well, the homeowner will be referred to a competent well or pump contractor for remediation at the homeowner's cost and the Overlook at Kidd Farm will continue use of the irrigation well.
 - If the Planning Board determines that the neighbor's well is being affected by the Overlook at Kidd farm's irrigation well, it will either select an appropriate mitigation measure from the hydrologist's report or determine that the irrigation well must be discontinued.
 - The homeowner will be notified of the Planning Board's findings in writing and any appropriate actions which the Board has approved, as provided above.

Comment #52(b): Village of Walden Planning Board Meeting, October 3, 2011, Board Member Ciardullo: Verify if the irrigation well is permitted under the Village Ordinance. I believe that unless the Village requests that you drill a well, you are not permitted.

Response #52(b): Chapter 298 of the Village Code contains the regulations with regard to water supply in the Village. These regulations apply to water "furnished" by the Village of Walden and appear to apply only to the public water supply, not private wells. §298-1. In the event the limitations do apply to private wells, the applicant will pursue a waiver as permitted under §298-36 or seek a special permit from the Board of Trustees pursuant to §298-31.

3.7 Water and Sewer Service

Comment #53: Orange County Department of Public Works memo dated April 21, 2011: Sheet C-116, Utility Plan: There is a Hydrant and Valve shown along and/or within the Road A apron area but the plan does not show the proposed water line. Is there a proposed water line connection to the existing water line within the County Road right of way?

Response #53: Yes, water main connection to the existing 10 inch main is proposed at this location. It appears that there was a plotting error and the water main was turned off on this drawing. The water main will be turned on for future plotting and the appropriate details for this work will be provided to the OCDPW at the time of permit review.

Comment #54: Becky Pearson during the May 18, 2011 Public Hearing: With the roads being private and the sewer and water lines being dedicated to the Village, what would happen in the event of an emergency that required service to the sewer and water lines? Who is responsible for fixing the pipes and repairing the roads?

Response #54: The Village would be responsible for maintaining the water and sewer mains and appurtenances. Similar to when an existing sewer or water main must be repaired that are not within Village streets, once the repair is completed, the Village will be responsible for replacing the finished surface to its original condition.

Comment #55: Orange County Department of Planning memo dated May 18, 2011: Applicant should work with the Village of Walden and the New York State DEC to ensure that adequate sewer services are available for the project as the Village of Walden is in the process of addressing State Pollutant Discharge Elimination System violations.

Response #55: Through the SEQR review of this project, the applicant has been working with the Village of Walden to ensure that adequate sewer services are available. The Village is responsible for working with the DEC to resolve the I/I problems at the wastewater facility and the construction of a new aerobic treatment system has been completed at the sewage treatment plant. The Village is participating in the EPA and CDBG (Community Development Building Grants) programs for I & I grants to

supplement village designated funds for that purpose. There is an ongoing program to reduce I & D.

Comment #56: Village of Walden Planning Board review memo dated June 1, 2011: The DEIS refers to the 51,100 gpd anticipated wastewater usage being "allocated to the project as part of the SEQRA findings and terms of approval"... However, this can't readily be agreed to, given the DEC Consent Order in place. It should merely be acknowledged that this volume is understood to be the project's wastewater demands, with the eventual connection to the Village's municipal wastewater facilities potentially subject to resolution of the system's I/I problems.

Response #56: The project's wastewater demands are projected to be 51,100 gpd and it is expected that the project will be connected to the municipal wastewater facilities subject to resolution of the system's I/I problems.

Comment #57: Village of Walden Planning Board review memo dated June 1, 2011: The DEIS acknowledges that the Edmunds Lane Pump Station must be upgraded in order to serve the full project build-out. However, the applicant has only committed to performing the necessary design services to upgrade the station. The Project Sponsor must commit to accomplishing the required upgrade ultimately designed and approved by the Village as part of the development of this project. In the absence of this commitment, only the portion of the project which can be handled by the existing sewer pump station could be developed. Further, it should be acknowledged that the timing of the required upgrade will be further reviewed at the time each project phase seeks final approval to verify when the upgrade is necessary.

Response #57: As indicated in the Sewer Report, Appendix E of the DEIS, the Edmunds Lane pump station currently has capacity to provide service to approximately 90 residences. Phase one and Phase two of the proposed project contain a total of 72 units and it is not anticipated that there will be a need to upgrade the pump station until the beginning of Phase three. It is proposed that prior to final site plan approval for Phase two, an engineering analysis of the current and anticipated wastewater flows to the pump station be performed. If there is sufficient capacity to service Phase two as projected,

they pump station will be built before any Certificates of Occupancy are issued in Phase three. If there is not sufficient capacity to service all units in Phase two, the Planning Board shall require the pump station be constructed prior to the issuance of any Cos for any units requiring additional capacity beyond that established by the analysis referenced above.

The cost for the pump station upgrade will not be the responsibility of the Village. If, prior to the start of construction of the upgrade of the pump station, there are unfunded expenses, the applicant will contribute any and all funds necessary to complete the upgrade.

Comment #58: Becky Pearson during the May 18, 2011 Public Hearing: Is the sewer pump station able to handle the additional capacity of 51,000 gallon per day? Is an upgrade required and if so, who would pay for any required upgrade?

Response #58: See response to comment 57 above.

3.8 Traffic

Comment #59: Becky Pearson during the May 18, 2011 Public Hearing: With the proposed site plan having two different access points and connecting Coldenham Road and 208, what is being done to stop traffic from using the development as a cut through and thus going pretty quickly?

Response #59: The roads within the project are proposed to be private roads and no traffic other than residents or guests of residents are permitted to use the roads. No public through traffic is permitted.

Comment #60: Greg Raymondo during the May 18, 2011 Public Hearing: The four commercial lots have an access to NYS Route 208, but will the rest of the development also exit onto 208? What is the plan for handling the traffic both entering and exiting the development?

Response #60: The residential portion of the project will have access to NYS Route 208 through the proposed public road cul-de-sac within the commercial portion of the project. Permits for the connection to NYS Route 208 will be reviewed by the NYS Department

of Transportation and the Coldenham Road entrance will be reviewed by the Orange County Department of Public works to ensure that safe access is provided at both locations.

With respect to the concern for the possibility of this connection creating a "short cut" between Coldenham Road and NYS Route 308, the Planning Board may consider the following traffic calming measures in the design of the project:

- Traffic signage;
- Speed humps;
- Raised Crosswalks; and
- Neck downs/Bump-outs/chokers.

Comment #61: Orange County Department of Public Works memo dated April 21, 2011: The Level of Service Summary Table (Figure F-3.8N) for the intersection of Orange Avenue and Coldenham Road shows an average LOS D for the 2009 Existing Condition, LOS D & E for the AM Build Condition and LOS E & F for the PM Build Condition. The report on page 3-11 states for this project an LOS D will be experienced during AM and PM periods. This does not agree with the LOS Summary Table. The proposed LOS E and F for this intersection per the LOS Summary Table are not acceptable to the Department of Public Works.

Response #61: The left turn movements from the side road approaches control the LOS and operate at "E" and "F" under both the PM No-Build and Build conditions. Other movements operate at "D" or better. The solution to alleviate the left turn delays and thus the side road delays would be signalization. Since much of the No-Build volumes are attributable to background growth and traffic from other potential development that was required to be considered, the recommendation for monitoring for signalization is an appropriate measure

Comment #62: Orange County Department of Planning memo dated May 18, 2011: We recommend that the applicant ensure that the proposed site entrance on Coldenham Road will not create a traffic conflict with the existing driveway on lot 315-5-5.

Response #62: The proposed entry ends just prior to the existing driveway for lot 315-5-5 and will not conflict with the owner's access to Coldenham Road. The design of the Coldenham entrance will be subject to the review and approval of the Orange County Department of Public Works.

Comment #63: Orange County Department of Planning memo dated May 18, 2011: We recommend the applicant work with NYS DOT and Orange County DPW to improve the intersection of NYS Route 208 and Coldenham Road with a traffic signal given that the LOS will be reduced at this intersection attributable to traffic generated by the proposed project. Curbcut permits are needed from NYS DOT and the OCDPW for access to NYS Route 308 and CR 75 (Coldenham Road).

Response #63: See response to comment #64 below

Comment #64: Village of Walden Planning Board review memo dated June 1, 2011: It is noted that signalization of the Route 208/Coldenham Road intersection under the "Build" condition would improve conditions over the stop sign control in place at present, and that this intersection should be monitored in the future to determine if signalization would be warranted. Similarly, for the Route 208/52 intersection it is noted that under the "Build" Condition, the existing stop sign control in place at present will operate at LOS "F", and that this intersection should be monitored in the future to determine if signalization would be warranted. The applicant should commit to performing this monitoring at the time each project phase seeks final approval to verify whether, and when, the upgrade may become necessary, as well as some method to assist in the financing of these improvements if found necessary.

Response #64: The signalization of Route 208/Coldenham Road intersection and Route 208/Route 52 intersection are matters beyond the authority and control of this project. Both locations are New York State public highways under the jurisdiction of the New York State Department of Transportation. The Village is entitled to receive the benefit of programs and benefits through the State transportation budget and should solicit the NYSDOT to perform any necessary upgrades. In soliciting these improvements, it is acknowledged that it may be beneficial for the Village to conduct future traffic studies at

these intersections (NYS Route 208/Coldenham Road and NYS Route 208/NYS Route 52) to establish if the criteria for traffic signal improvements has been met. To aid the Village in this effort, the applicant will donate \$5,000 to the Village of Walden prior to the issuance of the first Certificate of Occupancy for Phase 3. This donation is being made solely for the purpose of assisting the Village in its future transportation planning and does not impose any obligation or requirement upon the applicant to conduct further studies or to construct any improvements identified as necessary by the study.

3.11 Cultural Resources

Comment #65: Village of Walden Planning Board review memo dated June 1, 2011: It is noted that the approval of the NYS Historic Preservation Office will not be sought until after approval is granted by the Planning Board. However, the Board is concerned that comments from this agency could potentially affect the layout or design of the project. If so, this approval should be obtained prior to any final action on the application by the Planning Board.

Response #65: Approval is not required from NYS Historic Preservation Office, only that it be noticed to them for their comments. The approval is with respect to the report that is provided to them. That will be undertaken between preliminary and final approval and any comments that require reflection on the plans will be made as part of the final approval. The acceptance is at the discretion of the Village Board which can elect to have the payment applied to a different public benefit.

4.0 Alternatives

Comment #66(a): October 3, 2011, Village of Walden Planning Board Meeting, Board Members Ciardullo, DeJesus and Chairman Plato: Can the Board approve this plan and not recommend the smaller 20'/22' units? Should this issue go before the Village Board before we make our determination on the plan? We are not convinced that the smaller units are an advantage to the Village.

#66(b): Becky Pearson during the May 18, 2011 Public Hearing: In regards to one of the proposed alternative plans of a smaller town house, I am not sure

that smaller is better. I know it is cost effective for the developer but I am not sure that is better for the consumer.

Response #66: The issues of whether the Board can approve this plan and not recommend the smaller units and when that determination should be made was addressed by the Planning Board's attorney, Kevin Dowd at the meeting. The Board could approve the alternative plan since there is an original (preferred plan) that studied the 24' units in the EIS, as well as an alternative plan which studied the 20'/22' units. Mr. Dowd indicated that the Findings Statement and Preliminary approval should reflect specifically what the Planning Board was approving. The decision as to whether to change the law will be up to the Village Board.

With regard to the applicant's request to seek a modification to the law, it is to allow the construction of all uphill townhouse units at 20' (52 units proposed). The downhill units (152 units proposed), would include up to 31 units at 20' (affordable units) and the rest at 24' wide. This request was made, among other reasons more fully set forth in the DEIS, to bring the price of the uphill market rate townhouse units in line with the current market conditions, to allow for variety in size for the market rate units, to make the overall project financially viable and within acceptable guidelines of the banks and their strict financing regulations.

There is a direct correlation between the square footage of the unit and the price of the unit; e.g. the larger the unit, the more expensive. The reality of today's real estate market in Orange County, and in particular in the Village of Walden, is that sales prices for townhouse units must be within the price range of \$250,000 to \$280,000 AND the buyer must believe that they are getting "value" for their money – good quality workmanship, a spacious and livable floor plan and curb appeal. The 24' wide uphill units required by the Village of Walden law would be too large (approximately 2,260 sq. ft.) and therefore too expensive for today's market. By reducing the width, of the uphill market rate unit, which is three stories of living space, the Builder can bring the price of the unit in line with the market range and attract purchasers.

It would appear that the alternative to reducing the width of the units is to reduce the depth; however, this approach is neither practical nor good design. The floorplan for

this type of a structure would create very wide but shallow rooms that would not function effectively for living spaces and the internal circulation of the rooms and sizes would be substantially compromised. So, although the price of the unit could be reduced, the value of the townhomes would be diminished and the project would have problems selling.

The 20' x 38' building footprint is a proven plan designed by Pulte home, which has been successfully marketed throughout the country. The plan proposes 52 of these uphill units that would have 760 square feet of usable living space on the second floor; 760 square feet of usable space on the first floor and 520 square feet of usable living space on the lower level (this excludes the garage area) for a total square of 2,040 square feet of usable living space. The affordable units, which would be constructed in the same footprint, would have 1,680 square feet of usable living space, since the lower level would not be finished space.

The actual living area of the proposed 20' wide uphill unit would be similar to or greater than the useable living space at other developments in the area including units at Brighton Green, located in the Town of Newburgh (1,800 sq. ft., except for the end units which are 30' wide); more square footage than The Grove, located in the Town of New Windsor (1,500 – 1,700 sq. ft.); Winding Brook, located in the Village of Walden (1,500 sq. ft.) and Spring Meadow, located in the Village of Montgomery (1,500 sq. ft.).

Also, since the ordinance already allows for 20' units for the affordable units and many of the affordable units will be uphill units, by keeping all uphill units at 20' wide, there will be no discernable external difference between affordable units and market rate units. The difference between the affordable unit and the market rate unit will be only apparent within the interior - in the up-grades and the unfinished lower level.

The success of this project will provide advantages to the Village and good value to the consumer. The success of this project will relate to the ability to meet market demands. Buyers will cast their opinion and vote by purchasing a home at Overlook. The marketplace answers what the consumer thinks is better. The value to the Village comes from a successful development. The plan must meet market demands to be successful.

Comment #67: Becky Pearson during the May 18, 2011 Public Hearing: With the DEIS having multiple plans and alternatives, does the developer or applicant get to pick from any of the plans or is it just one plan that is finalized?

Response #67: As indicated in Section 1 of this FEIS, the applicant is proposing to move forward with the plan labeled ALT-3 in the alternatives section which incorporates a number of mitigation measures to reduce potential environmental impacts. The Planning Board, however, is only authorized to issue an approval with regard to one of the proposed plans.

VILLAGE OF WALDEN PLANNING BOARD
WALDEN, NEW YORK

-----X
In Re:

PUBLIC HEARING
OVERLOOK AT KIDD FARM
FEIS
-----X

Wednesday - 7:30 p.m.
May 18 2011.
One Municipal Square
Walden, New York

B E F O R E:

VILLAGE OF WALDEN PLANNING BOARD
PRESENT:

STAN PLATO, Chairman
JOHN DUFFY, Board Member
JAY WILKINS, Board Member
MICHAEL CIARDULLO, Board Member
JOSE DEJESUS, Board Member
DEAN STICKLES, Building Inspector
KEVIN DOWD, Attorney.
RON GAINIER, Village Engineer

REPRESENTATIVES FOR THE APPLICANT:
JACOBOWITZ & GUBITS, LLP
Attorneys for Applicant
BY: GERALD N. JACOBOWITZ, Esq.
JAYNE DALY, ESQ.
Attorney for the Applicant.
ROSS WINGLOVITZ, Engineer,
from Engineering Properties.

NEIL BOSTOCK, RPR-CM
Certified Shorthand Reporter
40 Stapleton Court
Middletown, NY 10940

1 MR. CHAIRMAN: Next on the agenda is the Public
2 Hearing for Overlook at Kidd Farm.

3 This public hearing is for the site plan,
4 subdivision and also the Draft EIS, Environmental
5 Impact Statement. We have been working on this, I
6 think, for about well over a year. We think we have
7 all the input, but it's open to the public to ask
8 questions. We want to see if we missed anything, if
9 there is anything to add. The applicant will be
10 prepared to answer questions.

11 Kevin, is there anything you want to add to
12 this?

13 MR. DOWD: Yes, as the Chairman said, the
14 purpose of tonight's meeting is for the public comments
15 and concerns to be registered, regarding the Draft
16 Environmental Impact Statement, which is this document
17 right here, along with the second edition, with all the
18 maps and plans in it, that were on-line in the Village
19 Library and Village Hall. The second part of the
20 hearing is for the site plan and subdivision itself.
21 This is an opportunity for the public to raise its
22 comments and its concerns to this board.

23 This is not going to be necessarily a question
24 and answer situation, but we want to hear from you,
25 what your concerns and questions, and/or feelings you

1 have regarding both the document and the plans
2 themselves. The purpose of that is to get it all on
3 the table. We have a stenographer here so when you go
4 to the podium, I will ask you to list your name and
5 address clearly for the stenographer, and for the
6 Board. Say what you want to say, and the answers, if
7 you will, or the addressing of those questions
8 concerning those comments, will be done in a document
9 called a Final Environmental Impact Statement, that
10 will be prepared by the applicant, and then reviewed by
11 the Board.

12 If there are some minor questions, I believe
13 we're going to have the applicant answer them, because
14 they are minor, but if there are going to be issues
15 like drainage and water and sewer, all that, again,
16 raise your comments, raise your concerns, they will be
17 addressed, we promise they will be addressed, in the
18 Final Environmental Impact Statement.

19 At this point I think Mr. Chairman, we are
20 going to ask the applicant to present a plan, and
21 whatever else they want to say, and then we will go on
22 for public comment.

23 MR. CHAIRMAN: Just one thing I'd like to
24 clarify too; my understanding is that we have a draft
25 form, we're going to put it into the final form. The

1 final form -- we do not necessarily agree with
2 everything in the final form, but the purpose of it is
3 that every issue that was brought up in the scoping
4 document has been addressed, whether we agree to it or
5 not.

6 MR. DOWD: The Final Environmental Impact
7 Statement is the applicant's document. It's based upon
8 the concerns that this board and the public raised
9 originally about what this project may entail. And we
10 reviewed it for the purpose of completeness, to make
11 sure that everything that we asked them to address was
12 addressed. That's the document you have before you
13 now. It's not the final document. It's not the final
14 word on this project or anything that concerns this
15 particular project, but we need to hear from the
16 public. We want to hear from the public. So we're
17 asking you tonight, this is your opportunity to make
18 all the comments.

19 If the public hearing is closed tonight we
20 have already arranged that there will be a 14 day
21 period of time following tonight's meeting to write any
22 other and further comments and concerns you might have
23 and address them to the chairman or Dean Stickles, the
24 building inspector, and we will hand them to the
25 applicant, and ask them to address those as well. So

1 this is not your final say. If you get up there and
2 you have your say, and you go home tonight and you
3 remember something, put it down on a piece of paper,
4 address the concern or comment, and send it to the
5 planning board and it will be addressed.

6 MR. CHAIRMAN: I'd like to turn it over to the
7 applicant to give just a brief outline of the project.

8 MR. WINGLOVITZ: Good evening. My name is Ross
9 Winglovitz, from Engineering Properties

10 Here tonight with me is Jayne Daly, counsel
11 for the applicant, and also Gerry Jacobowitz, for 845
12 Area Code LLC, the applicant. The project site is a 37
13 acre site located, frontage on 208, and Coldenham Road.
14 There is a proposal for the site, 204 town homes.
15 These town homes are three bedroom, two bath, town
16 homes, with one car garage on approximately eighteen
17 hundred and nineteen hundred square foot.

18 In addition to the town homes there is also a
19 four lot commercial subdivision proposed, frontage on
20 208. The property contains three zoning districts,
21 office, light industrial -- which is where the
22 commercial property is proposed -- and two residential
23 districts; town house residential, which is the
24 majority of the property, and R-3 zone, which is about
25 four and a half acres of the property.

1 There is a recreation area proposed for the
2 site, which includes a clubhouse and pool. There are
3 two playgrounds and a half basketball court for
4 recreation. Along with an overlook gazebo and
5 sidewalks for pedestrian access throughout the site.

6 Units will be landscaped. There is a detail
7 landscaping plan that was part of the packets, and
8 there will be site planning throughout. The lighting
9 has been designed to be night sky friendly, which means
10 all the lights will be downward shielded. I think the
11 height is fourteen feet; we kept it rather low.

12 Based on this plan, which has been reviewed by
13 the board numerous times, the applicant prepared what
14 Kevin explained, the Draft Environmental Impact
15 Statement; there are two parts to that. One is the
16 text of the document that summarizes the studies that
17 were completed. This is the other part that Kevin
18 didn't mention; this is quite lengthy, several
19 engineering studies, fiscal studies that were done for
20 the project. Those studies include a storm water
21 management plan, soils investigation, water system
22 report, sewer system report; traffic study, a fiscal
23 analysis, and archeological investigation, and a
24 viewshed analysis.

25 There was quite a lengthy amount of study on

the project. From the storm water perspective the majority of the site flows to a wetland area that's along Coldenham Road, then flows out along Coldenham Road, along the side to the south, then to a large State wetland that exists south of the site.

A small portion of the site flows off to 208, to a small culvert off 208.

There are several stormwater ponds proposed for the project to mitigate the effects of stormwater. These will be located throughout the site; one below the clubhouse, one on Coldenham Road, and a third one behind Route 208. These ponds, along with the basically green infrastructure was required by the D. E. C., which is where we use more traditional methods in treating storm water, such as grass filters and swales, instead of just big ponds, so a combination of both are being used in the plan to reduce the amount of storm water and potential impacts from the site.

Soils investigation was done across the site. 30 some odd test pits that were done to investigate the soil conditions. There was no rock that was discovered in any of the areas of the site. There are going to be significant cuts but we don't expect there will be any blasting. That's not definitive; we don't know specifically what is going on everywhere but we think

1 we are in pretty good shape, that we won't need to
2 blast any significant amount of rock.

3 Water system; this will connect to the Village
4 water system. Two connections; one connection on 208
5 and a connection on Coldenham Road. There will be a
6 ten inch water line that will go through the site.
7 It's been over sized because the Village has a large
8 water main on 208 and Coldenham Road, so that this
9 water line will provide a connection between those two
10 and provide redundancies for the village's water
11 system, so if there was a break here, and they had to
12 shut down, they could get water to the different parts
13 of the village through our site actually.

14 There is that ten inch main, then eight inch
15 mains throughout the project, with a booster station to
16 provide pressure to the higher units in the project.

17 Sewer is collected via gravity flow, the high
18 point of the site is here. Gravity flow towards
19 Coldenham Road. There will be two connections to the
20 existing sewer system, in Coldenham Road, then they
21 will proceed into the village sewer system from there
22 to the north.

23 A traffic study was done. There were five
24 intersections that were analyzed as far as the traffic
25 reports by the traffic engineer. Obviously the most

1 Important corridor is Coldenham Road and 208, and that
2 intersection was studied, as well as 52 and 208, East
3 Avenue and 52, Old Orange Road and 208 as well.

4 A fiscal analysis was done, where you take a
5 look at the potential impact to the taxing
6 jurisdictions. That showed that there was a net fiscal
7 impact, meaning that there is going to be tax revenue
8 from the project at completion, based on its need for
9 services. So there will be less need for services than
10 they will provide, the monetary contributions to the
11 district.

12 An archeological investigation was also done.
13 The initial information that came back from the State
14 Historic Preservation was there was a potential for
15 archeological artifacts -- we are talking about
16 prehistoric artifacts. A completion of Phase 1-A and
17 1-B were done, where they actually go out and test the
18 soil, was done, and it came back negative. There
19 wasn't anything significant as far as archeological
20 artifacts on the site.

21 Last but not least a viewshed analysis was
22 done. One of the concerns of the Planning Board during
23 the process was the visibility of the project. A site
24 walk was actually performed by the Planning Board. A
25 voluminous amount of photographs were taken. Several

1 areas were identified by the Planning Board throughout
2 the Village. Basically with the existing vegetation
3 that will remain, the large wooded wetlands here, with
4 the remaining tree lines around the property, there
5 will be very little ability to see this from anywhere
6 in the village, with the exception probably at the
7 entrance you'll be able to see the clubhouse, actually,
8 and units will be set behind the clubhouse.

9 A couple of opportunities here that we're
10 taking to provide additional buffering along Coldenham
11 Road. We discussed saving large evergreen trees behind
12 homes that are actually on this property. But they are
13 being preserved. In addition to that some fence
14 screenings will be installed at the rear of their
15 properties, beyond the trees, to further buffer the
16 development from those homes.

17 In addition the Bruderhof Community discussed
18 their property in relation to this, and there was also
19 agreed to landscaping mitigation on their property,
20 with additional screening where there is old farmland
21 between the two properties.

22 Last but not least, left of the entry drive is
23 existing vegetation. We are supplementing that to the
24 greatest extent we can with additional landscaping, to
25 help buffer the existing residences on Coldenham Road.

Neil Neil Bostock;
6/2/2011
Bostock 15:28:49 PM;

1 I think that summarizes where we are with the
2 plans and the document. There is a stenographer here
3 this evening, and anything you say is being recorded.
4 It will be the responsibility of the applicant to
5 prepare responses to your comments. They will be
6 presented to the board on the Final Environmental
7 Impact Statement for them to review and determine if
8 those are acceptable to the board, and the final
9 determination regarding the environmental impact to the
10 project.

11 MR. CHAIRMAN: Thank you. Any questions from
12 the consultants, the board?

13 #1 BOARD MEMBER DEJESUS: I have a few questions
14 regarding the letter from the Orange County Department
15 of Planning.

16 MR. CHAIRMAN: Have you seen this?

17 MR. WINGLOVITZ: Yes.

18 BOARD MEMBER DEJESUS: Have any of these been
19 answered?

20 MR. WINGLOVITZ: We just received it today.

21 #15 BOARD MEMBER DEJESUS: If you look at item
22 number six, for example, they question the ability of
23 the houses in terms -- they actually cited the Three
24 County Regional Housing Needs Assessment, that
25 indicates that the affordable range is 139,000 to

1 209,000, which is not consistent with the affordability
2 range for this project, which is \$250,000. How do we
3 answer that?

4 MR. WINGLOVITZ: That will be addressed in the
5 FEIS. We have to get that study and take a look at
6 that, and compare it to what we're proposing as part of
7 the FEIS. We'll respond to those comments. They will
8 be included along with -- I think D. P. W. also
9 provided comments.

10 MR. CHAIRMAN: In your responses to comments,
11 will that be issued in a new document or just responses
12 to those particular documents?

13 MR. WINGLOVITZ: Issued in the document, in
14 the FEIS. You will get a chance to review those and
15 determine if they are acceptable or not.

16 MR. CHAIRMAN: Okay.

17 #3 BOARD MEMBER DEJESUS: One thing they say here
18 though; this is advisory however because -- did they
19 know we were also considering the site plan tonight,
20 when this was sent over. They said this is
21 advisory only --

22 MR. DOWD: I saw that. I was baffled by
23 that. I think they have the entire package.

24 MS. DALY: Part of the issue that's currently
25 being discussed by County Planning is that 239

1 Referral. They consider the application submission not
2 complete until you issue your Findings Statement on the
3 Environment Impact Statement. At that point you refer
4 it back to them and they can issue their formal
5 recommendation.

6 BOARD MEMBER DEJESUS: Okay.

7 MS. DALY: It's a recent court case that has
8 caused a lot of discussion about the issue, but that's
9 why it's called a recommendation at this point so that
10 they can have input into the process but they will make
11 their formal findings after our Findings Statement is
12 delivered to them.

13 BOARD MEMBER DEJESUS: Okay, thank you.

14 #11(a) And also, item number two, Parcel 315-5-12 is
15 shown on the site plan but it's not included in this
16 project. I guess all of these you will address in due
17 time, I guess.

18 MS. DALY: We will, but just to discuss that.
19 We were confused. That portion of the lot is the
20 portion that was annexed into the Village. It was just
21 added to the existing lot here. There is a reference
22 in the book that they missed, but that's what we're
23 talking about.

24 BOARD MEMBER DEJESUS: I think there was
25 another point regarding that as well. Okay, thank you.

1 MR. CHAIRMAN: Anything else?

2 With that I'd like to open it up to the
3 public. If you have any questions raise your hand,
4 step up to the podium, state your name and address for
5 the record, and state your question.

6 MS. PIERSON: Becky Pierson, 167 Walnut
7 Street.

8 Thank you for filling me in, because I haven't
9 been to some of the meetings. I appreciate that. I
10 just have a question on -- you said four commercial
11 #5 lots, town house and R-3 is all in that town house
12 proposal? Yes, no? I'm not sure I understood. R-3,
13 the top right corner, but it's going to be a town house
14 or it is going to be R-3, single family homes?

15 MR. DOWD: It is a cluster. The Village Board
16 authorized a cluster R-3 section, so it's consistent
17 with the rest of the project.

18 MS. PIERSON: So, let me start at the
19 #7 beginning. The site description 1-11 -- I don't know,
20 I read it, I just wrote this little thing -- most of
21 proposed project is located on the town house zoning.
22 I guess that was my question. So then R-3 is the other
23 section of that, is what I'm thinking. Commercial, I
24 didn't think that was commercial. Isn't it light
25 industry?

1 MR. WINGLOVITZ: Office light industry.

2 MS. PIERSON: So that is different. The zoning
3 is different from commercial versus LLI?

4 MR. WINGLOVITZ: Commercial is a general
5 characterization.

6 MS. PIERSON: So that is really still LLI?
7 That has not been changed to LLI?

8 Okay. Just wanted to clarify that because it
9 does say commercial on all the plans. I want to make
10 sure that it is the right zoning, if the plans are
11 approved, whether it is LLI or it's commercial, because
12 that's totally different uses for either of those
13 spots.

14 I did not see a complete landscaping plan.
15 But I just saw that you have this other big book that I
16 did not see. I hope someone in the village did get to
17 read that.

18 # 34 Page 1-16, I believe it talks about water
19 pressure, and I know you addressed it a little bit
20 about the pump station; is that something that the
21 developer or the property owner builds, that will get
22 the water to the top of the hill, better pressure, is
23 that something the village has to do?

24 MR. WINGLOVITZ: Proposed by the applicant.

25 MS. PIERSON: And paid for by the applicant as

1 well?

2 MR. WINGLOVITZ: Part of the project.

3 MS. PIERSON: Just a question on the roads. I

4 believe the roads are not being taken over by the

5 #28 Village. I think that's what I'm hearing, so they

6 don't have to be as wide. Am I correct on that as

7 well? They don't have to be as wide? So I know the

8 fire department had come in at one time and done a

9 study. I think it was 2008. Was that then proposed

10 for village roads, so the roads were wider? Does the

11 #29 fire department have to come back in now that the roads

12 are smaller. They are not going be as wide as I

13 believe that they were first proposed, I'm not sure.

14 MR. CHAIRMAN: I believe we have a report from
15 the fire department.

16 MS. PIERSON: Current?

17 Six Six: 2010.

18 MS. PIERSON: Thank you. It also talks about

19 proposed mitigation, page 1-17; I know there is going

20 to be one sidewalk in this development. I don't know

21 #29 if it's on the hillside or on the bottom side. Do we

22 know where that sidewalk will be right this minute?

23 MR. DOWD: That shows on the plans

24 MS. PIERSON: Okay, well, I didn't look real

25 well. Is it top or bottom? Can someone just answer,

1 on the hillside or the bottom side?

2 MR. DOWD: It's on the plans.

3 MS. PIERSON: So they also talk about a
4 sidewalk possibly between this development at Edmunds
5 #32 Lane, which would be a village responsibility, or a
6 developer's responsibility?

7 MR. CHAIRMAN: It is not the developer's
8 responsibility for off site public improvements.

9 MS. PIERSON: I also understand that they are
10 trying to down size the units, the square footage of
11 that, to have more open space. That's what I'm
12 hearing.

13 MR. CHAIRMAN: That's being looked at, yes.

14 MS. PIERSON: So that's a proposal. I know
15 that when we worked on the project, it was a year long
16 project for trustees, mayor, whoever was involved, and
17 the applicant was also involved in part of the process
18 and we went to town house developments; we looked at
19 developments to see what would be right for a project,
20 and there was many years of -- at least over a year's
21 discussion on that, so I would really like to -- I
22 don't know where you left off, what your thoughts were,
23 #66 I didn't read the minutes for the Planning Board, I'm
24 sorry, but I don't know if smaller is better. I know
25 it is cost effective for the developer but I'm not sure

1 SO --

2 MR. CHAIRMAN: We really haven't discussed
3 that yet.

4 MS. PIERSON: That is part of this evening's
5 discussion or not?

6 MR. WINGLOVITZ: Alternative plan proposed.

7 MR. DOWD: If you read the DEIS it is in
8 the DEIS.

9 MS. PIERSON: I did. And while you said that
10 alternative plans, but I just had a question on that,
11 because I'm not smart on this issue. I'm ignorant as
12 to how this works; so in the DEIS you have different
13 plans. You have a plan 4.0 alternative, 4.2
14 alternative plan. They talk about different things in
15 these plans. One of them talks about -- and actually
16 let me go to that -- 4.0 on page 4-143. And it says
17 the town house zone allows multi-family and single
18 family dwellings. Now, I'm not so sure that the town
19 house zone allows multi-family dwellings. So I'm not
20 sure what that means. So I don't know if there is a
21 clarification on that. So I would like to know about
22 that, if someone can answer that for me.

23 MR. DOWD: That will be answered in the
24 Final Environmental Impact Statement.

25 MS. PIERSON: Because I think -- I have the

1 town house law and it talks about single family houses
2 only, so I'm not sure where multi-family is coming in.
3 But my question is, I guess -- my question is, with
4 these alternative plans in this draft environmental
5 study, if this is approved, and all these plans are
6 in here, does the developer or applicant get to pick
7 which plan they want to do, or is it just one plan that
8 you finalize? So that is a question. There are
9 different plans in here that talk about preferred plan,
10 and alternative plan. There is a plan with clustering.

11 I mean, I understand the cluster that the
12 Village Board did that, but there is different plans
13 in here that show different things in this.

14 MR. CHAIRMAN: It will be a final plan.

15 MS. PIERSON: So if you approve this, this will
16 not have all these plans in there that he can just come
17 and say --

18 MR. CHAIRMAN: Well, correct me if I am wrong,
19 Kevin, but the purpose of this is to see if we, if the
20 applicant has covered everything in the scoping
21 document, and addressed it, whether we agree with it or
22 not. Once they issue the final then we --

23 MS. PIERSON: So there will be one plan out of
24 all these alternatives?

25 MR. CHAIRMAN: That's my understanding.

1 MR. DOWD: Yes.

2 BOARD MEMBER DEJESUS: This is what they are
3 proposing. This is their idea.

4 MS. PIERSON: But there are three different
5 plans?

6 BOARD MEMBER DEJESUS: But the final plan is
7 ours, and it is one of those.

8 MS. PIERSON: Well, that was my question.
9 Thank you. I didn't know how that worked, so thank you
10 for entertaining that question. While I am on these
11 pages, I understand that the Village Board talked about
12 the clustering. The Village does not have a cluster
13 law; is that something that needs to be addressed
14 before you decide on doing the clustering in a certain
15 section.

16 MR. DOWD: Already done, Becky.

17 MS. PIERSON: There is a cluster law?

18 MR. DOWD: The cluster was approved by the
19 Village Board.

20 MS. PIERSON: I understand that, but do --

21 MR. DOWD: The cluster law is a state law.

22 MS. PIERSON: Let me go back to this page
23 first. If the roads are not village roads, and we have
24 our water and sewer going through those roads --

25 MR. CHAIRMAN: There's easements.

1 MS. PIERSON: Who would repair the roads that
2 we have to dig up? I mean, is that something that
3 happens? What happens if there is an emergency or
4 #54 something that has to happen with the roads and pipes
5 underneath; does there have to be another contract with
6 the developer?

7 MR. DOWD: Okay, Becky, as I said, I think we
8 all said, this is not a question and answer period, so
9 raise your concerns, and they will respond.

10 MS. PIERSON: Okay. I am not necessarily
11 asking if I'm going to get the answer this evening.

12 MR. DOWD: It will be addressed.

13 MS. PIERSON: Whether there needs to be another
14 document involved in that. Enforcement; is there an
15 #30 enforcement issue also with the police, if it's not a
16 and village road? Nothing like that? We don't have to
17 worry?

18 MR. CHAIRMAN: You can ask that question.

19 MS. PIERSON: Speed bumps, whether that gets
20 put in for slowing down traffic, because I believe that
21 probably will be a cut through between 208 and
22 #59 Coldenham Road, I want to say probably. I would be
23 concerned for the residents that are going to be in
24 that area, what would be stopping some of this traffic
25 from going through pretty quickly.

1 Buffer zones, I know you addressed that, and I
2 thank you for that, because I remember the discussion
3 with the Bruderhof Community about tree line and
4 buffering their property as well. So I think that was
5 an issue brought up in the very beginning of these
6 discussions.

7 MR. CHAIRMAN: Do you have a list?

8 MS. PIERSON: I'm almost done.

9 MR. CHAIRMAN: Maybe you can just present
10 them.

11 MS. PIERSON: It's little notes. Not really
12 real written questions.

13 Storm water run off. I know that was
14 addressed as well. I do have some concerns with some
15 of the other developments that were approved in the
16 Village of Walden, meaning Jacobs Ridge, Gracewood
17 Court, Beezer (phon) homes, with water run off. I have
18 a concern with that between the hillside and bottom
19 side, and --

20 MR. CHAIRMAN: That is not a question.

21 MS. PIERSON: It's not a question, it's a
22 statement.

23 Can I make that statement?

24 MR. CHAIRMAN: I don't think it's pertinent to
25 this, to this venue. It is a statement concerning

1 another project, which has nothing to do with this.

2 MS. PIERSON: My question is, is that, are
3 there going to be swales in this project? I didn't
4 really get to understand the map. So are there swales
5 between these buildings so that the water run off, or
6 is it just going to be your storm drains --

7 MR. CHAIRMAN: I think Ross did mention the
8 ponds, and also the swales with grass.

9 MS. PIERSON: I'm questioning between, if it's
10 on a hill, between the property --

11 MR. CHAIRMAN: Okay.

12 MS. PIERSON: The back and the front of each
13 property, okay. That was a question. Thank you.

14 Soils; there was on page 396, there was a soil
15 report of high seasonal water table on the western
16 portion. Can you tell me where that is on that map.
17 The right side where the detention basin is already?
18 That's a question. Okay, so the question is, what will
19 be built there and what will stop water in the
20 basement, if that already has a high seasonal water
21 table, if there is going to be buildings in that area?

22 Okay, the other question was the fire, with
23 the water. The pump station for sewer. A question on
24 that, being able to handle 51000 more gallons per day,
25 and upgrades to that, because I believe that needs to

1 be upgraded and who would pay for that, as an upgrade,
2 to be able to get the sewage to where it needs to go.
3 That is a question; whether taxpayers are going to be
4 paying for that or whether it will be the developer
5 paying for that?

6 I think that was it.

7 I understand about making the units smaller,
8 for more open space, but it's not open space that's
9 going to be in another area; it's a little bit more
10 space on either side of the building, so that if you
11 take one versus the other, people would probably rather
12 live in a little bigger space than have this six inches
13 of lawn. So that's just a comment. That wasn't a
14 question.

15 Buffer zones I have. And my main question
16 was, as I'm reading all these, different alternatives,
17 alternative plans, and I was just questioning whether
18 there will be one final plan and thank you for that
19 answer. I think I'm done. Thank you.

20 MR. CHAIRMAN: Thank you. Anyone else from
21 the public?

22 #60 MR. RAMUNDO: Greg Ramundo. 200 Orange
23 Avenue. I have a question in reference to the traffic
24 study on 208. You have four commercial lots going in
25 to 208, but is the rest of the development also exiting

1 into 208? Because there is a problem with traffic.
2 And the state did not let the fire department put a
3 light past the bridge; how you plan on handling traffic
4 coming out of the development or going in? Thank you.

5 MR. CHAIRMAN: Thank you.

6 MS. MOHL:(phon) Anne Marie Mohl, 256 Old
7 Orange Avenue. I just want to check on two things. My
8 question is; storm water run off towards 208. It said
9 it's being taken to a culvert running on 208, on that
10 side, which is a seasonal wet spot, and I'd like a
11 little more information as to what you're going to do
12 with that water, because right now it currently runs on
13 to my property, with no where else to go. So I'd like
14 #38 to know if you are just going to be putting more water
15 on my property.

16 And the other question is, they are talking
17 about parks that are in there; are those for the
18 residents only, the town houses or is that going to be
19 #17 used by village residents?

20 MR. CHAIRMAN: They will answer that.

21 MS. MOHL: And is there any low income
22 #14 housing, or anything like that in there.

23 MR. CHAIRMAN: There is affordable housing but
24 there is an issue that Jose raised with that; the
25 Orange County Planning Department on the -- what the

1 definition, the basic definition of affordable housing.

2 MR. DOWD: Affordable housing. I think we can
3 say there is no low income housing on the project.

4 MS. MOHL: Thank you very much.

5 MR. CHAIRMAN: Thank you. Anyone else?

6 MR. LEONARD: Ed Leonard. Just a couple of
7 things that caught my eye. In the water section, page
8 ^{#35} two, they list four wells in the village. To my
9 knowledge there is two wells we're using in the village
10 and two in the town. And the other item was, four
11 water tanks. I believe we only have three water
12 storage tanks. That's all I have.

13 MR. CHAIRMAN: That's it?

14 Anyone else?

15 So as Kevin stated, if any other questions
16 come up you have -- we are going to close the public
17 hearing and you'll have up to fourteen days to ask a
18 question in writing, which again will be responded to.
19 No reason to keep the public hearing open, is there?

20 MR. DOWD: If that's all the questions and
21 comments by the public? Anybody else?

22 MR. CHAIRMAN: Then I would like a motion to
23 adjourn the public hearing, and leave the comment
24 period open for fourteen days.

25 BOARD MEMBER WILKINS: So moved.

1 MR. CHAIRMAN: Second?

2 BOARD MEMBER CIARDULLO: Second.

3 MR. CHAIRMAN: All in favor? Opposed?

4 Carried. Okay.

5 Again, I'd like to thank the public for coming
6 out and having concerns.

7 MR. DOWD: I'd like to add that the dead line
8 for written comments we will say is June the first, but
9 it's fourteen days from today, okay.

10 MR. CHAIRMAN: If you know anybody else that
11 may not have been able to make it tonight, who have
12 questions, please have them submit them.

13 MR. DOWD: Again, just for the record,
14 Mr. Chairman, I believe you have in front of you all of
15 the mailings that were done by the applicant.

16 MR. CHAIRMAN: Yes, they have been checked.

17 MR. DOWD: And can you just report the numbers
18 that were mailed, the numbers that were received back.

19 BOARD MEMBER WILKINS: 43 mailed and we
20 received two back. 43 mailed, 41 delivered.

21 MR. DOWD: Does the applicant have any
22 questions before we go on to our next matter?

23 MS. DALY: No.

24 MR. WINGLOVITZ: No.

25 MR. CHAIRMAN: Thank you.

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Edward A. Diana
County Executive

**ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS**

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April 21, 2011

Stan Plato, Chairman
Village of Walden Planning Board
One Municipal Square
Walden, New York 12586

Re: The Overlook at Kidd Farm – Site Plan
County Road No. 75 – Coldenham Road
Plans by: Engineering Properties, PC
Dated: August 2010, last revised: April 1, 2011
Sheets: C-100 through C-125, C-201 through C-203, C-301 through C-305,
L-1 through L-7, Subdivision Plan, ALT-2 and ALT-3
Draft Environmental Impact Statement (DEIS)
Prepared by: Engineering Properties, PC
Dated: August 10, 2010, last revised: March 10, 2011

Dear Mr. Plato:

This Department has reviewed the plans and DEIS for the above referenced project and has the following comments.

- # 20 I. County Road No. 75 – Coldenham Road must be labeled on all sheets showing said road.
- # 21 II. The County's standard note "No site preparation or construction, including utility connections, shall commence until a valid Highway Work Permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law" must be on all sheets of the project plan set.
- # 39 III. Sheet C-106, Grading and Drainage Plan:
This sheet shows a cross hatched area across the Road A entrance apron. It is unclear what this cross hatched area is.
40 { The plan appears to indicate that the existing drainage along County Road No. 75 will be diverted into culverts and catch basins within the Road A entrance outside of the County Road right of way then back into the County Road drainage system

This is unacceptable. This Department must maintain the flow of drainage along the County Road right of way and cannot have said drainage run through private property. This Department cannot maintain a drainage system on private lands or within a private road.

41

A culvert must be run across the Road A entrance apron for the continued flow of the County Road drainage. The northerly end of the culvert (inlet) must have a Flared End Section and 10 feet of Rip Rap. The southerly end (outlet) must be tied together with the existing 15" culvert crossing the adjoining driveway with a catch basin to pick up the drainage running down the northerly side of the adjoining driveway and to pick up the drainage from the proposed drainage system crossing Road A.

However, it appears that the existing culvert crossing the adjoining driveway will have to be replaced as, although Sheet C-106 does not provide inverts of any of the existing or proposed drainage as it should, Sheet C-116 provides inverts of the existing drainage and the inverts provided shows that said culvert is graded in the wrong direction.

42

The Grading and Drainage Plan must note that the existing drainage ditch along County Road No. 75 must be aligned to the proposed culvert crossing Road A and the existing ditch clean and graded across the entire project frontage to insure positive flow.

43

IV. Sheet C-111, Erosion Control Plan: Provide erosion control within the existing drainage ditch along County Road No. 75 and at culverts down stream of the proposed site.

53

V. Sheet C-116, Utility Plan: There is a Hydrant and Valve shown along and/or within the Road A apron area but the plan does not show the proposed water line. Is there a proposed waterline connection to the existing waterline within the County Road right of way?

44

VI. Sheet C-201, Profiles: The Road A profile must show the proposed drainage crossing the road entrance.

22

VII. Emergency Access Road:

A. Provide a profile for the emergency access road.

B. Cross Section - the emergency access road must be paved from the edge of travel lane (white line) for 50 feet with 12" of compacted Item 4 Subbase and Grass Pavers.

C. Provide a gate across the emergency road entrance.

D. Show locations and provide details for "Do Not Enter - Emergency Access Only" signs.

24

VIII. Provide a Road A entrance apron detail. The apron must have 30' to 40' radii. The curbed apron must have 10 foot Return Sections and 2 foot Bull Nose End Sections 10 feet from and parallel to the edge of travel lane.

(3)

The Overlook at Kidd Farm -- Site Plan

- # 25 IX. The Stormwater Management Pond at the emergency access road proposes a 1 on 2 slope 10 feet from the edge of travel lane of County Road No. 75. It appears that a guide rail will be required in this location.
- # 26 X. Show location and provide details for a Stop Sign and Painted Stop Bar at the exist lane of Road A at County Road No. 75. All signage mounting and striping must be in conformance with the specifications of the Orange County Department of Public Works. I have sent the project engineers a copy of this Department's latest specifications.
- # 61 XI. DEIS - Traffic Study:
The Level of Service Summary Table - Figure F-3.8N, for the intersection of New York State Route 208 - Orange Avenue and County Road No. 75 - Coldenham Road shows an average LOS D for the 2009 Existing Condition, LOS D & E for the AM Build Condition and LOS E & F for the PM Build Condition.
The Report on Page 3-111 states for this project an LOS D will be experienced during AM and PM periods. This does not agree with the LOS Summary Table. The proposed LOS E and F for this intersection per the LOS Summary Table are not acceptable to this Department.

The foregoing comments are based on a review of the plans and DEIS submitted. We have attempted to make the review as complete as possible; however, it must be appreciated that any new submission depending upon the nature of any revision may require further review and comments.

If you have any questions please contact this Office at your earliest convenience.

Very Truly Yours


Patrick T. Kennedy, P.E.
Senior Engineer

Cc: Charles W. Lee, PE, Commissioner
Cesare L. Rotundo, PE, Principal Engineer
Engineering Properties, PC
John Collins Engineering, PC



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County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, &n

Local Referring Board: Village of Walden Planning Board **Referral ID #:** WDV05-11N
Applicant: 845 Area Code LLC **Tax Map #:** 315-5-3.2, 4, 7, 8 & 10
Project Name: The Overlook at Kidd Farm **Local File #:**
Proposed Action: Advisory review of DEIS for 204 unit townhouse development, a single family unit & a four lot commercial subdivision.
Reason for County Review: Within 500 feet of State Route 208, County Route 75, and a municipal boundary.

Comments: The County Planning Department has received the DEIS for The Overlook at Kidd Farm townhouse development and commercial subdivision. Please be aware that the following comments are only advisory at this time as our office does not offer recommendations of approval, disapproval, etc while reviewing the DEIS; such approvals are given later at the site plan and/or subdivision review stage. However, we recommend particular attention be paid to comment 1 due to its inter-municipal impact.

General Information

- # 1 1. Due to the size of this project, we recommend the applicant and the Village work with the Town of Montgomery during this review to address any concerns the Town may have regarding this project, as it is not clear if such coordination has occurred based on the submitted materials.
- # 11 (b) 2. We recommend the applicant clarify why parcel 315-5-12 is shown on the proposed site plans, while it is not listed as being included in this project within the text of the DEIS.

Site Design

- # 12 3. We appreciate the location of the proposed project, as it is within a County Priority Growth Area. The goal of a County Priority Growth Area is to focus growth, including residential growth, to more compact areas of the County, such as the Village of Walden, where existing infrastructure already exists. Such infrastructure includes public water and sewer systems. Such focused growth allows the more rural areas of the County retain its open space.
- # 6 4. We caution the Village that our records indicate that lot 315-5-3.2 is in the R-3 zone and not in the TH zone. The Village's Table of Regulations indicates that townhouses are only permitted in the TH zone, thus the applicant may need a use variance or zoning change for this portion of the site.
- # 8 5. We recommend the Village ensure that the future utilization of the parcel in the OLI Zone be compatible with proposed residential townhouses.
- # 16 6. We question the affordability of the proposed affordable units for households with a median income of 80% to 120% of the median household income. The applicant proposes "affordable" units that will cost \$250,000; however, the "Three-County Regional Housing Needs Assessment: Orange, Dutchess and Ulster Counties from 2006 to 2020" indicates that affordable home prices for these households would

range from \$139,487 to \$209,231 (p. 7). Thus, the proposed "affordable" units would not actually be affordable at the proposed price range.

- #55 7. We recommend that the applicant work closely with the Village of Walden and the New York State DEC to ensure that adequate sewer services are available for this project. This is particularly important since the Village of Walden is in the process of addressing State Pollutant Discharge Elimination System violations; thus, the applicant must ensure that the additional units will not increase the number or severity of these violations.
- #48 8. We appreciate the use of earth-tone colors and natural materials for the townhouses as this will help reduce the visual impact of the proposed development.
- #45 9. We appreciate the use of lighting designed to minimize skyward lighting, glare, and lighting beyond the site boundaries.
- #33 10. We appreciate the provision of sidewalks on one side of all internal roads for this subdivision. However, we recommend that the applicant extend the sidewalks along Coldenham Road and State Route 208 to expand on the pedestrian-friendly environment created in the interior of this site.
- #19 11. We appreciate the provision of a bus shelter for schoolchildren that will reside at this site.
- #63 12. We recommend the applicant work with New York State Department of Transportation (NYSDOT) and Orange County Department of Public Works (OCDPW) to improve the intersection of State Route 208 and Coldenham Road (County Route 75) with a traffic signal given that the LOS will be reduced at this intersection attributable to traffic generated by the proposed project. Also, curbside permits are needed from NYSDOT and the OCDPW for access to NYS Route 208 and CR 75.
- #62 13. We recommend the applicant ensure that the proposed site entrance on Coldenham Road will not create a traffic conflict with the existing driveway on lot 315-5-5.
- #27 14. We recommend the applicant provide locations where future roads could connect to this site, should the adjacent large parcels be developed in the future. Such a design would reduce traffic on the major roadways and allow for alternative travel choices.

Wetland Protection and Stormwater Management

- #51 15. We recommend the impacts to the wetlands be avoided or mitigated through the creation of a wetland buffer at this site. Wetlands are important natural resources that provide myriad ecological services. The current lot layout proposes that townhouses, stormwater ponds, and the emergency access road be built very close to the ACOE wetland boundary; the townhouse building containing units 163 to 168 will be approximately 41 feet from this wetland, the townhouse building containing units 169 to 174 will be approximately 55 feet from this wetland, and the townhouse building containing units 115 to 120 will be approximately 19 feet to the existing wetland boundary and approximately 45 feet to the proposed boundary. Furthermore, the stormwater management pond in the northeastern portion of this site will be approximately 20 feet from the ACOE wetland, the stormwater management pond in the north-central portion of the site will be approximately 28 feet from this wetland, the emergency access road will be approximately 13 feet from this wetland, and the dog run will be approximately 17 feet to this wetland. Although the proposed project only proposes to fill a small acreage of wetland, we caution that the proposed design should not conflict with the integrity and function of the onsite wetlands due to the close proximity of the proposed townhouses, stormwater ponds and road.

#50 16. We appreciate the applicant's use of reduced road widths and grass swales to help allow stormwater to naturally infiltrate the ground. However, we recommend the applicant consider additional low impact development techniques, such as permeable pavement and curb cuts to allow stormwater to flow to grassy areas and increase stormwater absorption near where rain falls. Such improvements are important because increasing the amount of impervious surface in a watershed can result in increased stormwater runoff, flooding, streambed erosion, and surface and groundwater pollution. Impervious surfaces can also change the hydrology and ecology of a watershed by decreasing groundwater recharge and increasing water temperature of receiving streams. Low impact development techniques allow stormwater to infiltrate into the ground close to where it falls, rather than channeling it through pipes and culverts to conventional facilities such as detention ponds and manmade wetlands. Using design techniques that store, infiltrate, evaporate, and detain stormwater runoff in a model of the site's predevelopment hydrology reduces the environmental impacts of development by reducing stormwater runoff and soil erosion while enhancing groundwater recharge and minimizing impacts to natural aquatic habitats.

Visual Impacts

47 17. Although the applicant has provided a visual impact analysis for this project, this analysis was done when leaves were still on the trees, thereby limiting the ability to assess the full visual impact of this site during the late fall and winter when leaves are off of the trees. Thus, we recommend the applicant provide a visual impact analysis for this site after the leaves have fallen off of the trees.

We look forward to reviewing a future referral of the townhouse development, the site plan, or any subdivision plan related to this project, as they are submitted to the Village of Walden.

Date: May 12, 2011
Prepared by: Jennifer MacLeod
Planner


David Church, AICP
Commissioner of Planning



RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507

cell 845-527-1432

TO: Village of Walden Planning Board DATE: June 1, 2011
SUBJ: The Overlook at Kidd Farm FROM: Ronald J. Gainer, PE

Presented below is a compilation of all technical comments raised by individual Board members, the Building Inspector's office, and the Board's consultants on the 2-volume Draft Environmental Impact Statement (DEIS) prepared by Engineering Properties, PC for this project. Based upon our review, resolution of the following matters should be addressed in a Final Environmental Impact Statement (FEIS) which should be prepared on the development proposal:

- #23 1. It is acknowledged that the applicant proposes a gravel emergency road for use by emergency vehicles. However, no detail of the intended construction is provided. This must be an all-weather surface, capable of supporting vehicle loads of any and all vehicles which may be required to utilize it. Grass pavers or similar materials would be suitable. Confirmation of the intended emergency road construction should be provided.
- #65 2. It is noted that the approval of the NYS Historic Preservation Office will not be sought until after approval is granted by the Planning Board. However, the Board is concerned that comments from this agency could potentially affect the layout or design of the project. If so, this approval should be obtained prior to any final action on the application by the Planning Board.
- #18 3. With respect to payment of recreation fees, the DEIS merely acknowledges that they will comply with the requirements of §7-730 of Village Law. However, the Planning Board wishes to have the applicant's commitment to pay any appropriate recreation fees that may be assessed against the project pursuant to Village Code more clearly stated. It is understood that the payment of recreation fees must first be based upon the Planning Board's finding that the project's impacts upon present and anticipated future needs for such facilities would require set aside of parklands or otherwise payment of recreation fees by the applicant. Providing this finding is made by the Planning Board, the applicant should clearly state that recreation fees assessed by the Village against the project shall be paid.
- #13 4. The visual appearance and character of the development is of significant interest to the Planning Board, to assure that the project is attractive and doesn't detract from the community's character. This aspect of the project, including building designs, materials, colors, etc. will be reviewed by the Planning Board, acting as the Village's Architectural Review Board. The applicant should merely acknowledge that such review and approval will be obtained by the applicant for the overall project.

- #52 5. The DEIS discussion on the proposed project well to be used for landscaping purposes indicates that while off-site impacts are not expected, any which do occur will be mitigated. However, this mitigation is not described in any detail. A clear and detailed mitigation plan should be presented in detail, for the benefit of the Planning Board and local residents.
- #64 6. It is noted that signalization of the Route 208/ Coldenham Road intersection under the "Build" condition would improve conditions over the stop sign control in place at present, and that this intersection should be monitored in the future to determine if signalization would be warranted. Similarly, for the Route 208/Route 52 intersection it is noted that under the "Build" condition the existing stop sign control in place at present will operate at LOS "F", and that this intersection should be monitored in the future to determine if signalization would be warranted. The applicant should commit to performing this monitoring at the time each project phase seeks final approval to verify whether, and when, the upgrade may become necessary, as well as some method to assist in the financing of these improvements if found necessary.
- #56 7. The DEIS refers to the 51,100 gpd anticipated wastewater usage as being "...allocated to the project as part of SEQRA findings and terms of approval"... However, this can't readily be agreed to, given the DEC Consent Order in place. It should merely be acknowledged that this volume is understood to be the project's wastewater demands, with the eventual connection to the Village's municipal wastewater facilities potentially subject to resolution of the system's I/I problems.
- #57 8. The DEIS acknowledges that the Edmunds Lane Pump Station must be upgraded in order to serve the full project build-out. However, the applicant has only committed to performing the necessary design services to upgrade the station. The Project Sponsor must commit to accomplishing the required upgrade ultimately designed and approved by the Village as part of the development of his project. In the absence of this commitment, only the portion of the project which can be handled by the existing sewer pump station could be developed. Further, it should also acknowledge the timing of the required upgrade will be further reviewed at the time each project phase seeks final approval to verify when the upgrade is necessary.
- #15 9. The \$250,000 selling price given for the affordable housing pricing in the DEIS seems far higher than appropriate, suggesting a large discrepancy from actual local economics. This issue should be further researched by the applicant, and clearer justification and financial figures established for this aspect of the project.



Ronald J. Gainer, P.E.

Jayne Daly

From: Dean Stickles [waldenbi@hvc.rr.com]
Sent: Wednesday, June 01, 2011 2:29 PM
To: Ron Gainer
Subject: Fw: The Overlook at Kidd Farm

----- Original Message -----

From: Robert Miers
To: 'Dean Stickles'
Sent: Wednesday, June 01, 2011 10:42 AM
Subject: The Overlook at Kidd Farm

Hi Dean,

I found out what was wrong with yesterday's email. I put an extra "r" in the address.

#49 Anyway, in reviewing the DEIS application my concerns are addressed in it. Section 3.2 page 70 refers to the privacy fencing and leaving the trees intact for more privacy. So I'm Ok with this.

#46 The report also talks about using the low impact outdoor lighting which was also one of my concerns I had brought up at one of the initial meetings.

#2 Very interesting report. The detail involved is impressive. One negative comment about the online report is that it refers to diagrams and photos. I can find none of these. I was especially interested in diagrams showing the different phases, where the entrances were planned, where the roads will go, where the wetlands are, etc. Are these diagrams available?

Bob
91 Coldenham Rd
Walden, NY

Robert J Miers Jr, CIC
Personal Lines Manager
William A Smith and Son, Inc
380 Broadway
Newburgh, NY 12550
phone (845) 561-1706 X225
fax (845) 561-6548
e-mail bmiers@wasmithandson.com

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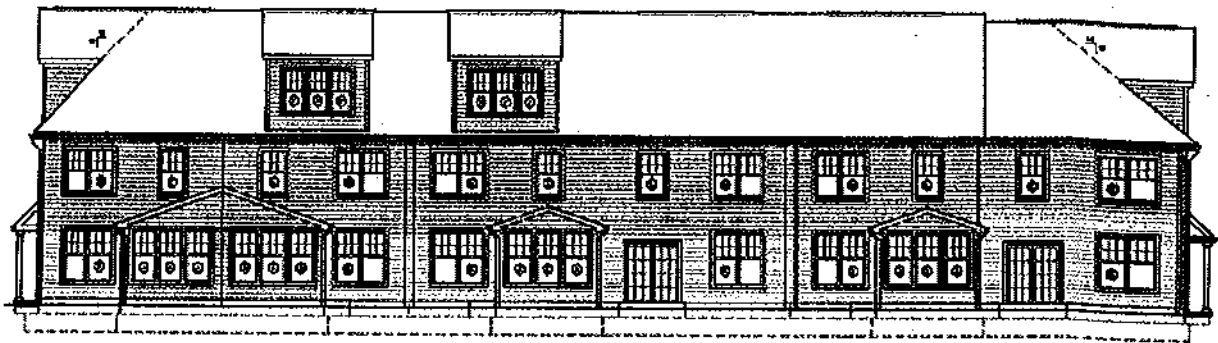
7/19/2011

Village of Walden Planning Board Members' Comments,
Village of Walden Planning Board Meeting on October 3, 2011

52(b) 1. **Board Member Ciardullo:** Verify if the irrigation well is permitted under the Village Ordinance? I believe that unless the Village Board requests that you drill a well, you are not permitted.

15(c) 2. **Board Members DeJesus and Chairman Plato:** Provide updated numbers and calculations for the affordable housing units and clarify why the affordable housing units we propose are so different from the 3 county study. We need to have the latest numbers so that we calculate what the sales price and the affordable levels will be.

66(a) 3. **Board Members Ciardullo, DeJesus and Chairman Plato:** Can the Board approve this plan and not recommend the smaller 20'/22' units? Should this issue go before the Village Board before we make our determination on the plan? We are not convinced that the smaller units are an advantage to the Village.



ALTERNATE 3
MODEL ELEVATION
DOWNHILL UNIT

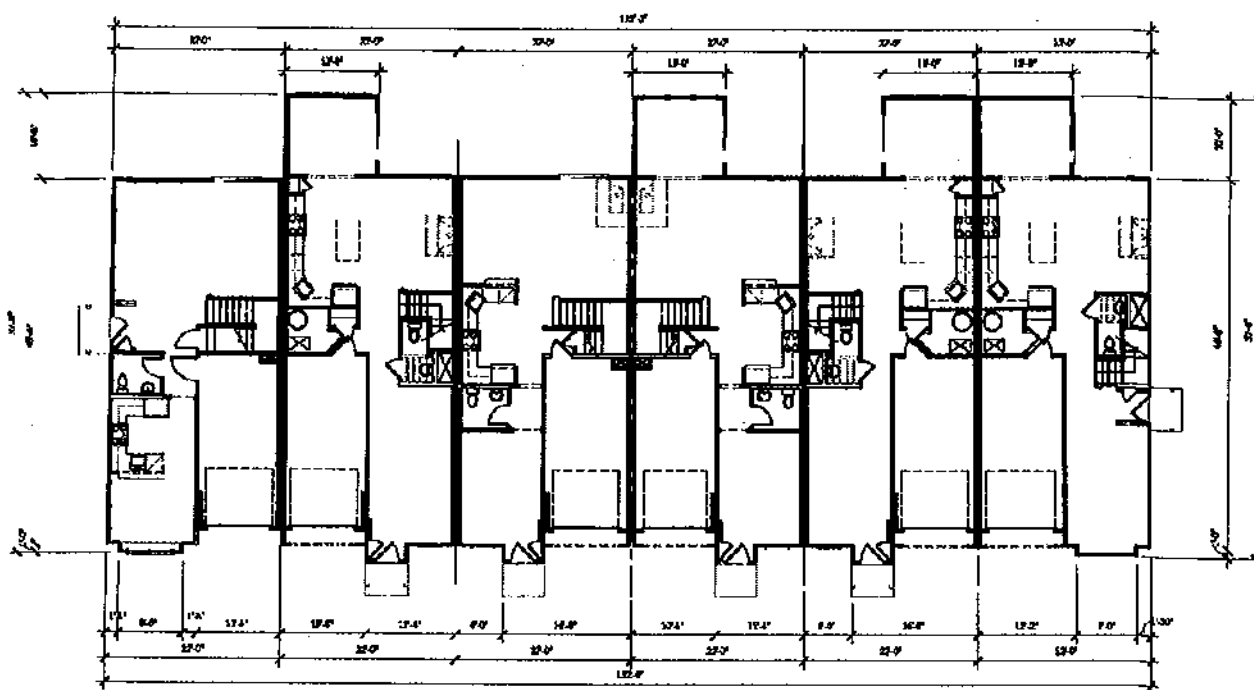
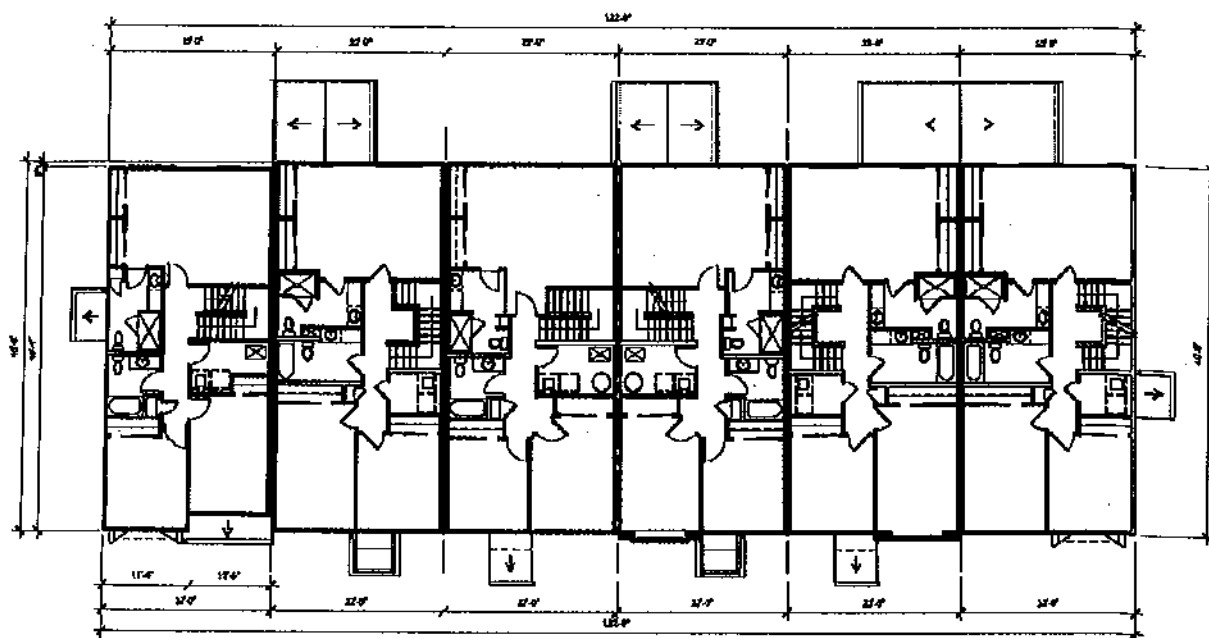
THE OVERLOOK @ KIDD FARM
COLDENHAM ROAD
VILLAGE OF WALDEN
ORANGE COUNTY, NEW YORK

DATE:
JULY '11

SCALE:
N.T.S.

JOB #	106.01
SHEET #	F-2A

ENGINEERING 99 CLINTON ST. 2ND FLOOR
PROPERTIES, PC MONTGOMERY, NY 12848
 Ph: (845) 467-7727
 Fx: (845) 457-1899

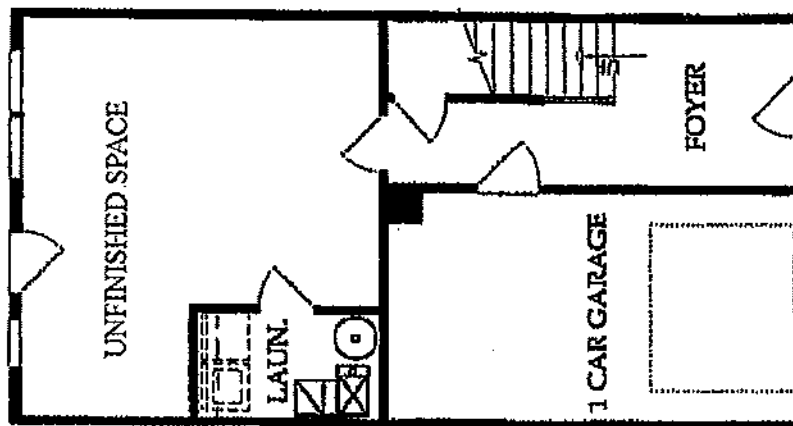


1ST FLOOR PLAN

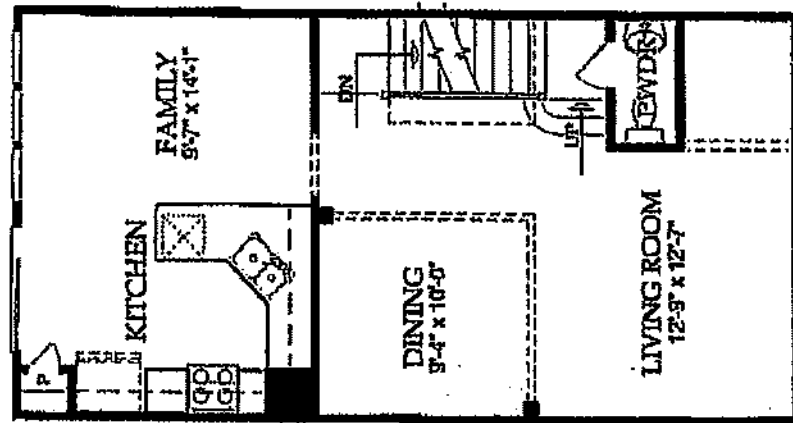
THE OVERLOOK @ KIDD FARM
COLDENHAM ROAD
VILLAGE OF WALDEN
ORANGE COUNTY, NEW YORK

JOB #	106.01
SHEET #	F-2B

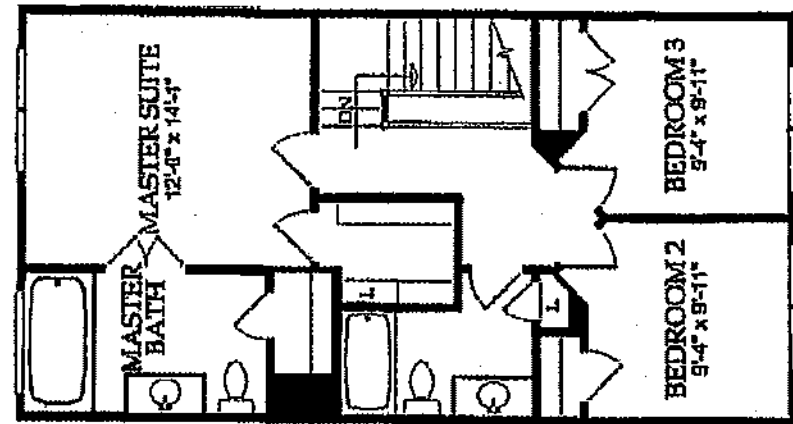
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BASEMENT FLOOR PLAN

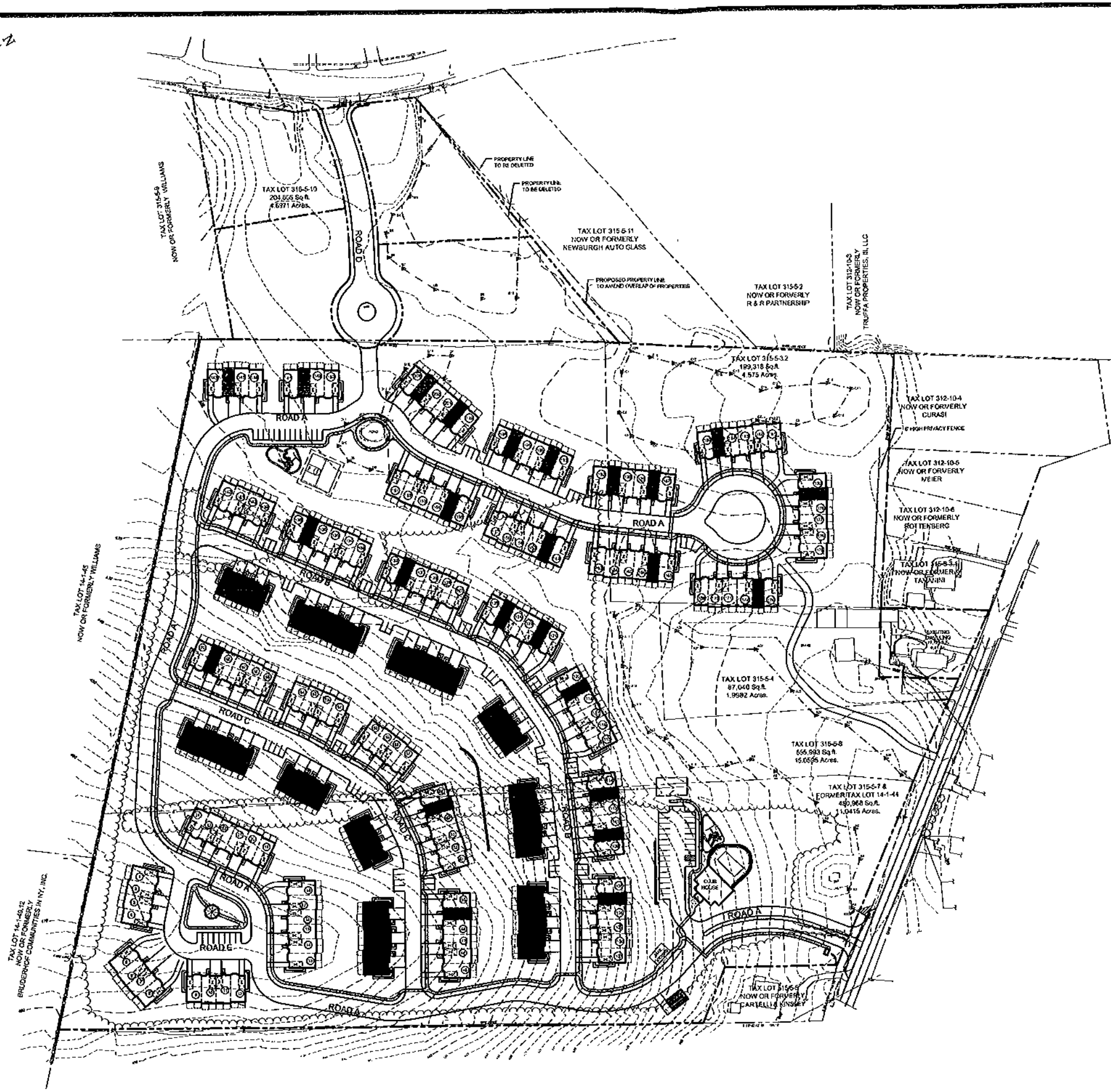


1ST FLOOR PLAN



2ND FLOOR PLAN

ALTERNATE 3 MODEL FLOOR PLAN UPHILL UNIT	THE OVERLOOK @ KIDD FARM COLDENHAM ROAD VILLAGE OF WALDEN ORANGE COUNTY, NEW YORK	DATE: JULY '11	JOB # 106.01	ENGINEERING 88 CLINTON ST. 2ND FLOOR MONTGOMERY, NY 12849 Ph: (845) 457-7727 Fx: (845) 457-1899
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JOB #: 106.01 DATE: AUGUST 2010 REVISION: 1 - 11/07/11	DRAWN BY: JRS SCALE: 1"=80' TAX LOT: 5-54