

**RESOLUTION ADOPTING A POSITIVE DECLARATION**

WHEREAS, an application was made to the Planning Board of the Town of Philipstown for approval of a conservation subdivision and related approvals for a project described as the "Hudson Highland Reserve" on certain real property located on the east side of Route 9 between Horton Road and East Mountain Road North, in the Town of Philipstown, New York; and

WHEREAS, the applicant has submitted a fully executed long form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the project the Planning Board received and considered technical memoranda from the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application was held at which all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has carefully considered all information submitted by the Applicant as well as the comments from the public, the reports of the Town's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board has identified potential significant adverse environmental impacts and hereby determines that an Environmental Impact Statement ("EIS") must be prepared as per the accompanying Positive Declaration; and

WHEREAS, the Planning Board's consultants have prepared a proposed EAF Part III;

NOW, THEREFORE, be it resolved as follows:

1. That the Planning Board does hereby adopt the said EAF Part III; and



2. That the Planning Board does hereby adopt the attached Positive Declaration, and that an Environmental Impact Statement ("EIS") must be prepared by the applicant to evaluate and mitigate the potential significant adverse environmental impacts presented by the project and to investigate the feasibility and suitability of alternatives.

Neal Zuckerman presented the foregoing resolution which was seconded by Kim Conner.

The vote on the foregoing resolution was as follows:

Peter Lewis, Board Member Aye

Neal Zuckerman, Board Member Aye

Dennis Gagnon, Board Member Aye

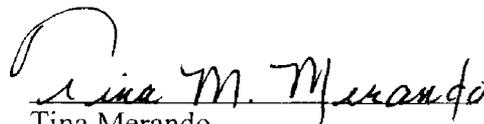
Dave Hardy, Board Member Aye

Neal Tomann, Board Member Aye

Kim Conner Board, Member Aye

Anthony Merante, Chairman Aye

Filed in the Office of the Town Clerk on this 8<sup>th</sup> day of June, 2018.

  
Tina Merando  
Town Clerk

6/6/18 

**State Environmental Quality Review  
POSITIVE DECLARATION  
Notice of Intent to Prepare a Draft EIS  
Determination of Significance**

**Date:** June 6, 2018

**Project Address:** Easterly side of Route 9 generally between Horton Road and East Mountain Road North, Town of Philipstown, NY

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

The Town of Philipstown Planning Board, as lead Agency, has determined that the Proposed Action will have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

**Name of Action:** Hudson Highlands Reserve

**SEQRA Status:**      **Type I**  |  
   **Unlisted**  |

**Scoping:** No  | Yes  | **If yes, indicate how scoping will be conducted.** A public meeting will be held for the purpose of eliciting comments on the Draft Scope. The meeting will take place at 7:30pm on June 21, 2018 at Old VFW Hall – 34 Kemble Avenue, Cold Spring, NY 10516. Additionally, written comments will be accepted until June 21, 2018.

**Description of Action:**

Horton Road, LLC (the “Applicant”) is seeking approval of a Conservation Subdivision (the “Proposed Action”) pursuant Section 175-20 of the Town of Philipstown Code to facilitate the creation of 25 single family residential lots (each approximately one acre in size) and a large common area on approximately 210 acres in the Town of Philipstown, Putnam County, New York (the “Proposed Project”). A portion of the proposed common area would contain an approximately 30-foot tall, approximately 60,000-square-foot equestrian center accommodating approximately 40 horses, the approval of which is part of the action; with the remainder proposed as open space to be protected by a conservation easement. The Project Site is generally located on the east side of Route 9 between Horton Road on the south and East Mountain Road North on the north, and comprises six tax parcels designated on the Town of Philipstown’s Tax Map as parcels 17.-1-76.112 (86.876 ac), 17.-1-77.2 (27.706 ac), 17.-1-39 (20.192 ac), 17.-1-76.21 (20.824 ac), 17.-1-76.111 (50.003 ac), and 17.-1-48 (4.5 ac). In order to accommodate the proposed common entry road from Route 9 into the Proposed Project, a lot line adjustment / rezoning is proposed for the 4.5 acre commercial lot fronting Route 9 (17.-1-

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48). This parcel will otherwise remain commercial. The following zoning districts are mapped on the Project Site: RR-Rural Residential, M-Industrial/Manufacturing, HC-Highway Commercial, OSO-Open Space Conservation, CCA-Clove Creek Aquifer Overlay, Regional Aquifer, SPO Scenic Protection Overlay (partial). As part of the application, a petition has been submitted to the Town Board to change the zoning of a portion of the subject property from "Industrial/Manufacturing" (M) to "Rural Residential" (RR).

**Location of Action:** Easterly side of Route 9 between Horton Road and East Mountain Road North, Town of Philipstown, NY

**Reasons Supporting this Determination:**

After considering the Proposed Action and reviewing the Full Environmental Assessment Form (FEAF) prepared by the Applicant and the criteria for determining significance in the SEQRA regulations (6NYCRR §617.7(c)), the Town of Philipstown Planning Board finds that the Proposed Action may have a significant impact on the environment based on the following findings:

1. The Proposed Action would be the Town's first Conservation Subdivision and represents a change in land use from currently forested land. The potential significant adverse environmental impacts of this change require additional assessment beyond what was presented in the FEAF. The potential impacts of the combined use of residential subdivision and large-scale equestrian facility related to consistency with adopted land use plans and the predominant community character of the area (architectural scale, natural landscape, etc) should be assessed..

2. There are significant surface water bodies and watercourses on or near the Project Site, including Ulmar Pond and Clove Creek. The Proposed Action would introduce new impervious surfaces to the Project Site in the form of structures, access roads, and residential lots. The Applicant's current proposal contemplates residential lots along the vast majority of the perimeter of Ulmar Pond and up-gradient of Clove Creek. Therefore, stormwater runoff and soil erosion resulting from new impervious surfaces in the form of structures, access roads and residential lots may impact these surface water bodies and watercourses. In addition, these surface waters may be impacted by the introduction of fertilizers and pesticides associated with residential uses, and the introduction of waste (horse manure, antibiotics, etc.) associated with the proposed equestrian center.

3. The Proposed Action would result in an increased demand for potable water. The Applicant is proposing to drill new wells on the Project Site which may impact groundwater supply. The leeching of waste associated with the proposed equestrian center (horse manure, antibiotics, etc.), the application of fertilizers and pesticides on residential lots, and the proposed communal septic system also has the potential to impact groundwater.

4. A small portion of the Project Site contains a designated floodway adjacent to Clove Creek, and a small isolated wetland area exists adjacent to the proposed entrance road. Potential impacts to these areas from the Proposed Project should be assessed.

5. The Proposed Action may result in forest fragmentation which could impact habitat for wildlife such as the Eastern Box Turtle, Eastern Hognose, Eastern Worm Snake, and Red-shouldered Hawk, which have been identified as species of special concern.

6. The Proposed Action would introduce new hillside development with the potential for impacts on aesthetic resources including sensitive viewpoints around the Project Site, including the Town's Scenic Road Overlay. Further, the uniform nature of the building lots and sizes of the homes (relative to the guidelines for conservation subdivisions), as well as the size and magnitude of the proposed equestrian facility's use, raises concerns over the compatibility with community character as well as concerns over aesthetic, visual and other impacts.

7. The FEAF does not address potential alternatives in regard to use and development of the property.

**For Further Information**

**Contact Person:** Anthony Merante, Planning Board Chair

**Address:** 238 Main Street, Cold Spring, NY 10516

**Telephone Number:** (845) 265-5200

**Copy of this Notice must get sent to:**

**The Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1750**

**Chief Executive Officer, Richard Shea, Supervisor of the Town of Philipstown**

**All involved agencies**

**Any person requesting copy**

**Applicant:** Horton Road, LLC

**Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750.**

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Refer to the separate Positive Declaration and Planning Board Resolution

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:     Part 1             Part 2             Part 3

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 6/8/18 *[Signature]*

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Conservation Analysis

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Philipstown Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

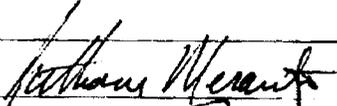
Name of Action: Hudson Highlands Reserve

Name of Lead Agency: Town of Philipstown Planning Board

Name of Responsible Officer in Lead Agency: Anthony Merante

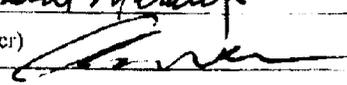
Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency:



Date: 6/6/18

Signature of Preparer (if different from Responsible Officer)



Date: 6/6/18

**For Further Information:**

Contact Person: Anthony Merante

Address: 238 Main Street, Cold Spring NY 10516

Telephone Number: 845-265-5200

E-mail: amerante@philipstown.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

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