

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)**

**DRAFT SCOPING DOCUMENT**

For the

**STERLING FOREST RESORT**

**JULY 18, 2014**

**TABLE OF CONTENTS**

<b>Section</b>	<b>Page No.</b>
INTRODUCTION .....	2
PROJECT SITE LOCATION .....	2
PROPOSED ACTION .....	2
POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS .....	3
APPROVALS .....	3
A. GENERAL SCOPING CONSIDERATIONS.....	5
B. CONTENT OF DRAFT ENVIRONMENTAL IMPACT STATEMENT.....	6
<b>CHAPTER I: EXECUTIVE SUMMARY.....</b>	<b>7</b>
<b>CHAPTER II: PROJECT DESCRIPTION .....</b>	<b>7</b>
1. PROJECT LOCATION .....	7
2. DESCRIPTION OF THE PROPOSED ACTION .....	7
3. PROJECT PURPOSE, NEED AND BENEFITS .....	8
4. ALTERNATIVES.....	9
5. APPROVALS, REVIEWS AND PERMITS.....	9
<b>CHAPTER III: EXISTING CONDITIONS, ANTICIPATED IMPACTS AND PROPOSED MITIGATION .....</b>	<b>9</b>
1. LAND USE, ZONING AND PUBLIC POLICY.....	10
2. GEOLOGY, SOILS, AND TOPOGRAPHY .....	11
3. VEGETATION AND WILDLIFE.....	11
4. WETLANDS AND SURFACE WATERS .....	13
5. STORMWATER MANAGEMENT .....	14
6. GROUNDWATER RESOURCES .....	14
7. WATER SUPPLY .....	15
8. WASTEWATER .....	16

<b>Section</b>	<b>Page No.</b>
<b>CHAPTER III: EXISTING CONDITIONS, ANTICIPATED IMPACTS AND PROPOSED MITIGATION (CONT.)</b>	
9. ENERGY USE AND INFRASTRUCTURE CAPACITY .....	17
10. VISUAL CHARACTER AND AESTHETIC RESOURCES .....	17
11. TRAFFIC, TRANSPORTATION AND PARKING .....	19
12. NOISE .....	23
13. AIR QUALITY.....	24
14. COMMUNITY SERVICES AND FISCAL IMPACTS.....	26
15. CULTURAL RESOURCES.....	27
16. SOLID WASTE.....	28
17. SOCIOECONOMICS .....	28
<b>CHAPTER IV: CONSTRUCTION IMPACTS.....</b>	<b>29</b>
<b>CHAPTER V: MITIGATION.....</b>	<b>30</b>
<b>CHAPTER VI: SUSTAINABLE DEVELOPMENT MEASURES .....</b>	<b>30</b>
<b>CHAPTER VII: ALTERNATIVES .....</b>	<b>30</b>
<b>CHAPTER VIII: IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES .....</b>	<b>31</b>
<b>CHAPTER IX: GROWTH INDUCING IMPACTS .....</b>	<b>30</b>
<b>CHAPTER X: CUMULATIVE IMPACTS.....</b>	<b>31</b>
ANTICIPATED APPENDICES.....	33

Figure 1. General Project Location Map

Figure 2. Sterling Forest Resort Master Plan

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)  
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For the

**STERLING FOREST RESORT**

Town of Tuxedo, Orange County, NY

**Dated:** July 18, 2014

**SEQR Classification of Action:** Type I Action

**Lead Agency:** Tuxedo Town Board  
1 Temple Drive, Tuxedo, NY 10987

**Project Sponsor/Applicant:** RW Orange County LLC  
110-00 Rockaway Boulevard  
Jamaica, NY 11420  
ATTN: Christian Goode  
718.215.280  
christian.goode@rwnewyork.com

**List of Involved Agencies:**

- Tuxedo Town Board
- Tuxedo Planning Board
- Tuxedo Architectural Review Board
- Orange County Health Department
- Orange County Department of Public Works
- NYS Department of Transportation
- NYS Department of Environmental Conservation
- NYS Gaming Commission

**List of Interested Agencies**

- Village of Tuxedo Park Board of Trustees
- Village of Sloatsburg Board of Trustees
- Village of Greenwood Lake Board of Trustees
- Town of Warwick Town Board
- Monroe-Woodbury School District
- Tuxedo Union Free School District
- Orange County Planning Department
- Palisades Interstate Park Commission
- NYS Office of Parks, Recreation and Historic Preservation
- NYS Department of Health
- NYSDEC-DFWMR – NYS Natural Heritage Program
- NYS Thruway Authority
- Federal Emergency Management Agency
- US Fish and Wildlife Service

- US Army Corps of Engineers, New York District
- United Water New York
- Orange & Rockland Utilities
- Orange County Transportation Council

## **INTRODUCTION**

This Draft Scoping Document has been prepared to describe the Proposed Action (the “Project”), present the framework for the Draft Environmental Impact Statement (DEIS) analysis, and discuss the procedures to be followed in the preparation of the DEIS. This document is intended to serve as the foundation for the identification and evaluation of all significant adverse impacts that are pertinent to the Project, and identify appropriate mitigation measures, including available alternatives. It is also intended to eliminate consideration of impacts that are irrelevant or non-significant.

If permits from Federal agencies are required for the Project, such as from the U.S. Army Corps of Engineers, the DEIS must include and be consistent with all requirements of the National Environmental Policy Act and regulations promulgated thereunder.

## **PROJECT SITE LOCATION**

The Project Site is located in southern Orange County, NY, and is approximately five (5) miles northwest of the center of Tuxedo, New York. The Project Site is approximately 240 acres in size, is irregular-shaped, and straddles Route 17A for approximately 3/4 of a mile. The Orange County Tax Map identification numbers associated with the parcels that comprise the Project Site are Section 1, Block 1, Lots 36.32, 37.20, 52.25, 52.26 and 59.20; See **Figure 1**, General Project Location Map. The Project Site would be located to the west of the proposed Interchange 15B to be constructed by the Project Sponsor. The Project site is located in the Town of Tuxedo Gaming Overlay (“GO”) zoning district.

## **PROPOSED ACTION**

The Proposed Action (“Project”) involves the construction and operation of a gaming facility to be licensed by the New York Gaming Facility Location Board, together with resort development uses consisting of a self-contained and fully integrated planned development, which would be operated year-round, seven (7) days per week.

The Project, Sterling Forest Resort, is proposed by RW Orange County LLC (“Project Sponsor” or “Applicant”) pursuant to the Upstate New York Gaming Economic Development Act of 2013 (“the Act”). New York State has issued a Request for Applications (“RFA”) to Develop and Operate a Gaming Facility in New York State. RW Orange County LLC has submitted an Application (“Application”) in response to the RFA seeking a Gaming Facility License. The objective of the Project is to construct a resort and gaming facility consistent with the aforementioned RFA submission by RW Orange County LLC to the New York Gaming Facility Location Board pursuant to the Upstate New York Gaming Economic Development Act of 2013. The Project would include the Resorts World Grand Hotel building with 1,000 rooms, the gaming facility (casino) and ancillary hotel uses (dining and lodging-related commercial), as well as recreation and entertainment uses.

Outdoor recreational uses proposed would include a world fairgrounds and seasonal fairgrounds in the current location of the NY Renaissance Faire, a Ski Village in the current location of the Tuxedo Ridge Ski Center and the restoration of the Sterling Forest Gardens, as well as stables, an arboretum,

amphitheater, mountain biking and hiking trails, a funicular incline railway, zip lines, toboggan run, snowboard pipes and rails, and a riverfront walk along the Indian Kill Creek. **Figure 2** provides an overview of the Project site plan.

The Project includes approximately 75 total non-residential structures, nearly 50 of which are existing small structures comprising the New York Renaissance Faire, which is proposed to be reconstructed as the World Faire Grounds. The largest proposed building is the Resorts World Grand Hotel. The hotel is designed for 7 stories, 122 feet high (218 feet including spires and ornamentation), 563 feet wide, and 956 feet long.

The Sterling Forest Resort Project is anticipated to bring approximately 6.9 million visitors to the site annually. In order to accommodate projected traffic, a new Interchange 15B would be constructed by the Applicant on the New York State Thruway (Interstate-87), consistent with the 2011 Town of Tuxedo Comprehensive Plan Update. The project also includes the construction of a new roundabout at the intersection of NY Route 17A and Route 106 in order to facilitate traffic flow. The new Thruway interchange would be owned and operated by the New York State Thruway Authority, and it is being evaluated by that agency.

To accommodate the traffic that would be generated by the Project, improvements will be made to NYS Route 17A. New or upgraded entrances will be constructed for the Grand Hotel site and the Faire Grounds and Ski Village sites. NYS Route 17A improvements include signalization and construction of turn lanes entering the site to meet current NYSDOT standards. To accommodate parking demand for future Sterling Forest Resort visitors, and to alleviate current parking and pedestrian crossing issues (when the Renaissance Faire and Tuxedo Ridge are in operation), the proposed design includes the construction of a parking garage and three surface parking lots with pervious pavement, providing approximately 8,900 parking spaces for a net increase of 6,930 spaces. Parking will be shared between the Grand Hotel, including its casino, lodging, retail and restaurants, and the Faire Grounds, Ski Lodge and other recreational uses. Two grade-separated pedestrian bridges will be constructed to allow for safe crossing and reduce traffic impediments during the operation of the NY Renaissance Faire at the Faire Grounds.

#### **POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS**

This DEIS is being prepared, as the Lead Agency determined that the Project may result in significant adverse impacts to the following resources: land use and zoning; traffic; soils, geology and topography; ecological and water resources; drainage; historic resources; visual resources and community character; community services; utilities; socioeconomic and fiscal conditions; ambient noise levels, and air quality. In addition, short-term construction-related impacts have the potential to result in significant impacts. A DEIS is required to evaluate these potentially significant adverse impacts, and mitigations measures to reduce anticipated impacts.

#### **APPROVALS**

The Tuxedo Town Board, as lead agency, has discretionary authority to approve a special use permit for a resort development within the Gaming Overlay zoning district. Other local discretionary approvals include site plan approval by the Town of Tuxedo Planning Board and architectural approval by the Town of Tuxedo Architectural Review Board.

Anticipated agency approvals that will be necessary for the Sterling Forest Resort Project to be implemented are identified in Table 1.

**Table 1. Government Approvals for Sterling Forest Resort**

<b>Potential Approval(s) or Permit(s) Required</b>	<b>Agency</b>
<b>Local</b>	
Special Use Permit	Town of Tuxedo Town Board
Local Architectural Review Board Approval	Town of Tuxedo Architectural Review Board
Local Site Plan Approval	Town of Tuxedo Planning Board
General Municipal Law § 239 Review	Orange County Department of Planning
Floodplain Development Permit	Town of Tuxedo
Building Permit	Town of Tuxedo
Blasting Permit	Town of Tuxedo
Demolition Permit	Town of Tuxedo
Grading, Clearing, and Filling Permit	Town of Tuxedo
Pool Permit	Town of Tuxedo, Orange County Health Department
Review of Water Reclamation Facility	Orange County Health Department
Sign Permit	Town of Tuxedo
Water Service Extension	Town of Tuxedo, Orange County Health Department
<b>New York State</b>	
New York State Environmental Quality Review Act (SEQRA)	Town of Tuxedo (Lead Agency)
Section 14.09 New York State Historic Preservation Act Review	Town of Tuxedo and SEQR Involved Agencies
NYS ECL Article 15, Title 5. Protection of Waters/Dams and Impoundment Structures Permit**	NYSDEC
NYS ECL Article 24, Freshwater Wetlands Permit**	NYSDEC
Water Quality Certification, Section 401 of the Clean Water Act**	NYSDEC
Water Takings Permit**	NYSDEC
Use and Occupancy Permit for Utilities	NYSDOT
State Pollutant Discharge Elimination System (SPDES) Permit for Wastewater Discharges	NYSDEC

**Table 1. Government Approvals for Sterling Forest Resort**

<b>Potential Approval(s) or Permit(s) Required</b>	<b>Agency</b>
SPDES General Permit for Stormwater Discharges from Construction Activity	NYSDEC
Chapter 55: Flood Damage Prevention - Floodplain Development Permit	NYSDEC
State Air Facility Permit	NYSDEC
State Highway Temporary Construction Access Permit	NYS DOT
State Highway Work Permit	NYS DOT
Utility Work Permit	NYS DOT
<b>Federal</b>	
Section 106, National Historic Preservation Act/Tribal Consultation	NYS Office of Parks, Recreation and Historic Preservation (OPRHP)/Palisades Interstate Park Commission (PIPC)
Section 7 Threatened/Endangered Species Coordination/Biological Opinion	U.S. Fish and Wildlife Service (USFWS)
Conditional Letter of Map Revision	Federal Emergency Management Agency (FEMA)
Section 404 Permit, Clean Water Act**	U.S. Army Corps of Engineers (USACE)

\*\* Signifies NYSDEC/USACE Joint Permit Application

**A. GENERAL SCOPING CONSIDERATIONS**

RW Orange County LLC shall prepare a site-specific Draft Environmental Impact Statement (DEIS) addressing all items identified in this Scoping Document. RW Orange LLC shall incorporate information from other developments underway or proposed in the local area and include, where appropriate, discussions on cumulative impacts. Other developments are to include Tuxedo Farms(Route 17), Watchtower IP Facility (CR 84, Tuxedo), Watchtower World Headquarters (CR84, Warwick, NY), NY International University Center (Route 17A, Tuxedo), Science of the Soul (CR 72, Tuxedo),and Woodmont Hills apartments (Route 17, Ramapo).

RW Orange LLC shall follow the SEQR regulations (6 NYCRR Part 617) for direction on the required content of a DEIS. The DEIS shall assemble relevant and material facts and evaluate reasonable alternatives. It shall be clearly and concisely written in plain language that can be easily read and understood by the public. Unless otherwise specified, all measurement units in the DEIS shall be English units (e.g., feet, acres, miles etc.). Highly technical material shall be summarized and, if it

must be included in its entirety, it shall be referenced in the DEIS and included as an appendix. In addition, all project correspondence from involved and interested agencies shall be included in an appendix to the DEIS.

The DEIS will be written in the third person without use of the terms I, we, and our. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables and graphics. All graphics will clearly identify the project area. The DEIS will group each issue identified into one Existing Conditions, Impacts, and Mitigation section to permit more efficient review. Opinions of the Applicant that are unsupported by evidence will be identified as such.

A Site Plan shall accompany the DEIS as an appendix. The document shall contain, as appendices, all plans, reports, and studies meeting prevailing Federal, State and Town regulations and standards with respect to all disciplines of study including, but not limited to, land use and planning as well as the site plan, special permit, subdivision, and zoning amendment requirements as set forth in applicable Town of Tuxedo Code. Required appendices are provided at the conclusion of this scoping document.

The full DEIS shall be made available to the lead agency in both hard copy and electronic formats. The electronic format shall be in (.pdf) file and submitted on CD-ROM. When the DEIS is accepted as complete by the lead agency for purposes of commencing public review, sufficient hard copies shall be provided to allow placement of a copy at Tuxedo Park library and Tuxedo Town Hall for public review during normal business hours. In addition, the full DEIS shall be posted on a public website for public review, in accordance with 2005 amendments to the SEQR law.

## **B. CONTENT OF DRAFT ENVIRONMENTAL IMPACT STATEMENT**

### **COVER SHEET**

The Cover Sheet shall identify:

1. The Proposed Action.
2. The location of the Proposed Project.
3. The name, address, and telephone number of the Lead Agency and its contact person, the Primary Preparer of the DEIS. A list of preparers shall include the firm name, contact name, address, and phone number for all consultants who helped prepare the document.
4. The date of the DEIS submission, revision date(s), acceptance date (to be inserted later), and the public hearing date and DEIS comment period (to be inserted later).
5. Locations for document availability, including digital and hard copies.

Following the Cover Sheet, a list of all consultants and parties involved in the preparation of the DEIS will be included.

### **TABLE OF CONTENTS**

The Table of Contents lists the chapters of the DEIS, including subsections, tables, figures, drawings and appendices, with page numbers listed for each.

The content of the DEIS will include the following:



## **CHAPTER I: EXECUTIVE SUMMARY**

Chapter I shall summarize the proposed Project. This chapter will summarize in text and tabular format any environmental impacts, proposed mitigation measures and the alternatives analyzed. A list of all required permits and approvals from the Town, County, State and Federal agencies will be included. The Executive Summary shall only include information that is found elsewhere in the main body of the DEIS.

## **CHAPTER II: PROJECT DESCRIPTION**

Chapter II of the DEIS will describe the Project Site and its location, the Project, the public need and objectives of the Project Sponsor, and list required approvals, reviews, and permits.

### **1. PROJECT LOCATION**

A written and graphic description of the location of the Project Site in the context of the Town of Tuxedo, Orange County, and the New York metropolitan region will be presented. This shall include the following:

- Tax map designation, existing zoning categories, site ownership, identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential, and a discussion of the potential impact of the project on these easements, rights-of-way, restrictions, special district boundaries or other legal devices;
- Description of the environmental setting of the site relative to surrounding municipalities that will be affected by the Project, land uses, transportation corridors and accessibility, streams and water bodies, wetlands and other prominent natural features, development and infrastructure on and in the immediate vicinity of the project site;
- Description of the existing infrastructure serving the project site and/or its immediate environs, including existing site access and road network as well as central water and sewer facilities; and
- Illustration of school district boundaries and location of local community services.

### **2. DESCRIPTION OF THE PROPOSED ACTION**

A description and graphic presentation of the proposed Project addressing the proposed uses, general layout of the site, site access and egress, architecture, landscaping, parking configuration, internal driveway system, conceptual utility locations including water, sanitary and stormwater management facilities will be provided. The following shall be included:

- Present ownership of all lands that are part of the Sterling Forest Resort project, or those lands which will be impacted in order to accommodate off-site infrastructure improvements;
- The history and past use of the project site, including a discussion of the findings of the Phase I and Phase II Environmental Site Assessments;
- Summary of the market feasibility study required by the Resort Development Special Use Permit;

- Overall site plan for the project site and description, including grading and erosion control plan, stormwater plan, lighting plan, landscaping plan, traffic circulation plan;
- Proposed zoning bulk requirements, and discussion of existing zoning, the gaming zoning overlay district, the special use permit, and compliance with the Town of Tuxedo Zoning Law;
- Dedicated open space amount and location to be shown on the site plan map;
- Floor plans for Resort World Grand Hotel, Ski Village, and parking garage and other major buildings or structures;
- Renderings of the Project and discussion of the building materials and architectural design of the facility;
- A table indicating the gross floor area of all buildings by use, such as hotel space, gaming area space, security areas, spa space, major infrastructure buildings, recreational uses;
- A detailed description of the operation of the entire facility, including capacity of all buildings and venues including recreational areas, hours of operation, number of employees by type and shift (arrival and departure);
- Detailed description of the hotel guest rooms and usage, including limitations on length of stay, any plan to timeshare, use of hotel guest rooms for employee sleeping accommodations;
- Detailed description of all parking areas, anticipated usage (primary or spillover), parking garage design and materials;
- Detailed description of all security measures to be installed indoors and outdoors on the Project Site, and on and off-site;
- Detailed emergency services plan, including manpower to handle an emergency, coordination with local agencies, equipment to be kept on site and dedicated on-site space to serve this function.
- Detailed description of all utilities to serve the Project Site.

A detailed description of the construction phase and schedule, including the anticipated start of construction and completion date, shall be provided. This shall include but not be limited to: hours of operation, construction employees and construction jobs, staging areas, temporary construction impacts on roads and potential for temporary road closures and rerouting traffic, noise and air impacts. An overall map will be provided that shows the areas of the Project, and associated construction activity areas (i.e. the Resort, interchange 15B, and any and all off-site improvements) and the adjacent properties and uses.

### **3. PROJECT PURPOSE, NEED AND BENEFITS**

A discussion of the purpose or objective of the Project will identify the need for the proposed action, including consideration of consistency with adopted policies and/or plans as set forth within adopted local and regional land use and community development plans, including but not limited to the Town of Tuxedo Comprehensive Plan, Ramapo River Watershed Management Plan, NYS Open Space Plan, Orange County Master Plan and Orange County Transportation Improvement Plan (TIP).

This discussion shall include an examination of whether the Project achieves the local objectives of the Town of Tuxedo as laid out in adopted plans such as enhancing the Town's tax base through tourism business and resort development at the Project Site and using natural resource planning to minimize watershed impacts.

The market feasibility study required by the Resort Development Special Use Permit shall be included as an appendix, and described in terms of its conclusions that the hotel will be a first class resort.

Describe the needs and benefits of Interchange 15B in relation to the Resort.

The purpose and need will also include a background and history of the project, in relation to the Upstate New York Gaming Economic Development Act of 2013.

#### **4. ALTERNATIVES**

A brief description of alternatives considered in the DEIS, project related benefits and unavoidable impacts will be presented. Alternatives shall include the following:

1. No Build alternative;
2. As-of-Right Alternative, with build-out in accordance with the existing base zoning regulations; and
3. Alternative architectural building design, which results in a reduced building height by eliminating spires and other decorative elements, and incorporates a design and local materials that are in keeping with a resort surrounded by state or federal park land, e.g., rustic design.

#### **5. APPROVALS, REVIEWS AND PERMITS**

This section will list and describe all required local, county, state, and federal approvals, reviews, and permits required by each involved agency to implement the Proposed Project together with the status of each application, including the creation or expansion of water, sewer, drainage or other municipal districts as required by the project. It will also list all Involved and Interested Agencies for DEIS distribution.

### **CHAPTER III: EXISTING CONDITIONS, ANTICIPATED IMPACTS AND PROPOSED MITIGATION**

This section of the DEIS shall identify the existing environmental conditions, potential impacts of the action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail shall be provided so that reviewers are able to gain an understanding of current conditions and impacts. The DEIS shall make an effort to explain technical information in lay language with supporting tables and maps.

The following describes the methodologies that will be used in the DEIS to assess the potential impacts of the proposed project. The general framework for each impact aims to provide a meaningful presentation of the environmental issues as follows:

1. Study and describe the existing conditions (e.g., environmental setting);
2. Assess potential impacts of the Project; and
3. Present and evaluate potential measures to mitigate any adverse environmental impacts.

Unless otherwise specified herein, the analysis year for the discussion of potential impacts related to the proposed Project is assumed to be year one of Sterling Forest Resort Operation, 2017.

Required elements for each section of Chapter III of the DEIS follow.

## 1. LAND USE, ZONING AND PUBLIC POLICY

- a. **Existing Conditions:** A narrative and graphic presentation of existing land uses and zoning districts within a two-mile radius of the Project Site will be provided. A discussion of the permitted land uses in the applicable zoning districts and zoning overlay districts will be described. This section will also discuss the special use permit that will be required to allow the Project.
- b. **Potential Impacts:** This section will evaluate the consistency of the Project to the overall land use patterns within the vicinity of the Project Site. In particular, potential land use impacts to residential and parkland uses in the study area will be described.

This section will include a comprehensive impact analysis of the effect of the Project on the community character of the Laurel Ridge and Clinton Woods neighborhoods, and residences along Katrina Court, and Benjamin Meadow Road, in terms of impacts associated with: changes in property values, traffic, noise, lighting, air quality, security, and visibility of the Project, and changes in the operation of the Renaissance Faire.

The Proposed Action will also be evaluated with regard to consistency with the policies and recommendations set forth in the following adopted plans and special planning district plans:

- Town of Tuxedo Comprehensive Plan (2011)
- Town of Tuxedo Recreation Plan (2004)
- Orange County Comprehensive Plan (2010)
- Orange County Greenway Compact (2013)
- Orange County Water Master Plan (2010)
- Orange County Open Space Plan (2004)
- Mid-Hudson Region Sustainability Plan (2013)
- New York State Open Space Conservation Plan and Statewide Comprehensive Outdoor Recreation Plan (2009)
- Sterling Forest State Park Management Plan (no date)
- Watershed Management Plan, Orange County Section of the Ramapo River
- Hudson River Valley National Heritage Area (1996)

The DEIS will include mapping and calculations evaluating the proposed layout in accordance with the requirements of the Town of Tuxedo Zoning Law, including any requested zoning amendments.

As an element of the special use permit, the Town Board will establish zoning bulk requirements for the Project. The Applicant shall provide a detailed table and description of the bulk requirements it proposes to apply to the site, including buffer setbacks.

- c. **Mitigation:** Proposed measures to mitigate identified land use/policy consistency impacts will be discussed.

## 2. GEOLOGY, SOILS, AND TOPOGRAPHY

- a. **Existing Conditions:** The following shall be described:
  - Existing surficial geology and presence of bedrock.
  - Topographic conditions, including existing slopes as follows: 0-15%, 15-25%, 25-35%, and greater than 35 percent. Slopes shall be mapped.
  - Soils and soil conditions, based on USDA Soils Data, and capability to accommodate buildings and roads. Soils with shallow depth to water table, or bedrock, and hydric soils will be identified.
- b. **Potential Impacts:** An assessment of the impacts on geology, soils and topography will be identified. Specific impacts on land and geologic features to be evaluated include:
  - Limits of disturbance will be clearly shown and quantified. Changes by land cover type will be quantified;
  - Limits of disturbance will be overlaid on steep slope map and steep slope disturbance quantified;
  - Change in impervious cover and construction on natural undeveloped lands;
  - Tree removal;
  - Soil erosion and sediment control;
  - Excavation and blasting;
  - Construction on land with shallow depth to water table;
  - Construction on steep slopes and potential for landslides;
  - Amount of cut and fill will be quantified. The import or export of soil or other materials shall be quantified.
  - soils of agricultural importance, including Middlebury silt loam (My) and Hollis Soils, sloping (HLC).
- c. **Mitigation:** Proposed measures to mitigate identified impacts will be discussed, and how this mitigation may impact hydrogeology (the sole source aquifer, groundwater).

## 3. VEGETATION AND WILDLIFE

- a. **Existing Conditions:** Inventory and map existing ecological communities using a standardized classification system such as the New York Natural Heritage Program “DRAFT Ecological Communities of New York State (Edinger et al. 2002). Inventory wildlife and plant species and determine the potential presence of any rare, threatened, or endangered species including species of special concern. Records of the New York State Department of Environmental Conservation and the Natural Heritage Program, the United States Department of the Interior, Fish and Wildlife (USDIFW) should be reviewed to help

determine if any potential endangered, threatened, rare or protected species, or species of special concern may be on-site or within the vicinity of the site. The surveys shall document the species that are likely present on-site or adjoining the site during any season, not only the season surveyed.

- Flora surveys should be done at various points in the growing season to reflect various species development. A comprehensive list of species should be presented along with the survey dates, duration of surveys and qualifications of botanist/ecologist conducting the surveys. The potential for rare, endangered and threatened species should be addressed including those on the NYS Rare plant list and New York Natural Heritage Program (NYNHP) list.
- Faunal surveys should be conducted for mammals, birds (breeding and migratory species), reptiles/amphibians, and aquatic species. Surveys should be conducted at the appropriate times of year.
- Results of threatened and endangered species field surveys shall be provided noting potential habitat as well as species presence/absence. Mapping of significant natural communities and vegetative communities should also be provided.

- b. **Potential Impacts:** An assessment of the impacts on vegetation and wildlife both on and adjoining the site due to the construction and operation of the Proposed Project will be provided. The loss/alteration of habitat, disruption of travel corridors and potential displacement of wildlife, shall be discussed. Other impacts such as increases in traffic, noise, dust and lighting shall be assessed. Particular emphasis shall be placed on any anticipated impacts to threatened, endangered, rare or protected species or species of special concern.

An analysis will be conducted to examine the potential impact on the adjoining NYSDEC designated Sterling Forest Bird Conservation Area, and consideration will be given to the Management Guidance Summary. An analysis will also consider the adjoining area's status as a National Audubon Important Bird Area (IBA) and impacts to same.

The landscaping plan will be described and evaluated, in terms of its use of native vegetation, and potential to introduce invasive species to the adjoining park environment.

In addition, the anticipated impact on existing vegetation within the limits of affected development area will be presented. The following species are of particular concern for the impacts evaluation. The results of field surveys for these species shall be presented:

- Whip-poor-will;
- Northern cricket frog;
- Timber rattlesnake;
- Dusted skipper;
- Indiana bat; and
- Northern long-eared bat.

- c. **Mitigation:** Proposed measures to mitigate identified impacts on species of concern will be discussed.

#### 4. WETLANDS AND SURFACE WATERS

- a. **Existing Conditions:** The general surface hydrology shall be described both on-site and on adjacent lands. Both regulated and unregulated wetlands and water courses existing on the Site will be described per the Wetlands Delineation Report. The jurisdictional limits of both federal and state wetlands shall be discussed in the DEIS narrative and shown in both map and tabular formats. The physical and biological characteristics of the wetlands shall be presented along with their species composition, vegetative cover types, functions/benefits and classification (NYSDEC Wetlands).

All surface waters and streams, including intermittent drainages, shall be shown on a map and described in the DEIS narrative. These descriptions shall include a discussion of the watershed(s) as well as the physical, biological and chemical composition of each water body on and adjacent to the site.

The DEIS shall discuss the Indian Kill and its flow to a Class A waterbody (Indian Kill Reservoir), and DEC mapped wetland SL-3.

- b. **Potential Impacts:** An assessment of impacts on surface water resources and wetlands will be identified. The impacts on wetlands due to the construction of the site improvements, buildings and stormwater management systems will be identified. Efforts to minimize or avoid on-site impacts will be discussed. Specific impacts to be evaluated include but are not limited to:

- Impacts on the Indian Kill Creek and wetlands regulated by the U.S. Army Corps of Engineers and NYS DEC will be evaluated.
- An evaluation of reclaimed water entering the drainage system, in terms of impact on water quality and ecological habitat, shall be evaluated.
- Discuss the impacts of fertilizers, pesticides, herbicides, fungicides and any other chemical applications which may be used for maintenance. Impacts should include potential pathways for dispersal/flow and impacts to water quality (including the downstream drinking water reservoir), streams and fish/wildlife.
- Changing hydrology due to the relocation of the eastern drainage ditch to the western side of the site and stream restoration;
- Creation of any potential impoundments as a best practice for control of peak stormwater flows and water quality treatment; and
- Physical, chemical and biological impacts to state and federally regulated wetlands; and
- Impacts related to the removal of natural wetlands on stormwater management.

- c. **Mitigation:** Where regulated wetlands cannot be avoided, proposed measures to mitigate identified impacts on wetlands and surface hydrology will be discussed. A detailed mitigation strategy will be outlined including the location of all mitigation activities. This discussion shall present a specific plan and associated details to mitigate impacts on wetlands and other waterbodies. The status of applicable agency review and comment regarding the wetland/water body impacts and proposed mitigation shall be presented. Identify compensation measures for the loss of existing wetland acreage and associated functions for each wetland disturbance area of the project. Such measures may include a mitigation planting plan, wetland and/or buffer enhancement areas, removal/management of invasive species, establishment of limited/no-mow zones,

establishment of disturbance restriction areas, etc.

## 5. STORMWATER MANAGEMENT

- a. **Existing Conditions:** Run-off patterns, existing streams and drainage patterns on-site and on adjacent lands will be described. Pre-development stormwater flow volumes and peaks as well as water quality criteria compliance will be provided as per the New York State Department of Environmental Conservation *2010 Stormwater Management Design Manual*. A draft Stormwater Pollution Prevention Plan (SWPPP) will be provided as an appendix.

The location of the 100-year and 500-year flood plain shall be identified and mapped.

- b. **Potential Impacts:** The stormwater management system, drainage facilities and detention areas will be described. This will include quantification of stormwater flows and peaks, water quality and measures to ensure that stormwater from construction activities and under post-development conditions does not adversely affect downstream properties as per the New York State Department of Environmental Conservation *2010 Stormwater Management Design Manual*.

Consideration will be given to all aspects of stormwater quality and quantity, specifically addressing any potential changes in the flood plain that will result from changing the hydrology of the eastern and western drainage ditches. An evaluation of flood elevations and results of hydrologic modeling will be discussed. Minimization of impacts through green infrastructure (including but not limited to green roofs, rain gardens, bioswales, constructed wetlands, etc.) and best practices for stormwater management will be detailed.

An evaluation of the impact to any flood plain and required submissions to obtain a Town Floodplain Development permit shall be provided. A discussion of any Letter of Map Revision which may be sought, and the infrastructure or improvements proposed in association with same, shall be described.

The creation of any impoundments, and evaluation of existing impoundments to structurally accommodate stormwater flow, will be discussed and analyzed.

A discussion of downstream stormwater impacts, including potential for flooding along the Ramapo River, and impacts to the Tuxedo hamlet, will be described.

- c. **Mitigation:** Proposed measures to mitigate potential stormwater impacts will be discussed. The party responsible to implement and/or finance each mitigation measure shall be provided.

## 6. GROUNDWATER RESOURCES

- a. **Existing Conditions:** The Proposed Project is located in the Ramapo River Sole Source Aquifer (SSA). This resource would be described using studies conducted by the U.S. Geological Survey (USGS), and U.S. Environmental Protection Agency (EPA), among others. Depth to groundwater and aquifer characteristics will be determined through geotechnical studies and secondary source research.
- b. **Potential Impacts:** The impact assessment for groundwater resources will consider the stormwater generated by new impervious surfaces, best practices for stormwater



management and treatment, and local soil/groundwater characteristics. Potential impacts of subsurface structures, such as utilities and basement foundations, will be considered. The potential for groundwater impacts during excavation for construction will also be evaluated.

- c. **Mitigation:** Proposed measures to mitigate for impacts on groundwater during construction will be discussed, as well as stormwater management best practices and other measures to mitigate for impacts on groundwater quality.

## 7. WATER SUPPLY

- a. **Existing Conditions:** Existing water supply availability at the project site will be described, including available capacity and location of infrastructure. Existing conditions shall describe:
  - Indian Kill Reservoir as a source of drinking water supply;
  - Detailed discussion of the existing capacity and safe yield of Indian Kill during average precipitation and drought conditions;
  - Existing water quality and current need for filtration;
  - Current water demand;
  - Existing location and dimensions of water service lines.
- b. **Potential Impacts:** Detailed calculations and summary table will be provided which describes the anticipated water usage in terms of average and maximum day demands. The amount of anticipated water usage will be calculated for comparison to existing supply. The water demand and storage capacity needed for sprinkler systems shall be described, and the location of any proposed hydrants shall be shown. In addition:
  - Describe recirculating domestic hot water system, storage, treatment if any is provided
  - Describe water supply needs, if any, for cooling purposes; cooling towers, and cooling tower water treatment
  - Discuss storage of chemicals for water, any additional special water treatment needs
  - Describe water supply source and treatment for indoor and outdoor water features, if any.

The Project's withdrawal of water and impact on the safe yield of the Reservoir will be evaluated.

The Proposed Project may include construction of a new water reclamation facility so that reclaimed water can be used for irrigation and other non-potable uses. Coordination with United Water will occur to confirm their ability to meet the needs of the Proposed Project. The potential water quality impact of using reclaimed water, and same entering the Indian Kill Reservoir, shall be discussed.

Utility connections and upgrades necessary for the project will be described and mapped. A Detailed description of infrastructure routing, dimensions of lines, emergency back-up, need for storage, will be described. A discussion of water conservation, water reclamation and reuse will also be provided.

- c. **Mitigation:** Proposed measures to mitigate potential supply, infrastructure and utility impacts will be discussed.

## 8. WASTEWATER

- a. **Existing Conditions:** Existing sewer service availability at the project site will be described, including available capacity and location of existing infrastructure. Existing conditions shall describe:
- wastewater treatment method of existing facility, and current amount of wastewater generated;
  - Existing location of sewer service lines;
  - Detailed description of existing Indian Kill WWTP plant, location, treatment method, discharge point.
- b. **Potential Impacts:** The amount of anticipated sewer usage will be calculated and detailed calculations for average and maximum day flows will be provided. The proposed Water Reclamation system will be described in terms of:
- Capacity;
  - Treatment process described in detail;
  - Location of sewer lines and size;
  - Discharge point and water quality impact on receiving stream;
  - Phasing of the construction of the new facility and disposition of the existing on-site system;
  - Feasibility analysis of expanding and connecting to the Indian Kill WWTP;
  - Identify whether the discharge point for the new Water Reclamation Facility to be constructed on-site would impact the operation or permit requirements of the existing Indian Kill WWTP; and
  - Disinfectants and other wastewater treatment chemicals to be stored on site.

Detailed description of the water reclamation facility and its operation will be provided and its location shown, especially in relation to stormwater management system. The various uses of reclaimed water, e.g., snowmaking, will be described. Treatment to “reclaimed water quality standards” will be described. Isolation issues, potential for plumbing cross-connections (toilets, irrigation, car wash/maintenance), and the United Water potable supply line to the 1MG fire flow storage tank will be discussed. The need for NYSDOH review and approval will be discussed. The DEIS will explain the concept of “reject water storage”. Membrane cleaning will be discussed, both with respect to the chemicals utilized and stored on site and the disposal of waste generated in membrane cleaning. Identify the need for chemical storage.

Coordination with United Water will occur to confirm their ability to meet the needs of the Proposed Project. Utility connections and upgrades necessary for the project will be described and mapped. A discussion of water conservation, water reclamation and reuse will also be provided.

- c. **Mitigation:** Proposed measures to mitigate potential supply, infrastructure and utility impacts will be discussed.

## 9. ENERGY USE AND INFRASTRUCTURE CAPACITY

- a. **Existing Conditions:** Electric and natural gas service to the site will be summarized, including available capacity, location of the infrastructure, and method of transmission.
- b. **Potential Impacts:** Electric and natural gas loads will be calculated and compared to available supply. The project may include the construction of a new sub-station and transition yard. Coordination with Orange and Rockland Utilities will occur to confirm their ability to meet the needs of the Proposed Project. Utility connections and upgrades necessary for the project will be described and mapped, including the installation of any new overhead transmission lines. A discussion of resource conservation, energy efficiency and renewable energy will also be provided in relation to sustainable development principles. Alternatives for onsite power generation will be evaluated. Greenhouse Gas emissions (GHG) shall be summarized for future conditions shall be quantified and compared for each alternative according to NYSDEC's *Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements (July 15, 2009)*. The analysis will focus on the following direct and indirect sources of emissions:
  - Direct GHG emissions from on-site boilers,
  - Indirect emissions from purchased electricity, and
  - Indirect emissions from site-generated traffic.

Energy use in kilowatt hours (kWh), natural gas (Btu), and gasoline (gallons) will be converted to short tons of CO<sub>2</sub> for comparison among the alternatives.

- c. **Mitigation:** Proposed measures to mitigate potential supply, infrastructure and utility impacts will be discussed.

## 10. VISUAL CHARACTER AND AESTHETIC RESOURCES

The effects of the Project on the visual environment will be analyzed using renderings, photo-simulations and other techniques including sections, aerial photographs, visual sight lines and narrative text. Photo-simulations will be provided based on leaf-off conditions and renderings will depict the context of the building(s) within the study area and neighborhood.

- a. **Existing Conditions:** Describe in text and photographs the existing visual character and significant visual resources in the study area. Existing designated scenic and historic areas, including public parkland, will be located and mapped. A visual analysis will be completed to determine and describe the visual character of the project site within the context of its surrounding area, including the effects of daytime and nighttime lighting. A view shed analysis that accounts for topography shall be provided to show areas that potentially have views of the building. A view shed map will be prepared to locate possible visual resources within the study area. This section will document views, in accordance with NYSDEC's Program Policy Document "*Assessing and Mitigating Visual Impacts*". A visual analysis will include:
  - Description of the physical character of the area;
  - Description of significant scenic and historic resources, including State Parkland; and
  - Identification of structures of significant architectural design.

b. **Potential Impacts:** The Project’s visual impact on the following resources shall be assessed:

- views from public roads;
- Visual impact on views from scenic resources/parks;
- Visual impact on area residential properties in the vicinity of the site; and
- Impacts from 24 hour daytime and nighttime lighting (light pollution).

**View shed Analysis** – A view shed analysis based on topographic conditions using the height of the proposed structure(s) to identify the worst case view shed and conditions that could have a clear line of sight looking toward the proposed project will be performed with photo-simulations utilized to represent views of the proposed project. In addition, Arc Analyst or similar program will be utilized to determine locations from which the proposed buildings will be seen. The following views will be analyzed to determine potential impacts, and simulations will be performed for those views where Arc Analyst or other program indicates the proposed buildings may be within the view shed of the resource. At a minimum, views from the following shall be assessed:

- Appalachian Trail;
- Trails and mapped scenic vantage points in Sterling Forest State Park;
- Tuxedo Park National Register Historic District;
- Residences within Laurel Ridge and Clinton Woods neighborhoods, and along Benjamin Meadow Road and Katrina Court.

The impacts of the proposed project on the visual environment will be analyzed using verifiably accurate renderings, photo-simulations and other techniques including cross sections, aerial photographs, visual sight lines (both for day and night) and narrative text. The potential to view the resort development from the locations, including but not limited to those in “a” and above, shall be assessed. Simulations will be prepared representing future views of the site during the “leaf-off” season and renderings will depict the context of the building(s) within the study area and neighborhood.

**Balloon Test** – Photos of balloons flown during the study period at the location and height of the highest points of the proposed resort structure will be included, and used to verify the height of the buildings shown in any photo-simulation or modeled representation of the site from the vantage points to be studied. All balloon tests shall be publically noticed in the official newspaper and website of the Town of Tuxedo showing, at a minimum, the date and location of each balloon test no later than 10 days prior to the tests.

**Proposed Project** - The visual analysis will describe the Project’s:

- physical design (height, bulk, orientation, facade materials, etc.), design principles utilized and consistency with the existing landscape. Reflectance of the building materials used shall be described.
- The visibility of mechanical equipment and the parking garage from public locations shall be described.
- The visibility of any new electric overhead lines that may need to be constructed within the public right-of-way before entering the project site, where all electrical utilities shall be undergrounded.

- a detailed description of all lighting systems on the Project Site, both within the landscape and on all buildings, shall be provided, and shall include the types of fixtures, hours of operation, whether they are upcast or downcast, use of dark sky compliant fixtures, and other details. A photometric plan shall be provided of the cumulative impact of lighting levels, and footcandle measurements shall be provided throughout the site and at the property lines. Hotspots shall be identified and reduced.
  - A landscape plan shall be provided, indicating the location of all decorative landscaping, as well as landscaping being installed to screen views into the Project Site.
- c. **Mitigation:** Proposed measures to mitigate visual impacts will be discussed, including design measures incorporated in the project in terms of architectural character, landscaping plans and plans to minimize light pollution.

## 11. TRAFFIC, TRANSPORTATION AND PARKING

The traffic and transportation analysis will address the potential impacts of traffic generated by the Proposed Project in combination with the proposed interchange 15B. Although interchange 15B is being advanced as a separate review under SEQRA (see Chapter X below), the effects of interchange 15B will be included in the traffic analysis to address the cumulative impacts of both projects on traffic. A summary of the construction-related traffic impacts, to be described in detail in Chapter IV of the DEIS, will be included here. The traffic impact study should also be prepared to support the needs of air and noise analysis.

- a. **Existing Conditions:** The existing roadway network, pedestrian accommodations, and transit connections will be described, including jurisdiction, AADT, and posted speeds. Crash statistics for study area roadways and intersections will be analyzed based on available NYSDOT and local data sources.

Existing parking for the Renaissance Faire will be described, including free parking on the air strip site, paid parking at lots across from and north of the Renaissance Faire, and free parking for employees on the ski center site and in other parking lots.

The existing pedestrian environment will be described, including paths from parking areas to the Renaissance Faire. School bus transportation for visitors will be described.

Existing Metro-North ridership on the Port Jervis line and existing bus service will be described. Schedules for bus service, and rail service at the Harriman and Tuxedo stations will be described.

### *Intersections for Analysis*

#### Primary Study Area

- Route 17A/CR 106 north connector with Route 17 (signalized)
- Route 17A/CR 106 south connector with Route 17 (signalized)
- Route 17 connectors with Route 17A/CR 106 (unsignalized)
- Future I-87 Interchange 15B northbound ramps with CR 106 (unsignalized)
- Future I-87 Interchange 15B southbound ramps with CR 106 (signalized)

- NYS Route 17A at Sylvan Way (unsignalized)
- NYS Route 17A at CR 84/Long Meadow Road/Clinton Road (unsignalized)
- NYS Route 17A at Nungin Sunwon USA Driveway (unsignalized)
- NYS Route 17A at Benjamin Meadow Road (unsignalized)
- NYS Route 17A at Resort entrances/driveways (unsignalized)
- NYS Route 17A at Ren-Faire access driveways (unsignalized)

A detailed traffic analysis including level of service, delay, and vehicle queuing analysis should be conducted for the intersections in the primary study area.

#### Secondary Study Area

- Benjamin Meadow Road at Bramertown Road (Interchange 15B)
- NYS Route 17 at CR 19 (Interchange 15B)
- Interchange 15A Northbound and Southbound Ramps – Route 17/59
- NYS Route 17 and NYS Route 59 at Interchange 15A
- Interchange 16 Northbound and Southbound Ramps – Routes 17/32
- Route 17/U.S. Route 6/Larkin Drive, south of Interchange 16 Ramps

A screening exercise will be performed to evaluate the foregoing potential intersections for analysis. The results of the screening exercise will be described, and intersections that warrant a detailed analysis will be identified and discussed.

#### *Existing Traffic Volumes*

Existing conditions for the traffic analysis will be developed from intersection turning movement counts, and from data currently available from secondary sources (NYSDOT ATR counts etc.), any ATR counts not available on study roadways from NYSDOT or secondary sources will be collected. Traffic volumes will include heavy vehicles.

#### *Existing Operating Speeds*

Existing operating speeds shall be provided for each area roadway.

#### *Projected Traffic and Analysis Hours*

A screening exercise will be performed to evaluate the following potential peak and off-peak time periods for analysis. The results of the screening exercise will be described, and time periods that warrant a detailed analysis will be identified and discussed. Seven (7) peak and off-peak time periods have been identified:

- Weekday, during the first construction hour (8-9am)
- **Friday PM peak hour (5-6pm),**
- **Friday evening peak hour (9-10pm),**
- Saturday late morning peak hour (11am-12pm),
- **Saturday mid-day peak hour (2-3pm),**
- Saturday evening peak hour (7-8pm), and
- **Saturday evening peak hour (9-10pm).**

At a minimum, four (4) peak periods (in bold) shall be evaluated in detail as part of the traffic analysis. A comparison in total traffic volumes showing a breakdown by background traffic, casino/hotel traffic, and Ren Faire traffic will be provided under each of the seven peak periods listed above. Based upon this comparison, the need to analyze the remaining three (3) peak periods will be determined. For traffic, air, and noise analysis, if the worst case scenario is already analyzed in the four (4) peak periods (identified in bold), the remaining peak periods do not need further analysis.

Anticipated peak trip generation hours of the casino are reflected in the Friday and Saturday 9-10 pm time periods, while the roadway peak hours of general traffic are reflected in the Friday 5-6 pm and Saturday 2-3 pm time periods. The Saturday 11 am-12 pm and 7-8 pm periods reflect peak traffic periods for people to arrive and depart the Renaissance Faire. The Renaissance Faire shall be contacted regarding the weekends that generate the highest visitor trips, as well as to verify the times of day with peak arrivals and departures. Justification of the peak hour will be provided.

Truck trip generation from deliveries and solid waste will be discussed, including time periods. The peak hours for construction vehicles will be identified and the corresponding traffic volumes will be provided at the two worst-case intersections (per Chapter IV Construction Impacts).

#### *Parking*

The existing peak parking demand for both visitors and employees at the existing Renaissance Faire and Tuxedo Ridge will be calculated, and the number of spaces in each of the lots will be determined, including the ski slope parking. The demand for bus transport to and from the air-strip lot also will be identified.

- b. **No Build Conditions:** Future traffic without the Proposed Project or interchange 15B will be projected taking into account background growth rates (with source of background growth) and other known developments. Future parking demand will be projected for each of the lots.
- c. **Phasing Schedule and Year of Full-Build Out:** Phasing schedule which details the percent of development completed under each phase leading to the full-build out phase shall be provided. It has been represented by the Applicant that one build-out phase is proposed for this Project.
- d. **Potential Impacts:** Build condition traffic volumes will account for trip generation attributable to the Resort, as well as traffic shifts caused by interchange 15B. Future traffic for entertainment operations and special events will be projected with the build condition traffic volumes. Entertainment and special events include, but are not limited to, the Renaissance Faire, concerts, festivals and other operations at the world fairgrounds and amphitheater, as well as conferences in the Resorts World Grand Hotel.

The feasibility of alternative access roads for Laurel Ridge and Clinton Woods not requiring the use of Route 17A would be considered. If feasible alternative access roads are located, a discussion will be provided of how these access roads would alter potential traffic volumes.

The trip generation information will include ITE Lane Use Codes, calculations, methodology, internal capture, pass-by rates and diverted link trips. Resort trip generation characteristics will be based on studies of other casinos and resort projects of similar characteristics and settings, among other data sources. The resort trip generation will include an estimate of

the rail mode share that would be accommodated by a shuttle bus between the Resort and the Tuxedo Metro North station. Trip generation associated with resort activities such as mountain bike trails, zip lines, ski resort, and others should be considered. The trip distribution pattern will be provided, including rationale and sources for the turning movements with diagrams. Pass-by trips, multi-use and seasonal adjustments will also be identified with rationale. Any market studies used to develop trip distribution patterns should be described in the analysis. Traffic effects of interchange 15B will be analyzed based on regional traffic modeling performed by the Orange County Transportation Council.

Future build condition impacts on key performance metrics such as level-of-service (LOS) and delay will be analyzed consistent with the procedures of the 2010 Highway Capacity Manual for signalized and unsignalized intersections and SIDRA for roundabouts. In addition to intersection analysis, freeway and ramp operations analysis will be performed for interchange 15B.

The years of analysis will be specified, e.g. ETC, ETC+10 for evaluating the traffic impact associated with the SFR Casino Project. In addition, traffic analysis in support of the design year (ETC+30) of the proposed Interchange 15B will be provided). The years provided will support the traffic, noise, and air quality procedures of NYSDOT.

The capacities of the new garage and parking lots will be tabulated. The parking demand for each component of the facility will be tabulated according to type and time of day. Traffic management procedures for ensuring free flow into the facility, including access to entrances and to the garage, shall be described.

Anticipated increase in rail and bus ridership will be evaluated and method to pick-up and drop off transit riders will be described and potential impacts evaluated. An alternative bus stop location in the vicinity of interchange 15B will be considered.

A signal warrant check, right or left turn lane warrant check, delay, and gap studies will be completed, as necessary.

A detailed discussion of internal traffic patterns and flow will be discussed. In particular, the analysis must demonstrate that a queue will not be created which extends off-site.

- e. **Mitigation:** Mitigation measures will be developed to address any significant adverse traffic impacts and are anticipated to include measures such as intersection reconfigurations and addition of turning lanes. Any existing safety deficiencies that were identified in the crash analysis will be addressed in the mitigated condition.

LOS and 95<sup>th</sup> percentile queue length (show available storage lengths) table for the study roadways and intersections will be included for the following scenarios:

- A) Present Year
- B) Future No Build
- C) Future Build Without Mitigation
- D) Future Build with Mitigation
- E) Phased Construction with Phased Development with Phased Mitigation

Traffic simulation analysis shall be provided using SYNCHRO/SimTraffic for closely spaced signalized intersections to determine vehicle queuing spillover and storage requirements.



A detailed description of proposed mitigation measures, including phased mitigation, will be provided, including a schematic plan of mitigation with dimensions. The conceptual plans will include intersection and roadway improvements, and the design of interchange 15B.

The layout and design of the proposed roundabout at NYS Route 17A and CR 106 shall be included.

Sight distances at the site driveways shall be included.

Supporting data that will be included are: count data sheets, projected traffic sheets, LOS analysis sheets, warrant analysis, sight distances, delay, gap, and weave studies, sources of the referenced studies.

The NYSDOT Smart Growth Criteria and Pedestrian Generator will be used in the evaluations. The NYSDOT Smart Growth Criteria is applicable to projects either funded or supported by the State of New York. The NYSDOT Smart Growth Checklist shall be completed and included in the traffic study to be used as a tool to provide the town and community with background on how this project will affect the local community.

## 12. NOISE

- a. **Existing Conditions:** Noise sensitive areas (e.g., residences, parks, areas of frequent human outdoor use) adjacent to all project elements and construction activities will be mapped. Existing conditions noise monitoring will be conducted in representative noise sensitive areas. This will include the following residential neighborhoods in the vicinity of Route 17A that could be impacted during construction and/or operations: Benjamin Meadow Road, Katrina Court, Laurel Ridge, and Clinton Woods. Noise levels will be monitored at one first-row location in the East Village residential area of Tuxedo because this area may experience increased traffic noise from I-87. Noise levels at one noise-sensitive location along Route 17 south of Route 17A shall be monitored to provide context for assessing potential traffic noise reductions along Route 17 due to interchange 15B, as well as to ascertain potential for construction noise impacts due to additional truck traffic. The locations of sensitive receptors and the noise monitoring locations shall be shown on a map(s).

Noise monitoring shall be carried out during the analysis hours identified as warranting detailed analysis in the traffic and transportation study and shall include periods when the Renaissance Faire is operating, as well as periods when the Renaissance Faire is not operating. If any receptors are potentially impacted by operational noise (e.g., HVAC), then noise monitoring also will be conducted during a weekday late night period (e.g. 12-1 am). Noise monitoring shall include the weekday hour determined to have the highest construction traffic for sensitive receptors likely to experience on-site construction noise or noise from construction trucks traveling to and from the site.

Noise monitoring procedures will conform with NYSDOT's *Field Measurement of Existing Noise Levels*. Concurrent traffic classification counts will be carried out during noise monitoring.

- b. **Potential Impacts:** A screening-level traffic noise analysis will be conducted to identify areas potentially warranting detailed assessment. For receptors in the resort area and Route 17 and 17A, an impact shall be based on the NYSDEC noise policy guidance (e.g. receptors predicted to experience 6 dBA or greater increase in noise levels or the "most" sensitive

receptors that experience a 3 dBA increase) and NYSDOT procedures. For purposes of cumulative impacts in the new interchange and roundabout area, as well as sensitive receptors located along I-87, an impact shall be based on the noise abatement criteria (NAC) and analysis procedures shown in NYSDOT's *The Environmental Manual, Chapter 4, 4.4.18, Noise Analysis and Policy Procedures*. Local noise ordinances and their relevance will be discussed. The determination of potential impacts shall also include pertinent criteria from *Chapter 68 Noise* of the Town of Tuxedo's ordinances which shall include operational noise as well as construction noise.

If feasible alternative access roads to Laurel Ridge and Clinton Woods are located, as discussed in Section 11, an analysis will be provided of how these access roads would alter potential traffic noise levels at sensitive receptors.

Detailed analysis of potentially impacted locations will be conducted with FHWA's Traffic Noise Model (TNM) version 2.5. The traffic noise analysis will consider the potential for impacts for all time periods for which traffic analysis and noise monitoring were carried out, including, but not limited to the Friday and Saturday evening time frame when Resort-related traffic is expected to be highest and existing traffic volumes are low. A screening exercise will be performed to evaluate the potential for impacts of truck deliveries between 11 PM and 5 AM. Should significant impacts be identified from evening truck trips, a noise evaluation of these trips will be conducted. If warranted by the projected noise levels, a noise barrier analysis shall be carried out with FHWA's TNM model. The projection of future impacts shall include bus trips between the Tuxedo train station and the casino as well as any changes to the train schedules to accommodate the demand for rail transport.

Stationary source noise impacts will be assessed quantitatively based on the noise characteristics of the stationary source (such as chillers and air handlers), the distance between the source and receptors, and intervening topography. The type and number of items of each type of equipment will be tabulated and shown. Calculations shall be based on typical reference noise levels available from manufacturers or other sources such as the NYC CEQR Technical Manual. The noise impact analysis will consider entertainment operations and special events, including events at the amphitheater.

Analysis of noise impacts shall also quantitatively assess the potential for project-on-project impacts to the Renaissance Faire caused by sources such as snow guns, snowboard pipes and rails, mountain bike trails, zip lines, and the railway.

Cumulative noise levels from both stationary and mobile sources shall be calculated. Increases shall be tabulated to show noise level increments of 6 to 10 dBA, 10 to 15 dBA, 15 to 20 dBA, and over 20 dBA.

- c. **Mitigation:** If significant adverse noise impacts are identified, mitigation measures will be proposed, evaluated, and discussed. This may include noise barriers.

### 13. AIR QUALITY

- a. **Existing Conditions:** Existing ambient air quality conditions will be described within the study area based on the most recent three years of data available through U.S. EPA's AirData website. The data shall be analyzed and compared to the National Ambient Air Quality Standards in order to characterize the existing air quality in the vicinity of the Project Site. The county's attainment status for all of the criteria pollutants will be discussed.

- b. **Potential Impacts:** The criteria for identifying impacts for the pollutants of interest will be presented.

Based on the traffic analysis results, a screening analysis will be performed to determine whether any location should undergo a detailed microscale carbon monoxide and/or particulate matter analysis. For CO, the screening analysis will use FHWA's Carbon Monoxide Categorical Hot-Spot Finding Tool<sup>1</sup> for signalized intersections. For particulate matter and carbon monoxide screening of other types of intersections, the screening procedure will utilize NYSDOT's *Environmental Procedures Manual* and consider the thresholds triggering hot-spot analysis requirements under EPA's transportation conformity regulations. If required, a hot-spot analysis will be completed for CO, PM<sub>10</sub>, and PM<sub>2.5</sub> following NYSDOT and EPA guidance. The analysis shall also provide a screening analysis to determine whether increased traffic on I-87 would cause adverse impacts to the East Village residential area of Tuxedo.

Based on the criteria in NYSDOT's *Environmental Procedures Manual, Chapter 1.1 Air Quality*, the project meets the criteria for performing a mesoscale analysis. Therefore, a quantitative mesoscale analysis will be carried out for CO, VOC, PM<sub>2.5</sub>, and NO<sub>x</sub>. Emission factors will be obtained from MOVES2010b. The mesoscale analysis and conformity determination will be carried out per NYSDOT and EPA procedures.

Stationary source emissions of CO, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> (such as from boilers for heating/hot water) will be quantified using EPA's AP-42 compilation of emission factors. This shall include emissions of PM<sub>2.5</sub> from facilities using natural gas. The potential for stationary source air quality impacts will be addressed with a screening-level dispersion modeling analysis (AERSCREEN or AERMOD run in screening mode).

A quantitative analysis of the proposed garage (or multi-level naturally ventilated parking deck) will be carried out for CO and PM<sub>2.5</sub> using the highest daily number of incoming vehicles and the highest number of outgoing vehicles. This will include the bus depot. Emission factors will be obtained from MOVES2010b. The analysis will use EPA guidelines for parking facilities.

- c. **Mitigation:** Proposed measures to mitigate identified impacts will be discussed, including requirements to use of onsite electric or ultra-low sulfur fueled vehicles and construction equipment, and will consider the feasibility of requiring or encouraging vendors to utilize low emission vehicles for delivery and waste pickup. The party responsible to implement and/or finance each mitigation measure shall be provided. Unavoidable adverse environmental impacts will also be identified.

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<sup>1</sup> [http://www.fhwa.dot.gov/environment/air\\_quality/conformity/policy\\_and\\_guidance/cmcf/tool.cfm](http://www.fhwa.dot.gov/environment/air_quality/conformity/policy_and_guidance/cmcf/tool.cfm)

## 14. COMMUNITY SERVICES AND FISCAL IMPACTS

a. **Existing Conditions:** The following community service providers shall be described:

- Town governmental services;
- Town police protection services;
- Tuxedo Fire District;
- Tuxedo Ambulance Corps and other emergency responder service providers;
- Tuxedo Highway Department;
- Monroe-Woodbury School District;
- Tuxedo Union Free School District;
- County governmental services;
- Orange County Sheriff's office;
- Orange County DPW;
- Palisades Interstate Park Police Department – NY Section;
- NYS State Police Troop F;
- NYS Department of Transportation.

Each agency shall be contacted, and responses from the agencies shall be provided in writing; where written documentation is not provided, the date and name of the person interviewed shall be described. Existing number and duties of paid personnel and volunteers, equipment, locations, response times in the event of a service call; and current budgets for all service providers shall be provided, including existing tax rates and debt service for Town and local agencies (fire district, ambulance, school districts, etc).

Existing property tax revenues generated by the existing Project Site to representative taxing jurisdictions will be described.

With regard to fiscal impacts, the cost of services is spread over the applicable jurisdiction's real property tax base. To that end, the fiscal impact analysis will include a discussion of: existing real property tax base in Tuxedo; the breakdown of property value by land use type; the property values of residences with Clinton Woods, Laurel Ridge, Katrina Court, and Benjamin Meadow Road.

b. **Potential Impacts:** A detailed calculation of the property tax revenues to be generated by the Project will be provided. Assumptions regarding how the Project is valued for real property assessment purposes will be described. The Town Tax Assessor shall be contacted to verify the assumptions and methodology regarding real property assessment. Sales tax and other revenues to be generated by the Project will also be quantified, and all assumptions provided.

Impacts to each service provider shall be identified and described. The need for additional manpower, equipment, buildings, impact on response times, and impact on other resources will be evaluated based on discussions with the service providers. The need to augment volunteers with paid professionals will be evaluated. Fiscal costs to the providers associated with the construction and operation of the Project will be estimated.

In addition, the following shall be described, with regard to the Project:

- Fire suppression systems and on staff personnel trained in the event of a fire call;
- Security personnel, systems, and method for handling and processing criminal activity;
- On-site health service personnel to address medical emergencies;
- Ancillary space dedicated to emergency service and police protection functions;

- Emergency plans, procedures and protocols.

In addition, the following impacts will also be examined:

- An evaluation shall be provided of the ability of school district school buses to pick up and drop off students within the neighborhoods affected by project traffic in a safe manner. This includes a review of the school bus stop locations along 17A, from Benjamin Meadow Road to Route 17, and impacts caused by the proposed development to those locations will be evaluated. The potential for criminal activity to increase and impact nearby residences;
- Potential decline in property values for residential properties identified above;
- Marketability and changes in property values of commercial and residential properties elsewhere in the Town.

Based on a detailed evaluation of the community service demands created by the Project, the fiscal impact analysis will evaluate the costs generated by the Project, and revenue to offset same. The evaluation will consider any limitations on accumulating budgetary surpluses; changes in municipal bond rating, and similar impacts to the fiscal health of the Town and other jurisdictions.

- c. **Mitigation:** Proposed measures to mitigate identified environmental impacts will be discussed. Methods of implementation and/or financing for each mitigation measure under the requirements of the Upstate NY Gaming Economic Development Act of 2013 or other applicable criteria will also be discussed.

## 15. CULTURAL RESOURCES

- a. **Existing Conditions:** Historic and archaeological resources on and adjacent to the project site will be identified and studied in accordance with the New York State Standards for Cultural Resource Investigation, including:
  - Phase 1A Literature Search and Feasibility Study
  - Phase 1B Field Investigation, if warranted by Phase 1 Study
  - Phase 2 Site Evaluation, if warranted by Phase 1 Study

This will also include contacting the New York State Office of Parks, Recreation and Historic Preservation to determine if there are any properties or potential sensitive historic/archaeological sites on or near the project site that are on or eligible for listing on the State or National Registers of Historic Places.

- b. **Potential Impacts:** Impacts on above and below ground cultural resources will be evaluated based on the proposed areas of ground disturbance and proposed modifications to the physical environment. The criteria for the assessment of adverse effects under State Historic Preservation Act and Section 106 of the National Historic Preservation Act will be utilized, as appropriate.
- c. **Mitigation:** Proposed measures to mitigate adverse effects on cultural resources will be developed and incorporated in a Memorandum of Understanding that includes New York State Office of Parks, Recreation and Historic Preservation and Native American tribes, as appropriate.

## 16. SOLID WASTE

- a. **Existing Conditions:** The type and amount of solid waste and recyclables currently generated by the site shall be identified, along with the current procedures for collection and removal. Describe the Town of Tuxedo's existing regulations and practices concerning garbage and refuse collection and how those provisions apply to the site.
- b. **Potential Impacts.** An estimate will be provided of increased solid waste and recyclables generation for the Project and evaluate implications of such increase on service providers (either public or private) including quantification of potential additional costs. This section will include identifying and describing the type of solid waste to be generated by the existing and proposed uses on the site, the proposed service providers, and how the proposed development would operate in relation to the applicable requirements of the Town practices. A proposed solid waste plan will be described in detail, including identification of all proposed solid waste storage containers in acceptable locations, and analyze local facilities' ability to accommodate additional solid waste and recyclables.
- c. **Mitigation:** If significant adverse noise impacts are identified, e.g., from trash compactors or loading areas, mitigation measures will be identified and incorporated into the design and operation of the site. Waste reduction techniques and onsite composting and/or anaerobic digestion of organic wastes will be discussed.

## 17. SOCIOECONOMICS

- a. **Existing Conditions:** Existing employment levels in the Town, County, and Zone 1 region will be described. Existing employment on the Project Site will be described. Renaissance Faire booths are individually owned and staffed, although the booth owners pay a fee to lease their individual sites. Some booths are permanent structures and some are tents erected for the August and September months. Most do not have plumbing or electricity. Many are staffed by people with commitments to weekday jobs or by students who will return to school in the fall. In addition to booth owners and operators, the Faire provides employment for entertainers who put on shows (e.g., knife throwing). The jobs and revenues for the workers are therefore oriented towards weekends during two months of the year. Most would not be in a position to participate throughout the year, and they may not want their booths used by others. The discussion of existing conditions will include tabulation of the number of booths and owners, whether they are permanent or temporary structures, whether they have plumbing or electricity, the number of jobs by type, and the overall economic aspects of the Ren-Faire.
- b. **Potential Impacts:** Anticipated employment by type of employee, number of employees, and ability to fill employment positions from the Town, County, Zone 1, and larger region shall be identified.

Short-term construction employment generation shall be described.

Potential induced employment generation from businesses which will be required to service

The future plans and operation for the Renaissance Faire site will be described in detail, including how the site will transition from a weekend operation in August/September to a year-round destination operating seven days per week. Potential economic hardship to

existing owners and workers will be identified. Although the proposed action will add jobs, many existing jobs will be lost. The number of existing jobs to be lost will be determined.

- c. **Mitigation:** Proposed compensation measures for owners who will lose their booths will be described.

#### **CHAPTER IV: CONSTRUCTION IMPACTS**

This chapter will describe the construction schedule and logistics for both the Resort and interchange 15B, discuss anticipated on- and off-site activities, and provide estimates of construction workers and truck deliveries (peak and average). This information will be used to analyze temporary construction period impacts on all environmental components, including traffic, air quality, and ambient noise.

The construction traffic analysis will quantitatively analyze up to two worst-case intersections affected by construction period traffic using the same methods discussed above for the operational traffic analysis. Truck routes and equipment staging areas will be identified for the construction stages.

A quantitative air quality analysis will be conducted to determine the potential for air quality impacts during on-site construction activities and construction-generated traffic on local roadways. Air pollutant sources would include combustion exhaust associated with nonroad engines (i.e., cranes, excavators), on-road engines, and on-site activities that generate fugitive dust including but not limited to truck and equipment movement, loading and unloading operations, transfer of material to and from storage piles, processing operations (if applicable), and wind erosion of storage piles and bare ground.

A dispersion analysis of construction activities will be performed using AERMOD and five years of meteorological data to determine the concentration levels for each pollutant of concern (carbon monoxide, PM<sub>10</sub>, PM<sub>2.5</sub>, and nitrogen dioxide) at nearby sensitive receptor locations, including residential locations. Impact significance will be assessed through comparison of construction plus background concentrations to the National Ambient Air Quality Standards or appropriate de minimis criteria. The analysis will include the worst-case construction quarter.

A quantified noise analysis will be prepared which will examine potential noise impacts due to construction-related stationary and mobile sources. Existing noise levels will be determined by noise measurements performed at at-grade receptor locations, and by use of a combination of measurements and mathematical models for receptor locations. During the most representative worst-case time period(s), noise levels due to construction activities at each sensitive receptor will be predicted. Impacts will be assessed using criteria recommended in NYSDEC's *Assessing and Mitigating Noise Impacts* policy guide.

Construction best management practices incorporated in the project will be described, along with any additional mitigation necessary to address potential significant adverse impacts. These will include measures to ensure that the construction activities do not adversely impact the ongoing Ren-Faire.

## **CHAPTER V: MITIGATION**

If significant adverse impacts resulting from the Proposed Project are identified in the analyses discussed above, measures to mitigate those impacts will be identified and evaluated, and summarized in this chapter of the DEIS. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

## **CHAPTER VI: SUSTAINABLE DEVELOPMENT MEASURES**

Pursuant to the New York Racing, Pari-Mutuel Wagering and Breeding Law § 1320.3(c), this chapter will discuss the design and implementation of sustainable development principles and efforts to make the Project more resilient. RW Orange County LLC intends to pursue a Gold level of certification in the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) V4 Building Design and Construction (BD+C) rating system. The chapter will summarize practices that avoid or minimize environmental impacts to achieve LEED® principles by employing sustainability and resiliency measures in the following resource areas, among others:

- Traffic mitigation
- Water conservation
- Stormwater management
- Energy efficiency (including the use of ENERGY STAR® appliances)
- Distributed (on site) power generation through renewable energy procurement and generation
- Lighting and daylighting controls
- Sub metering and retro commissioning
- Light pollution elimination
- HVAC measures (such as chilled-beam cooling or radiant floor heating)
- Recycling
- Sourcing of local materials and resources

## **CHAPTER VII: ALTERNATIVES**

The purpose of an alternatives chapter is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the goals and objectives of the Proposed Project. The description and evaluation of each alternative will be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. This means that for resource areas that are quantitative (e.g. traffic, air quality), the comparison will also be quantitative. The DEIS will analyze the following alternatives to the Proposed Project:

1. No Build alternative;
2. As-of-Right Alternative, with build-out in accordance with the existing base zoning regulations; and



3. Alternative architectural building design, which results in a reduced building height by eliminating spires and other decorative elements, and incorporates a design and local materials that are in keeping with a resort surrounded by state or federal park land, e.g., rustic design.

The alternatives analysis will be performed to satisfy SEQRA and all permitting requirements for minimization of impacts.

#### **CHAPTER VIII: IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

This chapter will discuss any irreversible or irretrievable commitment of resources as a result of the Proposed Project in terms of loss of environmental resources, both in the immediate future and in the long term.

#### **CHAPTER IX: GROWTH INDUCING IMPACTS**

This chapter will discuss whether there is a growth inducing impact of the Proposed Project, taking into consideration jobs created by the Resort, land availability for development within the Town of Tuxedo, and land use/zoning controls. This chapter will evaluate the potential for the project to induce residential development to house resort employees within the Town and surrounding communities.

#### **CHAPTER X: CUMULATIVE IMPACTS**

##### **Rationale for Permissible Segmentation of Sterling Forest Resort and Interchange 15B**

Under SEQRA , segmentation is defined as “the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance.”( 6 NYCRR §617.2). The regulations also specify the requirements for undertaking a segmented review. “Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible.” ( 6 NYCRR §617.2).

The Sterling Forest Resort and Interchange 15B are proposed for permissible segmented SEQRA reviews. The rationale for this approach is outlined below.

- **Interchange 15B has functional independence/utility.** Construction of the interchange would meet local transportation needs by reducing traffic on Route 17 and is supported by the Town of Tuxedo 2011 Comprehensive Plan Update. This function would exist even if the Resort was not constructed. Further, as noted in the following paragraph, the project has been considered by the Thruway
- **Interchange 15B was previously authorized.** Interchange 15B was authorized and approved in 1985 in Section 341 (34) of the New York State Highway Law: The construction of a new interchange on the “Thruway between exit fifteen, in the town of Ramapo, Rockland County, and exit sixteen in the town of Woodbury,

Orange County, connecting such Thruway with existing highways in the vicinity of ....the town of Tuxedo, Orange County...” Since that time, an Interchange 15B at this location has been the focus of several prior studies, including a Draft Environmental Impact Statement in 1987 and a Feasibility Study in 2000. Meanwhile, the Orange County Transportation Council included an Interchange 15B project in its Long-Range Transportation Plan for approximately 20 years until Federal transportation planning requirements were revised to “constrain” such Plans based on expected funding streams.

- **Geographic Separation.** The interchange is approximately 2.4 miles east (straight line) or 2.25 miles (travel distance) from the Resort, providing a logical basis for considering the two sites separately.
- **Streamline Coordinated Review.** The proposed action for Sterling Forest Resort requires several local, county, state and federal approvals while the proposed action for Interchange 15B involves some similar but several different state and federal approvals from additional agencies, including the New York State Thruway Authority and potentially the National Park Service. Segmenting review will streamline the coordinated review process for SEQRA involved agencies and allow for the appropriate agencies to focus on their areas of expertise.

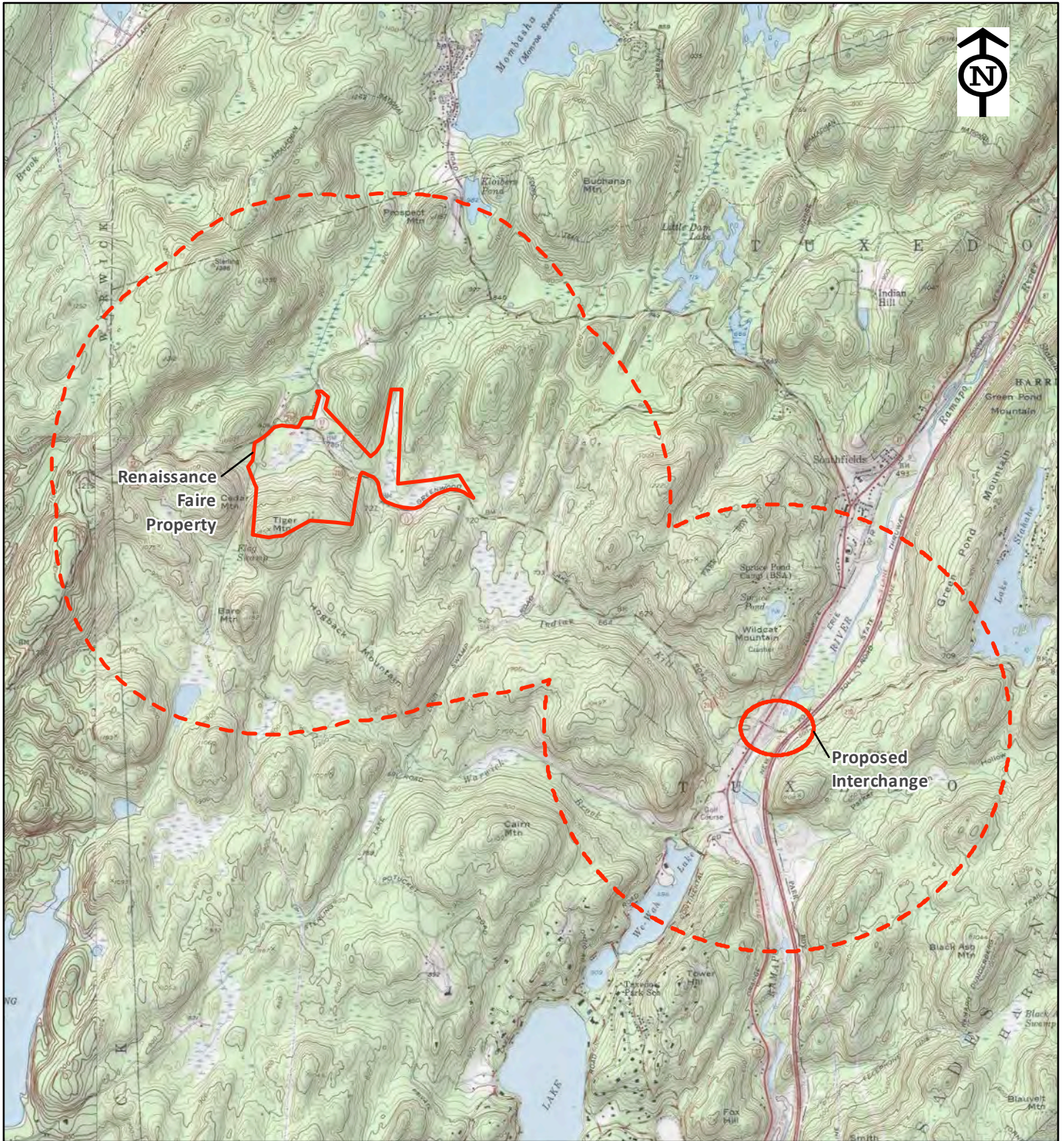
To provide the basis for the permissible segmented review of Sterling Forest Resort and Interchange 15B that is no less protective of the environment than would occur if they were evaluated in a single environmental document, a cumulative impacts assessment will be prepared. Other appropriate activities and proposed projects will also be included in the cumulative impact analysis as discussed under General Scoping Considerations. The focus of the cumulative impacts assessment will be on the resource areas where there is the potential for the same resources to be affected by both projects. The resources evaluated for the cumulative impacts assessment will include:

- Traffic
- Air Quality
- Noise
- Construction
- Water Quality
- Parkland and park users
- Quality of Life
- Demand for Community Services
- Demand for Emergency Services

## **ANTICIPATED APPENDICES**

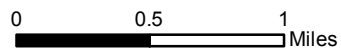
- Appendix A: Sterling Forest Resort Site Plans and Renderings
- Appendix B: Market Feasibility Study
- Appendix C: Wetland Delineation Report
- Appendix D: Phase I and Phase II Environmental Site Assessment
- Appendix E: Water Supply Demand Calculations
- Appendix F: Wastewater Demand Calculations and Water Reclamation Facility (WRF) conceptual design
- Appendix G: Draft Stormwater Pollution Prevention Plan (SWPPP)
- Appendix H: Noise Technical Report
- Appendix I: Air Quality Technical Report
- Appendix J: Greenhouse Gas Inventory
- Appendix K: Geotechnical Report
- Appendix L: Visual and Aesthetic Resources Technical Report
- Appendix M: Phase IA and Phase IB Cultural Resource Surveys
- Appendix N: Traffic Impact Study
- Appendix O: Agency Coordination and Correspondence
- Appendix P: SEQRA Documentation (EAF, Final Scope, Positive Declaration)
- Appendix Q: Letters and Communications with Agencies





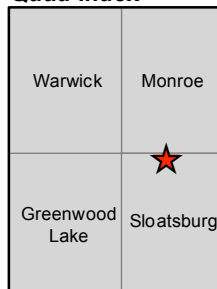
**Legend**

- Project Area
- 1 Mile Buffer



Source: ESRI, USA Topo Map Service, 2014.

**Quad Index**



**STERLING FOREST RESORT**

**General Project Location Map  
USGS Topographic Map  
Tuxedo Township  
Orange County, New York**



THE Louis Berger Group, INC.

**Figure 1**



