

LEGOLAND NEW YORK

TOWN OF GOSHEN PLANNING BOARD LEAD AGENCY SEQRA SUPPLEMENTAL FINDINGS STATEMENT¹

WHEREAS Merlin Entertainments Group US Holdings, Inc. (the “Project Sponsor” or “Merlin Entertainments”) submitted an application for site plan, subdivision and special permit approval for a commercial recreational theme park and destination on approximately 150 acres of a 521.95 acre site consisting of 15 total parcels located off Harriman Drive, as well as an application for a clearing and grading permit, known as LEGOLAND New York (the “Project”, “Proposed Project”, “Proposed Action” or “LEGOLAND New York”), to the Town of Goshen Planning Board on June 3, 2016; and

WHEREAS the Town of Goshen Planning Board declared its intent to serve as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) and typed the Action as a Type I action on June 16, 2016. A Notice of Intent was circulated to the Involved Agencies on June 17, 2016; and

WHEREAS after waiting the required 30 days and receiving no written objections, the Town of Goshen Planning Board assumed Lead Agency on July 21, 2016; and

WHEREAS on July 21, 2016 the Planning Board adopted a SEQRA Positive Declaration requiring the submission of a Draft Environmental Impact Statement (“DEIS”); and

WHEREAS the Planning Board held a public scoping session on July 21, 2016 and the scoping process culminated in the acceptance of an adopted scope, which final version incorporated the Planning Board’s required modifications on August 18, 2016 (the “Adopted Scope”); and

WHEREAS the Applicant submitted a proposed DEIS on September 28, 2016, and, following the receipt of comments from the Planning Board and its consultants, submitted a revised proposed DEIS on November 3, 2016; and

WHEREAS the revised DEIS was accepted by the Planning Board as complete in terms of its adequacy to commence agency and public review on November 17, 2016, subject to several revisions which were made prior to the filing and distribution of the DEIS on November 21, 2016. The Planning Board issued a Notice of Completion of the DEIS, dated November 17, 2016, which was published in the Environmental Notice Bulletin, circulated to Involved and Interested agencies, made available for public inspection at the offices of the Town Building Department and the local library, and posted on the Town of Goshen website; and

¹ For purposes of clarity, the SEQRA Findings Statement adopted by the Planning Board on August 17, 2017 will be referred to as the “Findings Statement”. This Supplemental Findings Statement will be referred to as the “Supplemental Findings Statement”. Additionally, any additional mitigation findings in this Supplemental Findings Statement will begin with “S.” preceding the identification of the additional mitigation finding.

WHEREAS a combined public hearing on the DEIS as well as the site plan, subdivision, special permit, clearing and grading permit, Comprehensive Plan amendments, the sale of certain town parcels to the Project Sponsor, and Introductory Local Laws Nos. 5 and No. 6 was held on December 15, 2016. The public hearing was held open for a subsequent night on December 19, 2016, and written comments were accepted until January 17, 2017; and

WHEREAS the Project Sponsor submitted a proposed Final Environmental Impact Statement (“FEIS”) to the Planning Board on May 18, 2017, which the Planning Board and their consultants reviewed and revised; and

WHEREAS the Planning Board, as Lead Agency, adopted the FEIS as complete on July 20, 2017; and

WHEREAS the Planning Board issued a Notice of Completion of the FEIS, dated July 25, 2017, which was published in the Environmental Notice Bulletin, circulated to Involved and Interested agencies, made available for public inspection at the offices of the Town Building Department and the local library, and posted on the Town of Goshen website; and

WHEREAS the Planning Board adopted a SEQRA Findings Statement on August 17, 2017; and

WHEREAS the Planning Board adopted a Resolution of Approval with Conditions for Special Permit, Major Site Plan, Minor Subdivision, Lot Line Adjustment and Clearing & Grading Permit Approval to Merlin Entertainments on October 19, 2017; and

WHEREAS Map 287-17 was filed with the Orange County Clerk’s office on November 8, 2017 subdividing the Property relative to the wireless telecommunications tower parcel and well parcels; and

WHEREAS the Planning Board adopted a Resolution of Approval with Conditions approving the Phasing Plan for Merlin Entertainments on May 3, 2018; and

WHEREAS on May 7, 2018, Merlin Entertainments withdrew its offer to purchase the Town-owned parcels, and, based upon this letter, the Town of Goshen Town Board adopted a resolution rescinding its September 14, 2017 resolution to sell the Town-owned parcels to Merlin Entertainments; and

WHEREAS Merlin Entertainments submitted an application for amended site plan approval primarily to address the removal of the Town-owned parcels from the application, including an Amended Site Plan SEQR Analysis; and

WHEREAS public comment was received by the Planning Board on August 16, 2018, a public hearing was held on August 23, 2018, and written comments were received by the Planning Board through the close of business on August 30, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Planning Board, as the Lead Agency under SEQRA, finds the procedural requirements of Article 8 of the Environmental Conservation Law of New York State, and the rules and regulations promulgated thereunder (6 N.Y.C.R.R. Part 617) have been met; and

BE IT FURTHER RESOLVED that, pursuant to 6 N.Y.C.R.R. § 617.11, the Town of Goshen Planning Board as Lead Agency, based upon the entire record and foregoing statements certifies that:

1. After reviewing the Proposed Action as evaluated in the DEIS, FEIS and Amended Site Plan SEQR Analysis, consistent with environmental, social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision of the Town of Goshen Planning Board those mitigative measures that were identified as practicable; and
2. The following statement of facts and conclusions regarding impacts and findings for mitigation measures relies on the information and analysis contained in the DEIS, FEIS and Amended Site Plan SEQR Analysis, including all comments thereon, and forms the basis for subsequent Lead Agency decisions.

SUPPLEMENTAL STATEMENT OF FACTS AND FINDINGS

The Proposed Action, LEGOLAND New York, is located on 2 tax parcels² consisting of 500.022 acres on the south side of Harriman Drive, west of Arcadia Road and north of Conklingtown Road (the “Project Site” or “site”). The Project Sponsor withdrew its prior offer to purchase eight Town-owned lots (SBLs: 11-1-60, 63-69). The Project Sponsor submitted an application to the Planning Board for the amendment of its Site Plan to remove the Town-owned parcels from the project site.

After the dedication of land to the Town of Goshen (Wells 1 and 2) and to the State of New York (an 8.06 acre area of the site will contain the new Exit 125 roundabout and on and off ramps), the total site acreage will be 490.13 acres. Wells 1 and 2 are proposed to be offered for dedication to the Town of Goshen exclusively for municipal purposes along with two (2) 200’ x 200’ square parcels – one around each well, with an additional 200’ radius easement around each well.

The Town of Goshen Town Board enacted Local Laws 3 and 4 of 2017, which amended the Town’s Comprehensive Plan and created the Commercial Recreation (“CR”) Overlay District, which were filed with the Department of State on September 26, 2017.

² LEGOLAND New York, LLC currently owns five (5) tax parcels (total holdings). Three of those parcels, consisting of 1.931 acres around the existing Arcadia Hills water infrastructure, will be offered for dedication to the Town of Goshen. These three parcels will not be disturbed as part of the overall site development.

Identified impacts and corresponding mitigations and findings relative to the amendment to the Proposed Project follow, in the same order of presentation in the DEIS.

S.A. Geology and Soils

The amendment to the Proposed Project concludes in a total of 149.78 acres of disturbance. 76.63 acres of that total disturbance will be impervious. This is a decrease in disturbed acreage, and an increase of 3.05 acres of impervious surfaces, compared to the previously approved Site Plan.

The net site volume is 222,144 cubic yards (CY) of fill, and the projected amount of construction excavation volume at the site (additional earth material removed for foundations and infrastructure) is projected to be 221,865 CY. This leaves a fill volume needed for construction of 279 CY, which represents 26 CY more than the 253 CY considered in the Findings Statement. The Project Sponsor subsequently provided a graphical cut and fill analysis based upon updated information, which resulted in approximately 68 CY of cut necessary to balance the site. No soil will need to be imported from outside the site.

Additional Mitigation Findings

S.A.1 Elements of the amendment to the Proposed Project will result in disturbance to geology and soils. There will be no significant adverse impacts to existing geology and soils, as the existing geology and soils are capable of supporting the amended Proposed Project.

S.A.2 In accordance with the New York State Department of Environmental Conservation (“NYSDEC”) New York State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Construction Activity (“GP-0-15-002”), an amendment to the Stormwater Pollution Prevention Plan (“SWPPP”) has been prepared along with an erosion and sediment control plan to ensure compliance with GP-0-15-002. Mitigation measures implemented during construction would include best management practices (BMPs) designed to control sediment and reduce the potential for soil erosion. Adherence to the New York State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Construction Activity, combined with the required SWPPP and implementation of BMPs, would further reduce potential soil erosion. The BMPs shall include, but not be limited to, those listed in the Findings Statement.

S.B. Topography

The amendment to the Proposed Project involves areas containing steep slopes. The steep slopes will require modifications to, and additional, grading and retaining walls. The inner wall along the parking lot access road will remain at 23 feet high, but will be reduced in length from 803 linear feet to 577 linear feet. The outer wall will be reduced in height from 20.5 feet to 10 feet, and reduced in length from 455 linear feet to 271 linear feet. The other changes to the retaining walls due to the amendment include the removal of 800 linear feet of wall between the main access road and the first parking section, and the increase in height of the wall between the second parking section and the new proposed access road and roundabout. These changes will

have a negligible impact on overall topography impacts.

Additional Mitigation Findings

- S.B.1 The retaining walls are required in some locations to avoid wetland disturbance and reduce the overall area of development. All retaining walls over four feet in height shall be designed by a licensed NYS engineer.
- S.B.2 The amendment to the Proposed Project will result in unavoidable impacts to topography through grading and excavation activities. An amendment to the SWPPP has been prepared to comply with the requirements of Section 97-46, “Steep Slope Regulations” and Chapter 53, “Clearing and Grading Control” of the Town Code. All erosion and sediment control plans will be reviewed by the Town of Goshen as part of amended Site Plan approval.

S.C. Surface Water Resources

The amendment to the Proposed Project does not include any additional disturbance to surface water resources than what was previously studied in the EIS.

Additional Mitigation Findings

- S.C.1 Stormwater runoff from the developed areas of the Project Site will be treated to ensure water quality will be consistent with NYSDEC regulations. This includes the preparation and implementation of an amendment to the site-specific SWPPP that complies with the requirements of the NYSDEC State Pollution Discharge Elimination System General Permit for Storm Water Discharges (GP-0-15-002). The amendment to the SWPPP will include specifications for operation, inspection, and maintenance of stormwater management practices as well as an Erosion and Sediment Control Plan, including additional erosion and sediment control facilities and practices than those in the original SWPPP. With the implementation of the SWPPP, and its amendment, and compliance with GP-0-15-002, potential adverse impacts to on-site or downstream water resources will be mitigated to the maximum extent practicable.
- S.C.2 The Project Sponsor proposes a conservation easement to ensure the permanent preservation of 149.5 acres of the site. The conservation easement area will include the majority of the onsite portion of NYSDEC wetland GO-41. The area within the conservation easement will be owned by the Project Sponsor, but the Town of Goshen will be the holder of the easement, as it would be in the best position to monitor and enforce the terms of the easement in the future for the benefit of Town residents and others. The conservation easement will be consistent with the Town Code definition of conservation easement (*i.e.*, perpetual restriction created in accordance with Article 49, Title 3 of the ECL and GML § 247) and will preclude future development within the easement, with the exception of necessary utility and access improvements.

S.D. Vegetation and Wildlife

The amendment to the Proposed Project has not significantly increased the overall development area from what was studied in the EIS and conditionally approved. The amendment involves 149.78 total acres of disturbance, compared to 149.9 acres in the previously conditionally approved Site Plan. Although the Town-owned lands will remain owned by the Town and will not be sold to the Project Sponsor, pursuant to a License Agreement with the Town of Goshen, the Project Sponsor will clear and grade those parcels as identified in the proposed amendment. The clearing and grading of the parcels was studied in the original EIS.

Tree clearing anywhere on the Project Site will only be conducted between November 1 and March 30 in order to avoid disturbance of any potential Indiana and Northern Long-eared bat habitat. Supplemental landscaping will be provided on the Town-owned land, and is proposed to include a mix of evergreens and deciduous trees and shrubs. Landscaping on the Project Site includes large canopy trees such as Red Maple, Honey Locust and Pin Oak to be planted at a minimum of 12' tall and 2 1/2" caliper.

Based on the removal of the Town-owned parcels from the Project Site, land originally proposed to be within the conservation easement (SBL 11-1-60) will no longer be included in said easement. The area of the parcel, approximately 0.6-acres, will remain under Town ownership. The amendment to the Proposed Project will reduce the Project Sponsor's obligation to place 150.1 acres of the site into a permanent conservation easement to 149.5 acres.

Additional Mitigation Findings

- S.D.1 A landscaping plan for the Town-owned lots, pursuant to the License Agreement with the Town of Goshen Town Board, has been proposed, which includes a mix of evergreens and deciduous trees and shrubs. This landscaping plan is subject to the approval of the Town Board.

- S.D.2 All onsite tree clearing will be conducted only between November 1 and March 31 – the hibernation period of the Indiana and Northern Long-eared bats – to avoid impacts to any active roost trees. Indiana and Northern long-eared bats generally hibernate in communal caves or old mine shafts, many of which have already been identified and protected by New York State. The Project Site does not provide hibernacula potential. Therefore, until the bats disperse to their summer range, tree clearing in the winter months will not negatively impact the bats' usage of the site. To off-set any potential incidental take of the Indiana and Northern Long-eared bat due to indirect effects, the Proposed Project would avoid disturbance of approximately 250 total acres of woodland on the Project Site that would provide Indiana and Northern Long-eared bats with potential foraging and roosting habitat. In addition to forest areas, there are also over 115 acres of wetland areas and 40 acres of successional fields that will also remain undisturbed.

- S.D.3 The Project Sponsor has incorporated into their tree planting plan at least 50 trees of types that are known to be favored by bats for roosting. (These 50 trees are incorporated into the 5,000 trees that the Project Sponsor will be planting on the Project Site.) These trees include shagbark and butternut hickory, black locust, and American elm. Unless

damaged trees are a danger to the visitors of the facility, snags, dead limbs, or other potential roosting habitat will be allowed to remain outside the facility until they no longer provide potential bat habitat. The trees planted by the Project Sponsor will range in caliper from 1” to 10”, depending on the requirements of the root systems, and subject to the review of the Town’s environmental consultant.

S.D.4 The Project Sponsor proposes the permanent conservation of 149.5 acres of the site through the placement of a conservation easement on portions of the property. The Project Sponsor will continue as owner of the conservation lands, but it is proposed that the Town of Goshen will be the holder of the easement, as it would be in the best position to monitor and enforce the terms of the easement in the future for the benefit of Town residents and others. The conservation easement terms would preclude future development within the protected areas, with the exception of necessary utility and access improvements.

S.E. Groundwater and Water Supply

There are no impacts to the projected water demand from the amendment to the Proposed Project. Water supply to the Project as an outside user will remain as conditionally approved from the Village of Goshen. The Project Sponsor will not utilize any water from onsite wells, either during construction or during the operation of the facility.

The proposed water storage tank has been shifted 63 feet to the east, within the CR Overlay District, away from the western property line. The tank has been resized to 48’ diameter and 42’ in height to maintain a minimum pressure of 20 psi at ground level at all points in the distribution system under all conditions of flow. Previously, the tank was approved at 50’ diameter and 38’ in height.

Additional Mitigation Findings

S.E.1 The revised water tank profile will not have a significant adverse impact on the visual impacts of the project. The slightly thinner profile and increased four-feet in height will have little discernable impact to the applicable Viewshed corridors, as demonstrated by the cross-section analysis.

S.E.2 The Project Sponsor will not to use groundwater from the Project Site. The Project Sponsor will close and abandon existing onsite wells on its property (not including the Town-owned parcels) in accordance with NYS Health Department and/or American Water Works Association (AWWA) procedures and provide the Town of Goshen with a certification upon well abandonment. Obtaining water service from the Village of Goshen, an existing Public Water System, will avoid potential Project impacts to groundwater on the Project Site. Therefore, no significant adverse impacts to groundwater resources will occur.

S.F. Wastewater Management

There are no impacts to the projected wastewater generation from the amendment to the Proposed Project. The Village of Goshen has approved the Project as an outside user of its Wastewater Treatment Plant, and plans for the extension of the sewer main in Harriman Drive have been prepared. No additional mitigation measures are required.

S.G. Stormwater Management

In New York State, construction activities involving soil disturbances of one (1) or more acres of land, which discharge to surface waters of the State, require coverage under the NYS Department of Environmental Conservation (DEC) State Pollution Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity Permit No. GP-0-15-002.

The amendment to the Proposed Project will disturb more than one (1) acre of land and requires coverage under the NYSDEC SPDES General Permit for Storm Water Discharges from Construction Activity. The amendment will involve 149.78 acres of disturbance and 76.63 acres of impervious surface. The overall acreage of disturbance has not significantly increased, so a revised SWPPP is not required; however, an amendment to the SWPPP has been provided, describing the stormwater management practices in the areas of the modifications from the previously approved Site Plan, in addition to increased soil erosion and sediment control facilities and practices. Revised post-development stormwater model and stormwater practice calculations have also been submitted.

Additional Mitigation Findings

S.G.1 An amendment to the SWPPP has been prepared in conformance with the NYS technical standards and submitted to the Town. As final plans for this amendment are developed, the SWPPP will be updated and reviewed as part of Amended Site Plan approval.

S.G.2 A landscaping plan for the Town-owned lots has been proposed, pursuant to the License Agreement with the Town of Goshen Town Board, which is also recommended as a natural way to reduce stormwater runoff. This landscaping plan is subject to the approval of the Town Board.

S.H. Traffic

The amendment to the Proposed Project involves modifications to parking areas and internal access drives. It will not impact the main access road, or the previously approved changes proposed to Harriman Drive and New York State Route 17.

The amendment provides 3,972 total parking spaces – 3,393 on grade and 579 will be located in a parking deck – for the main guest parking lot. This total represents an increase of only four spaces from the previously approved Site Plan. All bus parking has been removed from the main guest lot and relocated to the back-of-house parking area.

The proposed hotel parking lot will contain 258 parking spaces, which represents an increase of

only six parking spaces. The back-of-house parking area will contain 593 parking spaces, and 50 bus parking spaces. This is reduction of 12 paved car parking spaces in this area, and an overall reduction in bus parking on the site from 70 to 50 spaces. No land-banked spaces are proposed as part of this amendment. Charter busses will be required to call ahead to reserve a parking space on the Project Site, and those that do not will be asked to park at an alternative location after customer drop-off. The proposed parking deck is now in the second guest parking bay, which is an additional 400 feet west of the previously approved location.

A revised auto-turn analysis was provided, demonstrating that emergency service vehicles and busses can circulate and navigate through the revised road layout and into the new bus parking area in the back-of-house area.

Additional Mitigation Findings

The following is a list of additional mitigation measures to offset the impacts from the amendment to the Proposed Project:

S.H.1 A Transportation System Management Program (TSMP) will be prepared consistent with the Findings Statement. In addition to enumerating ways to encourage use of mass transit and the use of message boards and interactive traffic information updates, the TSMP shall also include a Parking Operations Plan detailing both vehicular (car, bus, truck and staff) and pedestrian flows from parking areas to Project Entranceways, and discussing parking operations such as the use of flag men to direct parking to ensure efficiency and safety; timing for the reversible third lane of the main access road; access control to each of the parking areas; and loading and temporary drop-off/pick-up areas.

S.H.2 A Post Implementation Monitoring Study shall be completed within the first year of operation in accordance with the Findings Statement, providing traffic volume data and information to confirm the Projections of the Traffic Study and parking allocations and assumptions.

S.I. Noise

Noise measurement surveys were conducted at locations (receptors) on and off the site to provide a representative sampling and to identify ambient noise levels in the area as discussed in the EIS. The amendment to the Proposed Project does not locate any structures, roadways or parking spaces significantly closer to surrounding structures than what was previously studied and approved. Therefore, no additional mitigation measures are required.

S.J. Utilities and Solid Waste Disposal

The existing Orange and Rockland Utilities, Inc. (O&R) transmission line will provide electrical service to the Project Site. The amendment to the Proposed Project includes the addition of natural gas utilization on the Project Site, due to the determination of the New York State Electric and Gas Corporation (“NYSEG”) to provide an underground natural gas service line

within Harriman Drive. As this was not previously available, it was not considered in the Findings Statement.

The amendment to the Proposed Project will have no additional impacts on the disposal of solid waste.

Additional Mitigation Findings

S.J.1 The use of natural gas from the NYSEG service line in Harriman Drive will alleviate the need for propane delivery, and the related vehicular trips for such delivery, and propane storage for generators on site, marginally reducing traffic impacts.

S.J.2 Adequate infrastructure and capacity exist to serve the electricity and gas needs of the Proposed Project and this amendment. No off-site improvements or upgrades will be required to make electric utility connections. The Project Sponsor shall be required to relocate utility poles along Harriman Drive due to the proposed road widening.

S.K. Land Use and Zoning

The Proposed Action has been evaluated for compatibility with existing and future land uses within one-mile of the Project Site, and consistency with applicable zoning ordinances and other public policy documents, including but not limited to the proposed amended Town of Goshen Comprehensive Plan and Open Space and Farmland Protection Plan; the Southern Wallkill Biodiversity Plan; and the Orange County Comprehensive Plan and Open Space Plan. Since the Findings Statement was adopted, the Town enacted Local Laws 2 and 3 of 2017, which amended the Town Comprehensive Plan and created a Commercial Recreation (“CR”) Overlay District.

The amended Project Site (excluding the Town-owned parcels) continues to be located in the Town’s Rural (RU) and Hamlet Residential (HR) Zoning Districts, and within the CR and AQ-3 Aquifer Overlay District. Portions of the site are located within the Stream Corridor and Reservoir Watershed Overlay District and Scenic Road Corridor Overlay District.

This amendment to the Proposed Project shifts the water storage tank 63 feet to the east, which locates it within the boundary of the CR Overlay District, and increases the distance between the tank and the nearest property line.

Additional Mitigation Findings

S.K.1 The newly enacted Commercial Recreation (“CR”) Overlay District is located on the Project Site with a 100-foot area along the boundary of the site (which will provide a zoning buffer around the entire site adjacent to surrounding properties). The Proposed Project, and this amendment, is subject to the requirements set forth in this local law.

S.K.2 Town Code § 97-29.1(G)(4) provides for dimensional development standards, including minimum setbacks, if the Planning Board does not otherwise approve setbacks applicable. With the removal of the Town-owned parcels from the Proposed Project, it is

the intention of the Planning Board to approve the minimum setbacks as shown upon the amended site plan.

S.K.3 There will be no modifications within the Scenic Road Overlay District, which runs along the Project's frontage on Arcadia Road and Conklingtown Road, by the amendment to the Proposed Project. It remains that no disturbance will occur within the overlay district on Conklingtown Road, and while the visual analysis provided in the DEIS, FEIS and cross-sections shows that the Project may be visible from locations along Arcadia Road, only minor clearing at the point of the emergency access road will be required within the overlay district in that location. The Project is in compliance with the requirements of the Scenic Road Corridor Overlay District. No significant adverse impacts are anticipated to this overlay district.

S.L. Community Services

The amendment to the Proposed Project involves the removal of the Town-owned parcels from the Project Site, the modification of the proposed guest parking lot and internal access drives to exclude any development on land that will remain owned by the Town, and a shift in the location of the water storage tank 63 feet to the east. There is no significant change to the expansion of the previously reviewed and approved development footprint, and no impact to the emergency access road. A revised vehicle turning analysis was provided, demonstrating that road widths and turning radii have been designed to meet all applicable fire codes and accommodate the largest Goshen Fire District vehicle.

With the inclusion of the mitigation measures set forth in the Findings Statement, no additional impacts are anticipated to community services, and no additional mitigation measures are required.

S.M. Fiscal and Economic Impacts

Merlin withdrew its offer to purchase the Town-owned parcels. Therefore, the Town will maintain ownership of those properties, and will not receive \$60,000 for the land, or the additional \$60,000 for the development of the two well parcels (\$30,000 per well), although Merlin has agreed to still donate the two wells to the Town, and associated land and easement areas, that were previously conditioned on the sale of the Town-owned parcels. The Project Site is now made up of two tax parcels.

No changes have been made to the Project Sponsor's Host Community Benefit Agreement with the Town of Goshen.

The amendment to the Proposed Project has not impacted the estimated number of full-time, part-time, seasonal and construction jobs.

The Project Sponsor has entered into a 20-year Payment in Lieu of Taxes (PILOT) agreement with the Orange County Industrial Development Agency (IDA) for the Proposed Action, which will provide a tax exemption that increases tax payments each year to each jurisdiction. The

PILOT agreement does not apply to special district taxes and therefore the Project Sponsor will pay 100% of the taxes to the Goshen Fire District. These payments are a significant increase over that which the property is currently generating for each of the various taxing jurisdictions and are sufficient to cover the costs of municipal services provided.

S.N. Visual Resources

The amendment to the Proposed Project does not locate the edge of the development any closer to the neighboring residential developments. The water storage tank is being relocated 63 feet to the east, further away from the project boundary line with an adjacent owner. Due to the relocation of the tank, it has been resized to 48' diameter and 42' in height (compared to 50' wide and 38' in height as previously approved). The minor change is the size of the tank is required in order to maintain a minimum pressure of 20 psi at ground level at all points in the distribution system under all conditions of flow. As shown on the cross-section analysis, the visual impact of the revised water storage tank is indiscernible from that which was previously approved.

Additional Mitigation Findings

- S.N.1 All improvements shall be located at least 1,000 linear feet from the eastern project boundary line, excluding any interior boundary lines for the Town-owned or the wireless facility properties. Land along most of the eastern property line shall be placed in a conservation easement to preserve this area from future development in perpetuity, as shown on the conservation easement map. The combination of both distance and undisturbed natural vegetation will reduce visual impacts.
- S.N.2 Some visibility of the Project and this amendment is anticipated from certain of the vantage points selected by the Planning Board for review. In particular, portions of the Proposed Project will be visible from Arcadia Road, Harriman Drive, NYS Routes 17 and 17M, and some areas of the Arcadia Hills subdivision. However, this visibility will be mitigated as noted, and will not result in a significant adverse visual impact.
- S.N.3 The Administration and Maintenance buildings (*i.e.*, back-of-house facilities) shall be set back a minimum of 500 feet from Harriman Drive and orientated with the narrowest portion of the building facing Harriman Drive to reduce visibility from Harriman Drive, NYS Route 17 and NYS Route 17M at full build out of each building.

S.O. Environmental Contamination

No records were identified for the Project Site on NYSDEC's environmental website database, and no new records were found relative to this amendment of the Proposed Project.

Additional Mitigation Findings

S.O.1 The Applicant shall continue to lawfully dispose of the existing solid waste located on the Project Site as identified in the Findings Statement (*i.e.*, trash, construction debris, tires, and other miscellaneous household waste items).

S.O.2 Given that the prior soils samples collected were found to be below all NYSDEC Soil Cleanup standards in the Phase II investigation and the majority of the areas which had the potential for contamination are to be removed from the site during construction, no additional soils samples were required, and no mitigation measures are required. No adverse impacts related to environmental contamination are anticipated.

S.P. Cultural Resources

The amendment to the Propose Project does not include any modifications near the previously identified Archaeological Sites. Therefore, no additional mitigation is required.

S.Q. Agricultural

The Project Site is located within Orange County Agricultural District #2. County Agricultural Districts 1 and 2 were created in November 1972 to encourage agricultural activities to continue on agriculturally viable land. Parcels 11-1-46 and 15-1-59 were both previously used for agricultural purposes, although more recently only minor haying has occurred on these properties. As the clearing and grading of the site has commenced, and it is not being used for agricultural purposes, the parcels will not be permitted to seek an agricultural assessment reduction. As stated in the Findings Statement, per the NYS Department of Taxation, a payment for conversion of the land will be required which is equal to five times the taxes saved in the most recent year that the land received an agricultural assessment. In addition, interest of 6 percent per year compounded annually will be added to the payment amount for each year that the land received an agricultural assessment, not exceeding five years.

Additional Mitigation Findings

S.Q.1 The location of the Project Site in an agricultural district does not preclude or otherwise restrict non-agricultural development on the property. Both the present zoning, and the proposed rezone overlay district allow non-agricultural development. Given that no farming currently takes place on the site and that much of the area once suitable for farming has been disturbed, no significant adverse impacts to agricultural resources are anticipated.

S.Q.2 The Proposed Project is likely to have a positive, although limited, impact on local farms based on the Project's need for fresh fruits and vegetables for onsite restaurants and the expressed desire of the Project Sponsor to purchase from local suppliers whenever possible.

S.R. Air Quality

The amendment to the Proposed Project will result in a negligible increase in the number of vehicle trips at the site, due to the bus parking being relocated from the main parking lot to the back-of-house area, which is the only anticipated air quality impact. No significant adverse environmental impacts from this amendment are anticipated.

Additional Mitigation Findings

S.R.1 Emissions from vehicles generated by the amendment to the Proposed Project are an unavoidable adverse impact, but are not considered a significant impact to air quality as none of the Project related or induced mobile source emissions exceed the volume threshold criteria for either carbon monoxide or particulate matter established by NYSDOT, and the proposed traffic improvement plan is anticipated to reduce traffic congestion of visitors to the Proposed Project by providing a direct connection onto Harriman Drive from Route 17; reducing idling times in favor of the free-flow of vehicles has been shown to reduce impacts to air quality.

S.R.2 Best Management Construction Practices will continue to be employed during construction activities to reduce the potential for fugitive dust generation at the site. Stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction site. Tracking pads would be established at construction exits to prevent dirt from being tracked onto roadways. Any truck routes within the site would be either watered as needed or, in cases where such routes would remain in the same place for an extended duration, the routes would be stabilized, covered with gravel, or temporarily paved to avoid the re-suspension of dust. During dry weather, exposed soil areas (unpaved access roads, soil piles, staging areas etc.) would be watered at least once per day to control fugitive dust. All trucks hauling loose material would have their loads securely covered prior to leaving the construction sites. To minimize fugitive dust emissions, vehicles on-site would be limited to a speed of 10 mph. Truck idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes consistent with NYSDEC regulations.

S.S. Construction

The amendment of the Proposed Project will not cause a change in the overall construction schedule. Full build-out will continue to occur in accordance with the approved Phasing Plan, which is broken down into Phases 1A, 1B, 1C and 2. Phase 1A consists of all off-site traffic improvements. Phase 1B consists of construction in the northeast corner/back-of-house area. Phase 1C consists of the main park area and main guest parking lot, and Phase 2 will consist of the SeaLife Aquarium. The area on the amended site plan designated for the SeaLife Aquarium will be graded and seeded as part of Phase 1C, but will remain grass until the construction of Phase 2 commences. As noted in the Findings Statement, construction activities on the Project Site could result in temporary impacts associated with noise, air quality (dust), and construction truck traffic. No further mitigation measures, in addition to those contained in the Findings Statement, and amended SWPPP, are warranted.

S.T. Growth Inducing Impacts

Potential growth inducing impacts from the amendment of the Proposed Project were evaluated, including the construction of the Proposed Project itself, as well as extension of public water and sewer lines. No further mitigation measures, in addition to those contained in the Findings Statement, are warranted as a result of the amendment.

Certification of Approval of Findings

Having considered the Draft and Final Environmental Impact Statements, public comments made in connection with the public hearings, the public comment period on the EIS, and the Amended SEQR Narrative, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Supplemental Statement of Findings certifies that:

1. The Planning Board has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final Environmental Impact Statements and Amended SEQR Narrative; and
2. The Planning Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including effects disclosed in the environmental impact statement; and
4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

These Findings, which provide a rationale for the Planning Board's decision, and all actions set forth herein, shall be incorporated in any further approvals related to the Project and shall be deemed a part of any approvals given to the Project. These Findings shall be filed with the Town of Goshen Planning Board; all Involved and Interested Agencies as identified in the EIS, any person who has requested a copy, and the Applicant. A Copy of this Supplemental Findings Statement shall be forwarded to and maintained by the Building Department Clerk of the Town of Goshen and placed on the Town's website so that they are readily accessible to the public and made available on request.

Dated:

Signed by: _____
Lee Bergus, Chair
Town of Goshen Planning Board

A copy of this Notice is being sent to the following agencies:

LEAD AGENCY

(To be kept on file and made available for public review in the building department and on the Town's website)

Town of Goshen Planning Board
41 Webster Avenue
Goshen, New York 10924
Contact: Lee Bergus, Chairman
(845) 294-6430

INVOLVED AGENCIES

NYS Dept of Environmental Conservation
Div. of Environmental Permits – Region 3
625 Broadway
Albany, New York 12233-1010

NYS Dept of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561

NYS Dept of Transportation, Region 8
4 Burnett Boulevard
Poughkeepsie, New York 12601
Contact: Todd Westhuis, PE, Regional
Director

Empire State Development Corporation
Mid-Hudson Regional Office
33 Airport Center Drive, Suite 201
New Windsor, New York 12553
Contact: Meghan Taylor, Mid-Hudson
Regional Director

Orange County Department of Health
1887 County Building
124 Main Street
Goshen, New York 10924
Contact: Edwin Sims, PE, Acting Director

Orange County Industrial Development
Agency
4 Crotty Lane
New Windsor, New York 12553
Contact: Robert Armistead, Chairman

Town of Goshen Town Board
41 Webster Avenue
Goshen, New York 10924
Contact: Douglas Bloomfield, Supervisor

Town of Goshen Highway Department
41 Webster Avenue
Goshen, New York 10924
Contact: Broderick Knoell, Superintendent

Village of Goshen
276 Main Street
Goshen, New York 10924
Contact: Kyle Roddey, Mayor

INTERESTED AGENCIES

U.S. Army Corps of Engineers
26 Federal Plaza
Jacob Javits Building
New York, New York 10278

U.S. Fish and Wildlife Services
New York Field Office
3817 Luker Road
Cortland, New York 13045

Federal Highway Administration
New York Division Office
Leo W. O'Brien Federal Building, Rm 719
11A Clinton Avenue
Albany, New York 12207

NYS Dept of Agriculture & Markets
10B Airline Drive
Albany, New York 12235

NYS Office of Parks, Recreation and
Historic Preservation
Post Office Box 189, Peebles Island
Waterford, New York 12188

Orange County Dept of Planning
1887 County Building
124 Main Street
Goshen, New York 10924

Orange County Dept of Public Works
2455-2459 Route 17M
P.O. Box 509
Goshen, New York 10924

Orange-Ulster BOCES
53 Gibson Road
Goshen, New York 10924

Goshen Central School District
227 Main Street
Goshen, New York 10924

Town of Goshen Environmental Review
Board
41 Webster Avenue
Goshen, New York 10924

Goshen Fire Department
P.O. Box 946
Goshen, New York 10924

Town of Goshen Police Department
44 Police Drive
P.O. Box 217
Goshen, New York 10924

Village of Goshen Police Department
1 Grand Street
Goshen, New York 10924

Goshen Volunteer Ambulance Corp.
P.O. Box 695
Goshen, New York 10924

Town of Chester
1786 Kings Highway
Chester, New York 10918

Village of Chester
47 Main Street
Chester, New York 10918

Village of Kiryas Joel
P.O. Box 566
Monroe, New York 10949

Town of Wallkill
99 Tower Drive, Building A
Middletown, New York 10940

Environmental Notice Bulletin – via email
enb@gw.dec.state.ny.us