APPENDIX 1

SEQRA DOCUMENTATION

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☑ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Windham Mountain Sporting Club
Name of Action

Town of Windham Planning Board
Name of Lead Agency

Maureen Anshanslin
Print or Type Name of Responsible Officer in Lead Agency

Chairwoman
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

1.21.10
Date

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action The Windham Mountain Sporting Club

Location of Action (include Street Address, Municipality and County)

Trailside Road, T/O Windham, Greene County

Name of Applicant/Sponsor Tuck Eastside Partners, L.P. , attn. Mr. Thomas B. Wilcock

Address 34 Salisbury Road

City / PO Darien State CT Zip Code 06820

Business Telephone (203) 258-6747

Name of Owner (if different) Same as Applicant/Sponsor

Address

City / PO State Zip Code

Business Telephone

Description of Action:

The project is a multi-phase residential development located to the north and east of Windham Mountain ski area. The project site consists of 464.6 acres and is accessed by Trailside Road (off South Street) and also by Panorama Lane (also off South Street). Panorama Lane and a portion of Trailside Road are actually within the project site. Proposed residential units are primarily single-family (169 units) with some townhouses (87 units) and condominiums (89 units). Amenities include a Member's Lodge and clubhouse that will contain a private lounge, restaurant, bar, kitchen, ski-storage and a full-service spa facility, as well as condominiums above, and a Wellness Center that consists of tennis, swimming pool and associated decks, indoor exercise area with climbing wall, squash courts and aerobics/pilates areas. The project will also include two ski lifts that will transport skiers to existing Windham Mountain ski trails that are on the property under easements to Windham Mountain. No new ski trails are proposed as part of this project. Approximately 60% of the property will remain as wooded open space. Ample room with suitable slopes exists on the property to locate on-site stormwater management controls. Water supply and wastewater disposal will make use of municipal supplies/facilities, with on-site utility infrastructure to be owned and maintained by private transportation corporations. Roads will be constructed to Town standards, but will be privately owned and maintained. An expanded project description is part of the Sketch Plan application to the Town of Windham Planning Board.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
   ☒ Forest ☐ Agriculture ☒ Other meadow/old field
   ski slopes
   paved, dirt & logging roads

2. Total acreage of project area: 464.6 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	35.25 acres	35.29 acres
Forested	406.73 acres	333.96 acres
Agricultural (Includes orchards, cropland, pasture, etc.)	0 acres	0 acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	0 acres	0 acres
Water Surface Area	0.10 acres	0.10 acres
Unvegetated (Rock, earth or fill)	4.75 acres	4.75 acres
Roads, buildings and other paved surfaces	2.08 acres	74.81 acres
Other (Indicate type) ski trails	15.69 acres	15.69 acres

3. What is predominant soil type(s) on project site?
   a. Soil drainage: ☒ Well drained 97 % of site ☐ Moderately well drained ____% of site.
   ☒ Poorly drained 3 % of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No
   a. What is depth to bedrock 0 to >35 (in feet)

5. Approximate percentage of proposed project site with slopes:
   ☒ 0-10% 9 % ☒ 10- 15% 11 % ☒ 15% or greater 80 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? 0 to >6 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☒ Yes ☐ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

New York Natural Heritage Program and multiple flora and fauna surveys by qualified botanist and wildlife scientists.

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☒ Yes ☐ No

If yes, explain:

A portion of the Wanderer, Why Not, Wing'n It and Wonderfully Wicked ski trails of Windham Mountain exist on the project site.

14. Does the present site include scenic views known to be important to the community? ☒ Yes ☐ No

There are views into Cave Mountain, including Windham Mountain ski area, from various locations.

15. Streams within or contiguous to project area:

Unnamed Class C tributary of the Batavia Kill

a. Name of Stream and name of River to which it is tributary

Batavia Kill

16. Lakes, ponds, wetland areas within or contiguous to project area:

There are two very small ponds, one partially on the site and one fully on the site, that are believed to have been previously used to water livestock on the property.

b. Size (in acres):

0.1 total

17. Is the site served by existing public utilities? ■ Yes ☐ No

a. If **YES**, does sufficient capacity exist to allow connection? ■ Yes ☐ No

b. If **YES**, will improvements be necessary to allow connection? ■ Yes ☐ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ■ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ■ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ■ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 464.6 acres.

b. Project acreage to be developed: 100.05 acres initially; 100.05 acres ultimately.

c. Project acreage to remain undeveloped: 364.55 acres.

d. Length of project, in miles: N/A (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. N/A %

f. Number of off-street parking spaces existing 0 ; proposed 213+

g. Maximum vehicular trips generated per hour: 118 (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	76		29	27
Ultimately	169		87	89

i. Dimensions (in feet) of largest proposed structure: 72 height; 139 width; 360 length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 100 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed ■ Yes ☐ No ☐ N/A

a. If yes, for what intended purpose is the site being reclaimed?

landscaping, lawn areas around buildings, meadow/brush vegetation under transport lifts

b. Will topsoil be stockpiled for reclamation? ■ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ■ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 76.02 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: _____ months, (including demolition)

7. If multi-phased:

   a. Total number of phases anticipated 3 (number)

   b. Anticipated date of commencement phase 1: Apr month 2011 year, (including demolition)

   c. Approximate completion date of final phase: Oct month 2021 year.

   d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☒ Yes ☐ No

9. Number of jobs generated: during construction 561 ; after project is complete 123

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☒ Yes ☐ No

   a. If yes, indicate type of waste (sewage, industrial, etc) and amount sewage, 108,041 gpd (max.)

   b. Name of water body into which effluent will be discharged Batavia Kill - existing Windham WWTP

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☒ Yes ☐ No

   a. If yes, what is the amount per month? 45 tons

   b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No

   c. If yes, give name Greene Co. Transf. Sta ; location Mitchell Hollow Rd.,Windham

   d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

electric, LP gas

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 108041 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	☒ Yes	☐ No	sewer allocation	pending
			transportation corporation	pending
City, Town, Village Planning Board	☒ Yes	☐ No	site plan approval	October 2009
			subdivision approval	October 2009
City, Town Zoning Board	☐ Yes	☒ No		
City, County Health Department	☐ Yes	☒ No		
Other Local Agencies	☒ Yes	☐ No	Greene Co. Highway	pending
			Greene Co. Planning	pending
Other Regional Agencies	☒ Yes	☐ No	NYCDEP - stormwater	pending
			& wastewater	
State Agencies	☒ Yes	☐ No	DEC - storm,WSA,WQC	pending
			possibly DOT	
			DOH - realty subdivision	pending
Federal Agencies	☒ Yes	☐ No		
			US Army Corps of	
			Engineers - waters/wetlands	pending

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment	☐ Zoning variance	☐ New/revision of master plan	☒ Subdivision
☒ Site plan	☐ Special use permit	☐ Resource management plan	☐ Other

2. What is the zoning classification(s) of the site?

N/A

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ■ Yes ☐ No

2002 Comprehensive Plan: capitalize on tourism asset by providing further commercial and residential development to support this industry

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Land uses in the area include single family housing, a proportion of which are second homes, commercial development on Main Street and South Street, and Windham Mountain area which abuts the project site to the west. Other recreational land uses in the area include Windham Country Club and Windham's Mountain's off-mountain recreation area.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ■ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? 238

   a. What is the minimum lot size proposed? 0.34 (building), 0.05 (open space)

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☒ Yes ☐ No

A district will be needed for the water service extended into the site, and possibly also for the wastewater collection on the site which will connect with existing sewer lines and the existing Windham treatment plant.

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☒ Yes ☐ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☒ Yes ☐ No

Sight distance improvements may be needed at South Street.

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Tuck Eastside Partners, LP Date 9-21-09

Signature

Title

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

1. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
2. **Maybe** answers should be considered as **Yes** answers.
3. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
4. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
5. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
6. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
1. Will the Proposed Action result in a physical change to the project site?	☐ NO	☒ YES	
Examples that would apply to column 2			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☐	☒	☒ Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☐	☒	☒ Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐ Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☐	☒	☒ Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☐	☒	☒ Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐ Yes ☐ No
• Construction or expansion of a sanitary landfill.	☐	☐	☐ Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐ Yes ☐ No
• Other impacts Alteration of existing drainage patterns	☐	☒	☒ Yes ☐ No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological)	☒ NO	☐ YES	
• Specific land forms _____	☐	☐	☐ Yes ☐ No

IMPACT ON WATER

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change	
3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) ☐ NO ☒ YES				
Examples that would apply to column 2				
• Developable area of site contains a protected water body.	☐	☒	☒ Yes	☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐ Yes	☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐ Yes	☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☒	☒ Yes	☐ No
• Other impacts _____	☐	☐	☐ Yes	☐ No
4. Will Proposed Action affect any non-protected existing or new body of water? ☐ NO ☒ YES				
Examples that would apply to column 2				
• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	☐	☐	☐ Yes	☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐ Yes	☐ No
• Other impacts Construction of Storm Water Management Ponds	☐	☒	☒ Yes	☐ No
5. Will Proposed Action affect surface or groundwater quality or quantity? ☐ NO ☒ YES				
Examples that would apply to column 2				
• Proposed Action will require a discharge permit.	☐	☐	☐ Yes	☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☒	☒ Yes	☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☒	☒ Yes	☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐ Yes	☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐ Yes	☐ No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	☐	☒	☒ Yes	☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☒	☒ Yes	☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☒	☒ Yes	☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐ Yes	☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐ Yes	☐ No
• Other impacts _____	☐	☐	☐ Yes	☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change	
6. Will Proposed Action alter drainage flow or patterns, or surface water runoff? ☐ NO ☒ YES				
Examples that would apply to column 2				
• Proposed Action would change flood water flows.	☐	☐	☐ Yes	☐ No
• Proposed Action may cause substantial erosion.	☐	☒	☒ Yes	☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐ Yes	☐ No
• Other impacts _____	☐	☐	☐ Yes	☐ No
IMPACT ON AIR				
7. Will Proposed Action affect air quality? ☒ NO ☐ YES				
Examples that would apply to column 2				
• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐ Yes	☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐ Yes	☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐ Yes	☐ No
• Other impacts _____	☐	☐	☐ Yes	☐ No
IMPACT ON PLANTS AND ANIMALS				
8. Will Proposed Action affect any threatened or endangered species? ☒ NO ☐ YES				
Examples that would apply to column 2				
• Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	☐	☐	☐ Yes	☐ No
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐ Yes	☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐ Yes	☐ No
• Other impacts _____	☐	☐	☐ Yes	☐ No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☐ NO ☒ YES				
Examples that would apply to column 2				
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☐	☐	☐ Yes	☐ No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☒	☒ Yes	☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change	
IMPACT ON AGRICULTURAL LAND RESOURCES				
10. Will Proposed Action affect agricultural land resources? [X] NO [ ] YES				
Examples that would apply to column 2				
• The Proposed Action would sever, cross or limit access to agricultural Land (includes cropland, hayfield, pasture, vineyard, orchard, etc.)	[ ]	[ ]	[ ] Yes	[ ] No
• Construction activity would excavate or compact the soil profile of agricultural land.	[ ]	[ ]	[ ] Yes	[ ] No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	[ ]	[ ]	[ ] Yes	[ ] No
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	[ ]	[ ]	[ ] Yes	[ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes	[ ] No
IMPACT ON AESTHETIC RESOURCES				
11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) [ ] NO [X] YES				
Examples that would apply to column 2				
• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	[ ]	[X]	[X] Yes	[ ] No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	[ ]	[X]	[X] Yes	[ ] No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	[ ]	[ ]	[ ] Yes	[ ] No
• Other impacts Conversion from open space for development	[ ]	[X]	[X] Yes	[ ] No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES				
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? [X] NO [ ] YES				
Examples that would apply to column 2				
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register historic places.	[ ]	[ ]	[ ] Yes	[ ] No
• Any impact to an archaeological site or fossil bed located within the project site.	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	[ ]	[ ]	[ ] Yes	[ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes	[ ] No
IMPACT ON OPEN SPACE AND RECREATION				
13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? [ ] NO [X] YES				
Examples that would apply to column 2				
• The permanent foreclosure of a future recreational opportunity.	[ ]	[X]	[X] Yes	[ ] No
• A major reduction of an open space important to the community.	[ ]	[ ]	[ ] Yes	[ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes	[ ] No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change	
IMPACT ON CRITICAL ENVIRONMENTAL AREAS				
14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)? [X] NO [ ] YES				
List the environmental characteristics that caused the designation of the CEA. _____				
Examples that would apply to column 2				
• Proposed Action to locate within the CEA?	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will result in a reduction in the quantity of the resource?	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will result in a reduction in the quality of the resource?	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will impact the use, function or enjoyment of the resource?	[ ]	[ ]	[ ] Yes	[ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes	[ ] No
IMPACT ON TRANSPORTATION				
15. Will there be an effect to existing transportation systems? [ ] NO [X] YES				
Examples that would apply to column 2				
• Alteration of present patterns of movement of people and/or goods.	[ ]	[X]	[X] Yes	[ ] No
• Proposed Action will result in major traffic problems.	[ ]	[X]	[X] Yes	[ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes	[ ] No
IMPACT ON ENERGY				
16. Will Proposed Action affect the community's sources of fuel or energy supply? [ ] NO [X] YES				
Examples that would apply to column 2				
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	[X]	[ ]	[ ] Yes	[ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes	[ ] No
NOISE AND ODOR IMPACT				
17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? [ ] NO [X] YES				
Examples that would apply to column 2				
• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	[ ]	[ ]	[ ] Yes	[ ] No
• Odors will occur routinely (more than one hour per day).	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	[ ]	[ ]	[ ] Yes	[ ] No
• Proposed Action will remove natural barriers that would act as a noise screen.	[X]	[ ]	[ ] Yes	[ ] No
• Other impacts During construction phase _____	[X]	[ ]	[X] Yes	[ ] No

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

[X] NO [ ] YES

Examples that would apply to column 2

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	[ ]	[ ]	[ ] Yes [ ] No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	[ ]	[ ]	[ ] Yes [ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes [ ] No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

[ ] NO [X] YES

Examples that would apply to column 2

• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	[ ]	[ ]	[ ] Yes [ ] No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action will conflict with officially adopted plans or goals.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action will cause a change in the density of land use.	[ ]	[X]	[X] Yes [ ] No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	[ ]	[ ]	[ ] Yes [ ] No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	[ ]	[X]	[X] Yes [ ] No
• Proposed Action will set an important precedent for future projects.	[ ]	[X]	[X] Yes [ ] No
• Proposed Action will create or eliminate employment.	[ ]	[ ]	[ ] Yes [ ] No
• Other impacts _____	[ ]	[ ]	[ ] Yes [ ] No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

[ ] NO [X] YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important.**

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

With respect to the potential environmental impacts identified herein, the impacts could be both short (e.g. construction related) and long (e.g. post-construction operational phase) term, could include indirect and cumulative impacts including simultaneous or subsequent actions particularly with respect to traffic, stormwater and water supply and sewage treatment. While the potential development of lands in the vicinity of the Windham Mountain Sporting Club are not dependent on the development of the proposed project, synergistic effects could occur that must be reviewed to determine potential environmental impacts.

The potential adverse impacts identified are specific to the setting of the proposed Windham Mountain Sporting Club project, are likely to occur if the project is constructed and would vary in duration from short term (e.g. construction impacts to air quality and noise) to long term (e.g. water use, stormwater, sewage, traffic, visual, fiscal, etc.). The commitment of the land and construction of the project would result in impacts to the visual environment and foreclosure of recreational opportunities that would be difficult to rever

According to the US Census for 2000, the Town of Windham had a population of 1660 persons in 2000 and the Census Designated Place has a population of 359. The average number of persons per household was just over 2 with nearly 3 persons per family. In 2000, the Town had 511 owner-occupied single family homes, 209 renter-occupied homes, 1282 vacant homes and a total of 2002 housing units. The Windham Mountain Sporting Club project proposes the construction of 345 living units. The proposed project would increase the total number of homes in the Town by 17%. Thus the magnitude of the proposed development plan is significant to the setting of the project. In addition, the project is located along South Street which is a major transportation facility for locals as well as visitors to the Windham Mountain Ski Center. Therefore the number of people affected particularly by the visual and traffic aspects of the project is very significant.

Furthermore, the project is located within the Drinking Watershed of the City of New York. The New York City Watershed provides unfiltered drinking water to the entire population of the City of New York, some 9 million people, as well as many communities surrounding the City. The potential adverse impacts

to water quality resulting from the project could affect this very large population.

A number of potential impacts could be lessened to minor to moderate with changes to the project. These include construction on slopes greater than 15%, impacts to water supplies, sewer demand, stormwater controls and erosion, aesthetic resource impacts, impacts to open space and recreation, and demands for public services. Modifications to the project including reduction in the number of proposed housing units, location of units/roads, landscaping plan and site layout could be made to lessen the impacts from potentially large to small to moderate.

Due to the likelihood and scope of the potential impacts to soils and geology, surface and ground water, traffic, water and sewer systems, aesthetics, public services including emergency services (police & fire protection) educational systems, fiscal impacts and community character, the Lead Agency will prepare and adopt a Positive Declaration requiring preparation of an EIS for the Windham Mountain Sporting Club.

RESOLUTION OF THE
PLANNING BOARD OF THE
TOWN OF WINDHAM
JANUARY 21, 2010

WINDHAM MOUNTAIN SPORTING CLUB

ESTABLISHMENT OF LEAD AGENCY
AND
POSITIVE DECLARATION

WHEREAS the Town of Windham, Greene County, New York has received a sketch plan subdivision application and full Environmental Assessment Form (EAF) for a project identified as the Windham Mountain Sporting Club (WMSC), such application dated September 21, 2009 prepared by The LA Group, PC on behalf of Tuck Eastside Partners, LLC ("TEP" or "the Applicant"); and,

WHEREAS, TEP proposes to construct a multi-phase residential development located to the north and east of Windham Mountain ski area on some 464.6 acres of land with access by Trailside Road and Panorama Lane primarily consisting of 169 single-family units, 87 townhomes and 89 condominiums as well as amenities including a members lodge and clubhouse, wellness center and skier transport lifts; and,

WHEREAS, the WMSC project is planned with open space, on-site stormwater controls, municipal water and sewer service, on-site private utility services owned and maintained by transportation corporations, and private roads; and,

WHEREAS, site plan and subdivision review and approval from the Town of Windham Planning Board and consent to form the proposed transportation corporations from the Town of Windham Town Board as well as other permits and approvals from other agencies are required; and,

WHEREAS, the project as proposed consists of construction of more than 250 new residential units to be connected at the commencement of habitation to existing community or public water or sewerage systems including sewage treatment works in a town having a population of less than 150,000; and

WHEREAS, the Town of Windham Planning Board reviewed the subdivision application materials including the Full EAF and classified the project as a Type I Action requiring a coordinated review with other involved agencies per 6 NYCRR Part 617.4(b)(5)(iii); and

WHEREAS, the proposed project will require the Town of Windham Planning Board to review and issue subdivision approval, site plan approval will be determined when Site Plan Application is filed; therefore, the Town of Windham Planning Board adopted a Resolution of Intent to act as Lead Agency for the purpose of conducting the environmental review required by 6 NYCRR Part 617 and circulated the Resolution of intent together with Part I of the Long Form Environmental Assessment and other application materials including a project description and a site location map to the identified involved and interested agencies to solicit agreement with the Town's declaration of intent to act as Lead Agency for the SEQR review; and,

WHEREAS, having received no objections from other agencies and after consultation with the New York State Department of Environmental Conservation, it was determined that the Town of Windham Planning Board may act as Lead Agency for the environmental review of the proposed WMSC project; **NOW THEREFORE,**

BE IT RESOLVED THAT

1. The proposed project, Windham Mountain Sporting Club, includes the potential for at least one significant adverse environmental impact as defined in Part 617.7(a)(1).

2. Potential adverse impacts were found to exist with respect to water quantity and quality, traffic, erosion potential and drainage problems, removal of large quantities of vegetation, impairment of important aesthetic resources, potential impacts to open space and recreational land, encouraging a population increase with associated demand for community services, and potential cumulative impacts.

3. The project proposes to utilize a public water system that may have insufficient capacity, and the removal of trees and vegetation and replacement with impervious surfaces and grassed lawns has the potential to cause erosion and drainage problems affecting water quality.

4. Traffic generated by the the project could decrease safety on local road and increase congestion.

5. The project is located in an important viewshed and adjacent to recreation areas thus the potential for visual impacts and impacts to open space and recreation.

6. The project proposes a significant increase in housing units in a community with a large number of existing vacant units.

7. The increase in population resulting from the project will cause a demand for community services (e.g. police, fire, education) and the fiscal impacts could be negative.

8. The project is located in close proximity to other potential large developments, the cumulative impacts of which with respect to water, sewer, traffic, stormwater, and public services could be adverse.

9. The consequences are likely to occur in the long term and irreversible once the project is built. The project and its potential impacts are very significant in magnitude and number of persons affected.

10. Therefore, this resolution is a Positive Declaration for the Windham Mountain Sporting Club project.

11. Scoping of the Draft Environmental Impact Statement (DEIS) will be conducted including an opportunity for public involvement. The applicant is directed to prepare a draft scoping document for submission to the Lead Agency.

12. A DEIS shall be prepared by the applicant and submitted to the Lead Agency for review after a Final Scoping Document is adopted.

13. This resolution shall take effect immediately.

Resolution Offered by: Chairwoman Anshanslin

Resolution Seconded by: Claudia Lane

Resolution Adopted by Voice Vote : In favor 7 / opposed 0 / absent 0 / abstain 0

14-12-8 (3/99)-9c

SEQR

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

Project Number

Date January 21, 2010

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

The Town of Windham as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action:

Windham Mountain Sporting Club

SEQR Status: Type 1 ☑
Unlisted ☐

Scoping: No ☐ Yes ☑ If yes, indicate how scoping will be conducted:

A draft scope will be submitted by the applicant to the lead agency for review. The draft scoping document will be made available to the public and involved agencies for review and a public comment period with a public information session will be held.

Description of Action:

The project is a multi-phase residential development located to the north and east of Windham Mountain Ski Center. The project site consists of 464.6 acres and is accessed by Trailside Road and Panorama Lane (both off South Street). Proposed residential units include 169 single-family homes, 87 townhomes, and 89 condominiums for a total of 345 units. Amenities include a member's lodge/clubhouse a bar, restaurant and spa as well a wellness center with a swimming pool and exercise area. The project includes two skier transport lifts, and public water and sewer connections.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Trailside Road off South Street, Windham, Greene County, New York (See attached location map)

Reasons Supporting This Determination:

Part I of a Long Environmental Assessment Form was submitted by the applicant, with Part II completed by the Lead Agency. The Lead Agency considered the materials submitted by the applicant in light of Part 617.7 to determine the significance of the potential adverse impacts. Potential adverse impacts were found to exist with respect to water quantity and quality, traffic, erosion potential and drainage problems, removal of large quantities of vegetation, impairment of important aesthetic resources, potential impacts to open space and recreational land, encouraging a population increase with associated demand for community services, and potential cumulative impacts. The project proposes to utilize a public water that may have inadequate supply, and the removal of trees and vegetation and replacement with impervious surfaces and grassed lawns has the potential to cause erosion and drainage problems affecting water quality. The project proposes connection to a sewer system that could utilize the remaining capacity of that system. An increase in vehicular trips generated by the project could decrease safety on local road and increase congestion. The project is located in an important viewshed and near public recreational areas thus the potential for visual impacts and impacts to open space and recreation. The project proposes a significant increase in housing units in a community with a large number of existing vacant units. The increase in population resulting from the project will cause a demand for community services (e.g. police, fire, education) and the fiscal impacts could be negative. The project is located in close proximity to other potential large developments, the cumulative impacts of which with respect to water, sewer, traffic, stormwater, and public services could be adverse. The consequences were found to be likely to occur in the long term and irreversible once the project is built. The project and its potential impacts are very significant in magnitude and number of persons affected. For these reasons, a Positive Declaration has been adopted by the Lead Agency, directing the applicant to prepare a scoping document and eventually a Draft Environmental Impact Statement.

For Further Information:

Contact Person: Maureen Anshanslin, Planning Board Chairwoman

Address: Windham Town Hall, 371 State Route 296, PO Box 96, Hensonville, NY 12439

Telephone Number: 518-734-4170

A copy of this notice must be sent to:

Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750

Chief Executive Officer, Town/City/Village of Windham

Any person requesting a copy

All Involved agencies

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway Albany NY 12233-1750

Town of Windham Planning Board

371 Route 296, Post Office Box 96
Hensonville, New York 12439

Chairwoman Maureen Anshanslin

Edwin Ohl II
Dawn Hitchcock
Karyn MacDonald

Thomas Poelker
David Weiman
Claudia Lane

January 22, 2010

Re: Windham Mountain Sporting Club, Town of Windham, Greene County
Positive Declaration – Draft Scoping Document

To All Involved Agencies:

As Lead Agency for the State Environmental Quality Review of the Windham Mountain Sporting Club please find enclosed the above stated documents.

The Positive Declaration was adopted at the Town of Windham Planning Board Meeting on January 21, 2010. The Draft Scoping Documents were received at the same Meeting, therefore the following schedule applies.

Workshop for Planning Board on February 4, 2010 at 7:00 pm.
Public Information Session on February 18, 2010 at 7:00 pm
Close written comment and review the same as of March 10, 2010
Adoption of Final Scope at the March 18, 2010 Planning Board Meeting

Any questions are welcomed by Chairwoman Anshanslin.

Very truly yours,

Karyn

Karyn MacDonald
Planning Board Member and Secretary

KPM:ke
enclosures

TOWN OF WINDHAM

371 STATE ROUTE 296
P.O. BOX 96
HENSONVILLE, NEW YORK 12439
(518) 734-4170 FAX (518) 734-6058

NOTICE OF PUBLIC INFORMATION SESSION

Notice is hereby given that the Town of Windham Planning Board is accepting public comments on a Draft Scoping Document for the preparation of a Draft Environmental Impact Statement for the environmental review of the proposed Windham Mountain Sporting Club located off South Street, Windham, New York. Copies of the Draft Scoping Document are available for public inspection during normal business hours at the Office of the Town Clerk located at 371 State Rt. 296, Hensonville, New York. A public information session shall be conducted on Thursday, February 18, 2010 at 7:00 p.m. at the Windham Town Hall, 371 State Rt. 296, Hensonville, New York. Written comments regarding the Draft Scoping Document will be accepted by the Town of Windham Planning Board Secretary from January 21, 2010 through March 10, 2010 at P.O. Box 96, Hensonville, New York 12439.

By Order of the Windham Planning Board

Carolyn J. Garvey
Town Clerk
Dated: January 21, 2010

Outdoor Recreation
Animals, Plants, Aquatic Life
Chemical & Pollution Control
Energy and Climate
Lands and Waters
Education
Permits and Licenses
Public Involvement and News
Environmental Notice Bulletin (ENB)
ENB Current and Archives for January - December 2010
Environmental Notice Bulletin February 3, 2010
ENB - Region 4 Notices 02/03/2010
Regulations and Enforcement
Publications, Forms, Maps
About DEC

ENB - Region 4 Notices 02/03/2010

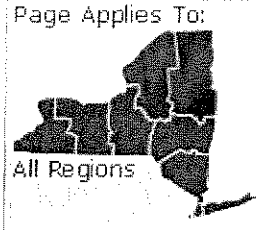
Negative Declaration

Columbia County - The Town of New Lebanon Town Board, as lead agency, has determined that the proposed Adoption of a New Zoning Law will not have a significant adverse environmental impact. The action involves the adoption of a new zoning law prepared to conform to the Town's Comprehensive Plan adopted in 2005. The project is located throughout the Town of New Lebanon, New York.

Contact: Colleen Teal, Town of New Lebanon, P.O. Box 328, 14755 NYS Route 22, New Lebanon, NY 12125, Phone: (518) 794-8888, E-mail: townclerk@townofnewlebanon.com.

Greene County - The Town of Catskill, as lead agency, has determined that the proposed Amendment of the Town of Catskill Zoning Law will not have a significant adverse environmental impact. The action involves the proposed amendment of the Town of Catskill Zoning Law to include General and Professional Offices as a Special Use Permit in the High Density Residential District. The project is located throughout the Town of Catskill, New York.

Page Applies To:



Contact for this Page:

ENB
NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
518-402-9167
email us

Contact: Peter J. Markou, Town of Catskill, 439 Main Street, Catskill, NY 12414, Phone: (518) 943-2141 x113, E-mail: townsupervisor@townofcatskillny.gov.

Schenectady County - The Town Board of the Town of Niskayuna, as lead agency, has determined that the proposed After School Daycare at the Niskayuna Reformed Church will not have a significant adverse environmental impact. The action involves the operation of a year round daycare program. The program will be for after school hours and during the summer vacation. The project is located at the Niskayuna Reformed Church at 3041 Troy Road in the Town of Niskayuna, New York.

Contact: Kathleen Matern, Town of Niskayuna, One Niskayuna Circle, Niskayuna, NY 12309, Phone: (518) 386-4530.

Positive Declaration and Public Scoping

Greene County - The Town of Windham Planning Board, as lead agency, has determined that the proposed Windham Mountain Sporting Club may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. **A public scoping session will be held on February 18, 2010 at 7:00 p.m. at the Windham Town Hall, 371 State Route 296, Hensonville, NY 12439.** The action involves a multi-phase residential development. The project site consists of 464.6 acres and is accessed by Trailside Road and Panorama Lane (both off South Street). Proposed residential units include 169 single family homes, 87 townhomes and 89 condominiums for a total of 345 units. Amenities include a member's lodge/clubhouse, a bar restaurant and spa as well as a wellness center with a swimming pool and excerise area. The project

includes two skier transport lifts and public water and sewer connections. The project is located on Trailside Road off of South Street in the Town of Windham, New York.

Contact: Maureen Anshanslin, Town of Windham, Windham Town Hall, 371 State Route 296, Hensonville, NY 12439, Phone: (518) 734-4170.

08077

Town of Windham Planning Board

371 State Route 296
Hensonville, New York 12439

Maureen Anshanslin, Chairwoman

Dawn Hitchcock
Claudia Lane
Karyn MacDonald

Edwin Ohl II
Thomas Poelker
David Weiman

FEB 08 2010

The L

February 5, 2010

Distribution List:
Interested and Involved Agencies

Re: Windham Mountain Sporting Club
Windham, Greene County, New York
Clarification of Environmental Assessment Form (EAF) Part 2

Sir or Madame:

The Town of Windham Planning Board (the "Board") is acting as Lead Agency for the environmental review of the proposed Windham Mountain Sporting Club project. It has been brought to the attention of the Board that clarifications regarding two sections of the EAF Part 2 that was distributed with the recent Draft Scoping document are required. Please note the following:

Page 7, Item 3 – Impact on Water. The property contains wetlands and watercourses under the jurisdiction of the US Army Corps of Engineers. Both of these features are also subject to regulations of the City of New York for the purpose of water supply protection. However, waterbodies that are protected by Articles 15 or 24 of the New York State Environmental Conservation Law are not present on the project site.

Page 8, Item 9 – Impact on Plants and Animals. While the property is in part forested, representatives of the applicant state that mature forest over 100 years in age is not present due to logging and agricultural activities that have occurred on the site in the past.

If there are any questions regarding these clarifications, kindly contact us.

Sincerely,

Maureen Anshanslin
Chairwoman, Town of Windham Planning Board

C: Project Review File (Public Access)
Kevin Franke, The LA Group, P.C.
Mary Beth Bianconi, Delaware Engineering, P.C.

SCOPING DOCUMENT

for the

DRAFT ENVIRONMENTAL IMPACT STATEMENT

for the proposed

WINDHAM MOUNTAIN SPORTING CLUB

Town of Windham, Greene County, New York

Applicant:
Tuck Eastside Partners, L.P.
34 Salisbury Road
Darien, CT 06820

Applicant's Consultant Contact:
The LA Group, P.C., Kevin Franke
(518) 587-8100

Received by Lead Agency: January 21, 2010

Draft Scope Distribution Date: January 22, 2010

Public Comment Period: January 22, 2010 – March 10, 2010

Public Scoping Session Date: February 18, 2010

Final Scope Issuance Date: March 18, 2010

Lead Agency:
Town of Windham Planning Board
371 State Route 296
Hensonville, NY 12439

Lead Agency's Consultant Contact:
Delaware Engineering, P.C., Mary Beth Bianconi
(518) 452-1290

TABLE OF CONTENTS

SEQRA SCOPING DOCUMENT
FOR
THE WINDHAM MOUNTAIN SPORTING CLUB

EXECUTIVE SUMMARY

Background

Tuck Eastside Partners submitted a subdivision sketch plan application for the proposed Windham Mountain Sporting Club (WMSC) to the Town of Windham Planning Board on October 1, 2009. The Town of Windham Planning Board subsequently declared intent to act as Lead Agency and circulated the application materials along with notice of this intent to the involved and interested agencies. After some discussion with several involved agencies, the Town of Windham Planning Board was formally declared Lead Agency for the environmental review of the WMSC project on January 7, 2010. A Positive Declaration was adopted by the Lead Agency on January 21, 2010 and the applicant was directed to prepare a Draft Scoping Document for the Draft Environmental Impact Statement. A Draft Scoping Document was submitted by the applicant to the Lead Agency on January 21, 2010. The Draft Scoping Document was circulated to involved and interested agencies on January 22, 2010, and the Positive Declaration and Public Scoping Session scheduled for February 18, 2010 were noticed in the Environmental News Bulletin and the official newspaper of the Town of Windham.

Description of the Proposed Action

The Windham Mountain Sporting Club (WMSC) project is a private sporting club development that will offer its members multiple recreational/amenity opportunities as well as a variety of residential offerings. The project is not directly affiliated with Windham Mountain ski area and is not a sporting event venue.

The WMSC property consists of a total of 464.6 acres located on lands to the east of Windham Mountain ski area with primary access to the property from Trailside Road and potential limited/secondary access available from Panorama Lane, if needed.

A sketch plan for the proposed project is included as an attachment at the end of this scoping document.

Property Overview

- The western boundary of the property directly abuts Windham Mountain.
- Windham Mountain currently holds easements of 15.69 acres of WMSC land which are currently used for portions of the existing "Wanderer Trail"– Windham Mountain's eastern-most and longest novice trail, as well as smaller sections of 'Why Not' and 'Wing 'N it' trails.
- The southern boundary of the property backs up to New York State property (Forest Preserve) in the Town of Jewett. New York City also owns a portion of lands that abut the property.
- The remainder of WMSC property borders multiple private land owners to the north and east.

- Overall property elevation ranges from 1,650 feet to 3,070 feet, with over half of the property on slopes of 25% or greater. Steeper slopes limit development opportunities to the lower half of the property.
- Primary aspect of the property is to the north and northeast.
- The property is primarily wooded with many woods/logging roads running through the property.
- Federal wetlands and NYCDEP-regulated watercourses are present on the property.

Project Land Use Summary

- 345 total units (0.72 units per acre of the 464.6 acre site), made up of 169 single-family detached, 87 townhome and 89 condominium residences.
- Member's Lodge and Clubhouse located adjacent to service lift "A".
- Wellness center
- East Village Lodge located adjacent to service lift "B".

LAND USE SUMMARY			
Project Overview			
	Acres	% of total	
Roadway (R.O.W. of 50' typical)	28.80	6.20%	
Single Family Residential	107.30	23.10%	
Single Family Townhome (7 per acre)	15.87	3.42%	
Condo and Commercial	12.39	2.67%	
Open Space - General	267.01	57.47%	
Open Space - Ski Lifts and Trails	33.23	7.15%	
Gross Acreage (including 4 internal lots)	464.6	100.00%	

- Municipal water supply and sewer.
- On-site utilities to be privately owned and maintained by transportation corporations.
- Approximately 6 miles of project roads to remain private.
- No new ski trails or snowmaking proposed for this project. Residents can access existing Windham Mountain ski trails via the project's two proposed service lifts.

Project Phasing

WMSC comprises three distinct phases of development – each with an initially anticipated duration of 3-5 years – offering a variety of residential and amenity offerings placed throughout.

The following is a further description/breakdown of each phase:

Phase One

- 132 Total Units
  - (76 Single Family, 29 Townhomes and 27 Condominiums)
- 3.1 miles of road with primary access from Trailside Road
- WMSC Wellness Center
  - Exercise facility with aerobic and free-weight equipment offered
  - Yoga and pilates facilities
  - Men's / Women's locker room facilities
  - Spa with single and double spa treatment rooms
  - Heated outdoor pool and hot tubs
  - 2 Har-Tru clay tennis courts
  - Small bar with snack counter
  - Squash courts (2)
- Phase One Member's Lodge
  - 18 - 2 to 4 bedroom units including lock-off unit
  - 50-seat fine-dining restaurant with outdoor elevated porch on main level
  - 30-seat grill facility with bar, lounge and lower outdoor terrace facing lift activity
  - Direct ski-in / ski-out access to Windham Mountain's Wanderer Trail as well as a private club lift to the East Summit
  - Valet parking and concierge with ski valet and ski storage
  - Underground parking

Phase Two

- 166 total units (66 single family, 38 townhomes and 62 condominiums)
- 2.1 miles of roads
- Phase Two of the Member's Lodge
  - 27 additional 2 to 4 bedroom units including lock-off units
- East Village ski lift
- East Village Lodge
  - 35 – 2 to 4 bedroom condominiums including lock-off units
  - Underground parking
  - Heated outdoor pool and terrace
  - Valet parking and concierge
  - Grill and Member's Lounge
  - 30-seat grill facility (serving breakfast and lunch)
  - Member concierge ski equipment service
  - Men's and Women's locker room

Phase Three

- 47 total units (27 single family and 20 townhomes)
- 0.82 miles of roads

Potentially Significant Adverse Impacts Identified:

Potential adverse impacts were found to exist with respect to water quantity and quality, traffic, erosion potential and drainage problems, removal of large quantities of vegetation, conflicts with wildlife, impairment of important aesthetics including visual and auditory resources, potential impacts to open space and recreational land, encouraging a population increase with associated demand for community services, and potential cumulative impacts. The EIS shall incorporate studies and documentation to describe current conditions, the nature and magnitude of potential impacts, and either changes to the project to avoid impacts or mitigation measures to reduce the importance of the impacts as much as practicable.

1. The project proposes to utilize a public water system that may have insufficient capacity and proposes to utilize the entire existing excess capacity of the public sewer system. Negative impacts to the environment with respect to surface and groundwater resources and to the community with respect to infrastructure capacity have been identified.
2. Trees and vegetation will be removed and replaced with impervious surfaces and grassed lawns. This may cause flooding, erosion and drainage problems affecting water quality, infrastructure, and properties adjoining the project site.
3. Traffic generated by the project could negatively impact the condition of the local road network, decrease safety on local road and increase congestion.
4. Potential conflicts between humans, the proposed built environment and wildlife, particularly bears, have been identified.
5. The project is located in an important viewshed and adjacent to recreation areas thus there is an impact to visual impacts and impacts to open space and recreation.
6. Activity on the project site during construction and operation of the project will generate sounds in contrast to existing conditions which will affect the character of the immediate locale.
7. The project proposes a significant increase in housing units in a community with a large number of existing vacant units. Economic, fiscal and demographic impacts have been identified.
8. The increase in population resulting from the project will cause a demand for community services (e.g. police, fire, education) and the fiscal and capacity impacts could be negative.
9. The project is located in close proximity to other potential large developments, the cumulative impacts of which with respect to water, sewer, traffic, stormwater, and public services could be adverse.
10. The consequences are likely to occur in the long term and irreversible once the project is built.
11. The project and its potential impacts are very significant in magnitude and number of persons affected.

CONTENTS OF THE DEIS:

I. Title Page/Cover Sheet

Include (1) identification of the document as a draft EIS, (2) the name of the action, (3) the location of the action, (4) lead agency contact information, (5) a listing of the preparers of the DEIS, (6) the date of lead agency acceptance of the DEIS, (7) the dates of the public hearing(s) and close of the public comment period.

II. Executive Summary

The DEIS shall contain a concise executive summary that includes (1) a description of the action, (2) a listing of permits and approvals required, (3) project site description, (4) potentially significant impacts and measures proposed to mitigate the impacts, (5) unavoidable adverse impacts, (6) alternatives considered, (7) secondary and cumulative impacts, and (8) benefits of the project.

III. Table of Contents

The DEIS shall contain a clear table of contents for the various sections of the DEIS, along with lists of tables, figures, drawings and technical appendices that are part of the DEIS.

IV. DEIS

Section 1 Introduction

1.1 Project Site Location

Describe the project site in a State, regional and local context, including its location in relation to the Catskill Park and the New York City West of Hudson watershed. Include appropriate mapping as DEIS figures.

1.2 General Project Description

Describe the project in terms of types of development, numbers and types of housing units, proposed amenities, and proposed infrastructure. Discuss the relationship of the project to Windham Mountain ski center. Include a labeled project master plan as a DEIS figure. (NOTE: A list of full size plans that shall be included with the DEIS is provided below under scoping document Section VI. DEIS Plan Drawings.)

1.3 Purpose, Need and Benefits

Describe the historical background of the area including the nearby ski area and development around the ski area.

Provide a summary of local land use regulations and plans including the Town's Comprehensive Plan, recently completed DGEIS, and subdivision and site plan laws. Describe how the proposed action conforms or does not conform to the Town's DGEIS, Comprehensive Plan, Site Plan Law, Subdivision Regulations, State and Federal regulations, and NYCDEP Watershed Regulations.

Describe the goals of the project as well as the need for the type of project proposed, including information from any marketing studies performed for the project. Summarize the target market and range of price points for each housing product and/or amenity (see also Section 3.11). Describe the status of similar proposed or permitted projects located in the Town, to include but not be limited to Windy Ridge, Eagles Landing, Crystal Pond, the Quads, Windham Mountain Village, the Winwood, and Stonewall Glen, including quantity of approved, but undeveloped lots of a similar nature.

Describe the potential benefits of the project in qualitative and quantitative terms as appropriate in the following areas:

- Local and Regional Government (Town of Windham and Greene County)
- Community Service Providers (police, fire, ambulance, library)
- Windham Ashland Jewett School District
- Local Businesses, specifically businesses located in the hamlets of Windham and Hensonville
- Residents of the Town in terms of access to site amenities and on-site recreational opportunities

1.4 Required Permits and Approvals

The DEIS shall contain a listing of the types of permits and approvals (local, county, regional, State and Federal) required by the project, the permitting/approving entity, and a description of timeframes for obtaining the permits/approvals relative to the SEQRA process.

Section 2 Description of the Proposed Action

2.1 Overall Project Design and Layout

Utilizing appropriate narrative and graphics provide a description of how the project has been sited on the project site. Include in the description the characteristics of the site that affected the overall project design as well as the development objectives of the project sponsor that were used when designing the project. Discuss alternative layouts that achieve the project goals.

Describe the extent to which Low Impact Development (LID) concepts have been integrated into the site design. Discuss the factors that support or limit the use of LID principals in the preferred design concept, including but not limited to the use of rain gardens, cisterns for landscape irrigation, vegetated swales, vegetated buffers, bio-infiltration, retention systems and surface recharge berms.

Describe project controls on different development components that will be in place and enforced through Architectural Review Board Design Guidelines and the project Declaration of Covenants Conditions and Restrictions that will become part of the Project Offering Plan that will be provided to all potential buyers.

2.2 Residential Development

Provide a general description on the types and numbers of different types of residential development proposed including single-family homes, townhouses and condominiums. Describe the factors that were considered when siting the different types of residential development on the site. Discuss target market and price points for the various types of residential development proposed.

Provide a description of the proposed "commercial" buildings: C-1 Members Lodge and Clubhouse; C-2 Wellness Center; and C-3 East Village Lodge. The description shall include building foot print size, building height, uses proposed within the building, approximate space allocation for different uses, anticipated exterior building materials, and anticipated exterior finish colors. Preliminary floor plans and at least one building exterior elevation rendering shall be provided for each of the three buildings.

Since plans for individual single family homes will vary, describe the homes in terms of ranges of allowable footprints, heights and number of bedrooms. Describe the purpose and intent of establishing building envelopes within each lot. Describe anticipated allowable exterior materials and finish colors. Provide exterior building elevation sketches of at least two "typical" single family homes and preliminary floor plans of these same two homes. Describe the front, rear and side yard setbacks and any waivers from subdivision regulations requirements being sought. Explain the need for and/or benefit to be derived from the granting of any such waivers being sought.

For the townhouse buildings describe the range of sizes (number of attached units) of building footprints, describe building heights, unit square footages, and anticipated unit room layouts. Provide a typical preliminary floor plan for a townhouse unit and provide a typical building elevation for one of the townhouse buildings.

Describe the numbers and locations of proposed condominium units. Provide anticipated square footages and numbers of floors. Explain the concept of "lockouts" and how the implementation of lockouts affects the count of total condominium units.

Provide a legend and symbols on appropriate drawings in the appendix to allow readers to distinguish between housing products.

2.3 Amenities and Ski Lifts

Describe the non-residential project amenities that will be available to Club members. This description should include the more formal amenities associated with the Member's Lodge and Clubhouse, the Wellness Center the East Village Lodge. Discuss club membership structure (e.g. property ownership requirements, residency requirements, etc.).

Describe ski lift operations and how they relate to Windham Mountain facilities. Describe the location and anticipated types of ski lifts being proposed. Provide the length of lifts proposed, approximate tower heights, any structures associated with off-loading, and widths of corridors for tree removal under the lift lines. Describe who will construct, own and operate the lifts. State the intended hours of use and whether the lifts will be lighted.

2.4 Land Cover, Open Space and Recreation

In tabular and narrative format list and total areas to be disturbed for project construction and acreages of impervious areas to be introduced.

Illustrate and describe areas of undeveloped open space to remain and how these areas relate to other areas of the project site as well as adjacent lands. Describe how these open space lands will be protected from further development and the opportunities they provide for passive recreation on the property. Discuss the extent to which public access to passive recreational/open space features is planned.

2.5 Wastewater Collection and Treatment

Describe the overall approach that went into the design of the project wastewater collection system, including the proposed connection point with existing sewer lines. Discuss alternative options for waste water treatment including a private wastewater treatment plant and on-site systems. Compare alternatives and justify the preferred alternative. Describe the establishment of a transportation corporation that will be responsible for the maintenance and operation of the on-site wastewater infrastructure. Discuss the means that temporary wastewater treatment will be provided and maintained during construction (e.g. portable facilities).

Provide excerpts from the preliminary wastewater design report required in scoping document Section V.4 Wastewater Design Report that describes the proposed wastewater collection system. The description shall include how wastewater generation quantities were calculated, the routing and sizing of sewer lines, gravity sewer versus force main sewer, the need for grinder pumps or pump stations, and the connection point with the existing Town sewer system. Describe the Town's wastewater treatment plant in terms of its treatment methods, plant capacity; SPDES permit limitations, and the ability of the treatment plant to serve the needs of the project. Describe the Town's wastewater collection infrastructure including its capacity and its ability to serve the needs of the project. If any improvements to the Town's wastewater treatment plant and/or collection system are required in order to serve the project, describe the improvements necessary, provide a cost estimate for the improvements, and identify who will be responsible for paying for the improvements and the mechanism through which financing of the improvements will be accomplished. Discuss the project's demand for sewer service relative to existing Town Code with respect to impact fees, connection fees, etc.

2.6 Water Supply

Describe the overall approach that went into the design of the project water supply system. Discuss alternative options for water supply, treatment and storage including a private water system and on-lot wells. Compare alternatives and justify the preferred alternative. Describe

the establishment of a transportation corporation that will be responsible for the maintenance and operation of the on-site water supply infrastructure.

Provide excerpts from the preliminary water supply design report required in scoping document Section V.3 Water Supply Design Report that describes the proposed water supply system. The description shall include how potable demand and fire flow needs were calculated, the routing and sizing of supply lines, the location and sizing of booster pumps, the need for/provision of storage, the connection point with the existing Town water supply system, and the ability of the Town's water system to serve the needs of the project. If any improvements to the Town's system are required in order to serve the project, describe the improvements necessary, provide a cost estimate for the improvements, and identify who will be responsible for paying for the improvements and the mechanism through which financing of the improvements will be accomplished.

2.7 Vehicular and Pedestrian Access and Parking

Describe how and where vehicular access will be provided and/or restricted. Discuss alternative access opportunities in detail, in particular access to the site from State Route 296 in the vicinity of Cuomo's Cove, and justify the selection of the preferred access. Describe how/where loading areas and refuse storage and removal areas will be provided around the non-residential buildings. Describe any plans for vehicular connection between the project site and the Windham Mountain base facilities, i.e. a shuttle service. Likewise, describe plans, if any, for a shuttle service within the project site as well as shuttle service to Main Street. Describe accommodations that have been made for pedestrian and/or bicycle travel within the project site.

Describe the project roads in terms of their locations, lengths and project components that they serve. Provide preliminary road names and confirm that they are not duplicative with names of other roads in Windham (for 911 purposes).

Provide a description of proposed road grades, turning radii, rights of way and intersection geometry. Identify any waivers relating to subdivision regulations roadway design standards being sought and discuss the need for and/or benefits to be derived from the granting of the waivers being sought. Provide a typical road section and describe how it compares with Town Road requirements. Provide a description of how the roads as designed and proposed are suitable for access by fire trucks and larger delivery vehicles. Include a discussion of the road design in the context of New York State fire code requirements. Provide a description of road maintenance techniques to be implemented to ensure excess water, mud and snow do not inhibit emergency vehicle access.

Include road profiles in the plan set that accompanies the DEIS per Section VI of this scoping document.

Confirm that roadways will be privately owned and maintained. Identify the anticipated source of funding for road maintenance (i.e. HOA dues).

Provide a tabular summary of the number and location of proposed off-street parking spaces and a description of how proposed parking counts were determined to be adequate for the

uses they serve. Provide parking stall dimensions. Provide a description of how and where provisions have been made for snow plowing/piling in and around parking areas. Describe how/where parking will be provided at single family homes including any proposed restrictions on on-street parking.

2.8 Grading, Drainage, Sediment and Erosion Control, and Stormwater Management

Describe the overall approach taken when designing the proposed stormwater management system, including the design elements that were incorporated to manage stormwater on a lot-by-lot basis. Describe alternative approaches to stormwater management and justify the selection of the preferred option. Section V.9 of this scoping document requires that a draft stormwater pollution prevention plan (SWPPP) for construction of Phase 1 of the project be included as a DEIS appendix.

The project grading plans required in scoping document Section VI DEIS Plan Drawings shall be at a scale not more than 1 inch = 100 feet and using a contour interval of not more than two feet. This section of the DEIS shall describe the design approaches taken to limit grading by methods such as use of retaining walls, upslope rock cuts, limiting downslope fill slopes, etc. Project Drainage Plans are also required in scoping document Section VI.

Provide drainage plans that include establishment of pre-development subcatchments, design points that have been field-verified and time of concentration flow paths.

Post-development drainage plans shall include this same information as well as proposed stormwater management controls for the entire site that have been designed in accordance with NYSDEC and NYCDEP requirements. Describe those measures designed to meet NYSDEC standards and what additional measures were designed to meet additional NYCDEP requirements. See scoping document Section V.5 Stormwater Management – Operational Quantity for additional detailed requirements. This section of the DEIS shall include excerpts from the stormwater management design report appendix including a description of the practices to be implemented to capture and treat stormwater, practices designed to keep clean runoff separate from stormwater, and comparison of pre-development and post development runoff rates at project design points.

This section of the DEIS shall contain earthwork quantities generated from the project grading plans. Provide cuts and fills quantities for different project components such as roads and non-residential buildings. For residential buildings, in particular single family homes, describe those practices that will be implemented in order to limit earthwork within the designated building envelope on each lot. If additional cut material is projected to be generated, provide the approximate quantity of material generated by project components and project phases and identify the location where excess cut material will be disposed. Conversely, if fills require the import of materials to the site, identify the amounts and types of material and the location of the source of the materials.

This section shall provide an overview of the approach to sediment and erosion control, including but not limited to construction phasing and limitations on disturbance at one time, structural and vegetation controls including sediment basins and/or Rain For Rent ® or similar tanks and/or filters, perimeter erosion controls and diversion of drainage around construction

areas, personnel for implementation of the plans, independent monitoring, and regulatory agency reporting. Much of this information in this section of the DEIS will be excerpted from the Draft SWPPP that is required in Section V.9 of this scoping document.

2.9 Construction Activities and Phasing Details

This section of the DEIS shall provide detail regarding activities such as clearing and grubbing, blasting, installation of stormwater and erosion control measures, rough grading, final grading, installation of infrastructure and utilities, building construction, and landscaping. Discuss alternative phasing plans that are feasible and meet the objectives and capabilities of the project sponsor. Compare alternatives and justify selection of the preferred phasing plan.

If any on-site processing of materials is anticipated to take place on the site, i.e. rock crushing, a concrete batch plant, etc., this should also be discussed in terms of locations on the site and timing and duration of operations and stormwater controls to be implemented for these operations.

Blasting shall be discussed with attention given to effects on such things as traffic, noise, and nearby structures and nearby water supplies. Details on the effects on these parameters shall be provided in relevant subsections of Section 3 of the DEIS. The DEIS shall also contain a listing of blasting best management practices (BMP's) to be employed during construction.

The DEIS shall provide a description of the envisioned sequence of construction activities, including the amount of area that will be disturbed at given times as construction progresses. An overall preliminary construction schedule shall be provided including the sequencing of construction activities, and approximate duration of each construction event.

Provisions of areas for construction worker parking as well as construction trailers, material storage areas, etc. needed during construction shall be identified and described.

2.10 Lighting Landscaping and Signage Details

Discuss and illustrate the location and type of lighting that will occur within the project, including motion-sensitive lighting, cutoff light fixtures and recessed light fixtures.

Discuss and illustrate through planting plans how open space within the development will be landscaped and how existing vegetation will be maintained. Describe the proposed use of pesticides, fertilizers and any other chemicals used in landscape establishment and maintenance. Include in the discussion the enforceable requirements on lot landscaping contained in the draft Architectural Review Board Design Guidelines and the project Declaration of Covenants Conditions and Restrictions.

The DEIS shall discuss the use of native versus non-native plant materials. Provide a general landscaping plan and listing of proposed plant species to be used in landscaping.

Signage, on-site and off-site, shall be described and located, and illustrated on the site plans that are part of the DEIS as per Section VI of this scoping document.

2.11 Relationship to Windham Mountain

Describe those portions of Windham Mountain that are located on easements on the project site and also how these portions relate to the overall Windham Mountain layout. Discuss the nature of the easements, including terms.

Describe how the proposed development has been designed to provide club members access to Windham Mountain, including the proposed ski lifts and any shuttle services being proposed.

Section 3 Environmental Setting, Potential Impacts and Mitigation Measures

Describe the environmental setting of the proposed action. Identify potential impacts, both positive and adverse, that are likely to occur as a result of the construction and operation of the proposed action. For those adverse impacts that are considered significant, identify those measures that have been taken through project design, or will be taken to mitigate the significant adverse impacts identified. Descriptions of mitigation measures shall also include project controls on different development components that will be in place and enforced through Architectural Review Board Design Guidelines and the project Declaration of Covenants Conditions and Restrictions that will become part of the Project Offering Plan that will be provided to all potential buyers.

3.1 Geologic and Topographic Resources

Describe the geologic resources of the site and surroundings in terms of types of bedrock and depth to bedrock. In addition to providing published information, include any data collected on the site.

Describe the topography of the site and surroundings in terms of range of elevations and slopes. Provide a slope map for the project site based on site topography mapped at a contour interval of not more than two feet.

Describe the proposed development in relation to areas of shallow depth to bedrock and steeper slopes.

Describe the need for blasting of bedrock during construction and the measures that will be undertaken to mitigate potential impacts including safety zone/flyrock, air blast and ground vibration. Mitigation measures that should be considered include pre-blast and post-blast surveys of nearby properties, sizing and timing of blast events, use of blast mats, etc.

Describe the enhanced measures that will be implemented to mitigate potential erosion impacts when constructing on steeper slopes. Enhanced mitigation measures that should be considered include further limiting the areas of exposed soils (phasing) and the duration (temporary and permanent stabilization) of exposed soils, enhanced perimeter controls, etc.

3.2 Surface Water Resources

The project site is located within the New York City watershed, so water quality issues are a particularly important topic for the DEIS. Describe and illustrate the project site in relation to the Schoharie basin drainage and the Schoharie Reservoir. Discuss the status of the Schoharie Reservoir as it pertains to New York State's list of impaired water bodies.

Provide a description of the surface waters found on the site. The description should include a table of ephemeral drainages and intermittent and perennial streams located on the property. Appropriate mapping illustrating the location, water index number and stream classification of these resources shall be included. Describe the surface water resources on the site in terms of the regulatory jurisdictions of the US Army Corps of Engineers (USACOE), NYS Department of Environmental Conservation (NYSDEC), and NYC Department of Environmental Protection (NYCDEP). Describe the location of any mapped floodplain locations on or near the project site.

Describe and illustrate any proposed stream crossings, including culverted crossings, spanned crossings, etc. Describe other types of construction activities that are proposed in proximity to surface water resources and evaluate the potential for causing soil erosion and sedimentation of surface waters on the site.

The project will make use of the Town's wastewater treatment plant that discharges to the Batavia Kill. Quantify the amount of wastewater that will be generated by the project. Describe the ability of the Town's wastewater treatment plant to accommodate the wastewater generated by the project. Evaluate and describe treatment technologies and effluent standards to accommodate additional loadings from the project and other pending projects during different seasons. Describe those measures, if any are needed, to mitigate potential impacts associated with the project's wastewater generation and treatment and the Town's wastewater treatment plant. This should include, if needed, any upgrades to the treatment plant and/or the need to increase the current SPDES discharge permit levels for the plant.

Summarize the findings of the five technical appendices for stormwater management and sediment and erosion control (See scoping document Sections V.5 Stormwater Management - Operational Quantity, V.6 Stormwater Management - Operational Quality, V.7 Stormwater Management Construction Quantity, V.8 Stormwater Management – Construction Quality, and V.9 Draft Stormwater Pollution Prevention Plan (SWPPP)), in particular those measures proposed to mitigate potential impacts to surface waters during the construction and operation of the project. Reference the plans included with the DEIS that are pertinent to stormwater management and sediment and erosion control (i.e. Grading and Drainage plans, Erosion Control plans in scoping document Section VI).

3.3 Groundwater Resources

Describe groundwater resources on and around the project site. Identify any groundwater supply wells in use by homes or other buildings on or off-site in the vicinity of the project. Provide information on local water well yields from the different geologic settings on the site and in the area (i.e. bedrock vs. unconsolidated, etc.). The project will obtain water from the Town's municipal water supply system. Describe the location of the project in relation to the

Town's municipal water supply wells in Windham and in Hensonville. Provide the anticipated water demands of the project and describe the capacity of the municipal water supply system and the ability of the system to meet project demands.

Assess potential project impacts to groundwater resources that may occur as a result of project construction and operation, including the effect on the use of groundwater by nearby homes or businesses as well as the potential impacts as a result of blasting during project construction and the provision of municipal water during project operation. Describe what measures will be taken to mitigate any significant impacts that are identified, including if any upgrades to the municipal water system are needed to serve the project.

3.4 Terrestrial and Aquatic Ecology

This section of the DEIS shall address the site's flora, fauna and wetlands.

Include in the DEIS communication with the NY Natural Heritage Program and US Fish and Wildlife Service relevant to rare, threatened or endangered species, unique communities or significant wildlife habitats.

3.4.1 Flora

Evaluation of on-site flora will be conducted as specified in DEIS Section V and the results of the survey summarized in this DEIS section. Based on on-site surveys of the project site, provide a description of the site flora, a list of plant species found to occur on the site including invasive species, and a map of plant communities present on the site. Identify any threatened or endangered plants as well as invasive plant species found on the site or any communities considered to be unique.

On the project grading plans illustrate areas where vegetation will be removed to construct the project. Quantify the amounts and types of vegetation to be removed. Discuss the lands to remain undisturbed in terms of their location, size and relation of other undisturbed lands around the project site.

Describe design parameters used to limit vegetation clearing and wildlife habitat impacts needed for construction of roads and, development of home sites. Describe mitigation measures to limit the spread of invasive species, including such things as pre-construction survey, removal or treatment, contractor certifications for cleaned equipment entering the site, post construction controls on individual lots and common areas etc. Describe the design guideline restrictions that must be adhered to relating to vegetation clearing and habitat protection. Describe revegetation and landscaping plans for the project, including the use of native plant species.

3.4.2 Fauna

Wildlife surveys of the site shall be conducted in accordance with the requirements of scoping document Section V.16 Wildlife Survey Report. This DEIS section shall present a summary of the findings of site surveys.

Provide a qualitative assessment of the project's impacts to wildlife. Include in the assessment an evaluation of those species that will be negatively impacted and those species that may benefit as a result of the construction of the project. Discuss whether local activity patterns for onsite and offsite fauna will be adversely impacted by development.

Describe design parameters used to limit vegetation clearing and wildlife habitat impacts needed for construction of roads, development of home sites, the spread of invasive species, etc. Describe the design guideline restrictions that must be adhered to related to vegetation clearing and habitat protection. Describe revegetation and landscaping plans for the project, including the use of native plant species.

Describe measures to be taken to reduce the potential for wildlife-human conflicts, in particular conflicts with black bears known to occur in the area. Impact mitigation may include but is not limited to alternative project layout/location or structures and roads as well as operational measures. Examples of operational measures include waste management techniques such as central garbage facilities that are completely bear-proof such as chainlink fencing at least ten feet in height and enclosed over the top and bear proof dumpster lids. Restrictive covenants aimed at reducing bear-human conflict should also be described, including but not limited to prohibition of out-door garbage storage and bird feeding/feeders from April 1st to December 1st.

3.4.3 Wetlands

Jurisdictional and non-jurisdictional wetlands on the project site shall be field delineated and a Wetland Delineation Report shall be included in the DEIS as per scoping document Section V.10 Wetland Delineation Report. A summary of the wetland delineation report shall be included in this section.

Through narrative, mapping and tables describe efforts to avoid or minimize wetland impacts as well as unavoidable impacts to project impacts to jurisdictional and non-jurisdictional wetlands including any proposed filling, tree clearing, etc. Indirect impacts to other wetland functions and benefits from project construction, if any are anticipated, shall also be described.

Provide a description of measure to mitigate proposed wetland impacts. If the level of impacts warrants compensatory wetland mitigation, prepare and provide in the DEIS a functional assessment of the impacted wetland using ACOE methodology and provide plan and section views and planting plans for the wetland mitigation area(s). Provide a description of the hydrology of the wetland mitigation area(s), together with plans for maintenance and monitoring.

3.5 Soils

An on-site evaluation of site soils shall be performed by a qualified soil scientist, including excavation of numerous test pits throughout the site in areas where development is likely to occur. Test pit logs shall be included in a DEIS Appendix (see scoping document Section V.15 Test Pit Logs). From this on-site evaluation a high intensity, second order soils map shall be prepared for the site. Soils mapping shall be included as a DEIS figure as well as be included on the plans that accompany the DEIS. The DEIS shall provide information on limitations to development based on this level of detail including such things as slope, hydric

soils, seasonally high groundwater, shallow bedrock, low percolation rates etc. The DEIS shall also provide soils information related to stormwater management such as slope, soil hydrological groups, erosion potentials, and the contents of fine grained soil particles.

Site grading plans showing the areas of proposed soil disturbance shall accompany the DEIS as per scoping document Section VI, Plan Drawings.

A draft Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in accordance with NYSDEC and NYCDEP requirements for phase 1 of project construction (see scoping document Section V.9 Draft SWPPP below). The draft SWPPP shall include the Sediment and Erosion Control Plans including Construction Sequencing Plan required under scoping document Section VI DEIS Plan Drawings. This section of the DEIS shall include a summary of the measures to be employed to mitigate potential erosion and sedimentation impacts.

3.6 Traffic and Transportation

Construction Phase – Provide a description of the typical construction traffic anticipated to enter and leave the site on a daily basis for the first phase of development. Describe if oversize loads will routinely enter or leave the site. Discuss methods to reduce construction traffic entering and leaving the site, such as on-site materials and equipment management. Recommend terms for a Road Use Agreement, the intent of which is to mitigate any potential negative impacts form construction traffic on the local roadway system. The Road Use Agreement would be executed by the Project Sponsor, the Town and County to ensure that all impacts to local area roads and underlying utilities are restored by the Project Sponsor. The Road Use Agreement should include provisions for assessing the existing conditions of area roads, required improvements, and necessary steps to ensure impacted roads are temporarily maintained throughout the construction period, and following Project commissioning, the roads and any impacted underlying utilities are restored to serviceable condition by the Project Sponsor. Provisions of the Road Use Agreement may include:

- Requirements for preconstruction and regular meetings between the project construction managers and the Village and County Highway Superintendents;
- Travel restrictions for select roads, if needed;
- Posting of a road bond, including the amount of the bond and conditions under which bond funds can be drawn;
- Means for documenting pre-construction conditions of roads and the presence of underlying utilities using video equipment or standard rating systems;
- Means for determining interim resurfacing or other measures to address conditions during the phases of construction;
- Means for documenting post-construction conditions, required road/utility repairs and timelines for completing these projects; and
- Funding for an independent engineer to review and document the conditions of the road/utilities and to make determinations as to whether the use of the road for construction related traffic requires maintenance or repair.
- The re-use and/or disposal of road-related material should also be addressed in the Road Use Agreement. As part of the normal construction activities, items should be re-used on-site where practicable and allowed under state and federal law. Items that cannot be reused must be disposed of in accordance with local and state disposal laws in an appropriate manner.

Operational Phase - This section shall contain a summary of the Traffic Impact Study prepared for this project as per Section V.13 Traffic Impact Study of this scoping document.

Summarize the existing traffic conditions on roads around the project site. The existing conditions evaluation shall take place during a holiday weekend when Windham Mountain is in operation, including peak hours of traffic. Provide existing conditions counts and level of service calculations and include key intersections in the area including South Street (CR12) & Church Street (CR 79), South Street (CR 12) & NY Route 296, Main Street (NY Route 23) & Church Street (CR 79), South Street (CR 12) & Main Street (NY Route 23), and Main Street (NY Route 23) & NY Route 296.

Summarize peak traffic generation from the proposed project under full buildout conditions. Provide level of service determinations for the intersections above when project traffic is added.

Based on the results of the operational analyses of project-generated traffic, the need for highway improvements and traffic control shall be analyzed to mitigate project impacts and provide adequate access to the site and through the study area.

3.7 Visual Resources

A Visual Impact Assessment of the proposed project shall be performed and included in the DEIS. See scoping document Section V.11 Visual Impact Assessment for details. A summary of Section V.11 shall be provided in this section.

Characterize the existing viewshed and discuss the general locations from which views into the project site are available and the character/context of these existing views. Identify public roads and state lands (hiking trails in particular) from which the project will be visible. The project is located within the Catskill Park which is an identified aesthetic resource of statewide significance. The impacts of clearing and development approximately 150 acres of forestland high in the landscape shall be fully explored and evaluated as required by NYSDEC Policy on Assessing and Mitigating Visual Impacts as well as with full consideration of the DEC Catskill Park State Land Master Plan.

Summarize from where and how views into the project site will be affected by construction of the proposed project. Provide an assessment of the significance of the changes in views.

Provide measures that will be incorporated into the project design that will mitigate potential impacts. Such measures shall include developing lower elevations and avoiding ridge top development, use of earth tone colors for building exteriors, use of non-reflective glass, prohibiting tree cutting for view creation, etc.

3.8 Auditory Resources

Characterize the existing auditory environment for the site and surroundings including predominant noise sources and expected typical noise levels (in dBA) expected based on the site's rural setting.

Describe anticipated noise sources during the construction phase and operations phase of the project. If any bulk materials processing is proposed to take place on the property during construction (i.e. rock crushing) then a sound impact study should be undertaken. This sound impact assessment should include identification of sensitive receptors including nearby residences, the ski center, and wild forest recreational users, prediction of increases in sound levels (dBA) at these sensitive receptors, and identification of mitigation measures where appropriate. Assess the magnitude and frequency of sound impacts anticipated from blasting activities during construction and provide mitigation measures if necessary.

Identify any potential significant sound sources that will be present on the property as a result of development of the property, including sounds created ski lift operations, mowing, maintenance, etc. Describe the nature, level, duration and mitigation for noise created by the operation of the ski lifts. Discuss mitigation measure including operational restrictions (e.g. hours and days of the week of construction work, hours of operation of the ski lifts, restrictions on hours and days of the week for maintenance operations).

3.9 Land Use and Community Character

Provide a general description of the existing land uses in the local setting of the proposed project. Provide mapping as appropriate. The analysis shall identify local land use and economic plans and policies, and the consistency and effect of the project on these shall be discussed. A regional land use, zoning, and public policy discussion shall also be provided. The project is located within the Catskill Park which is an identified aesthetic resource of statewide significance. The impacts of change in land use from open space to residential development shall be discussed as it relates to the character of the Town of Windham and of the Catskill Part State Forest Preserve lands. Consideration shall be given to the NYSDEC's Catskill Park State Land Master Plan.

This analysis shall place the proposed project in context with surrounding land uses, and current and pending public policies applicable to the subject property and the setting of the project. General land use patterns within this area as well as the larger regional area shall be identified and mapped, and an evaluation shall be prepared comparing the proposed project with existing land uses. An analysis of the proposed action's consistency with land use regulations and current and pending public policies applicable to the subject property and the project area shall be prepared. Documents to be reviewed include but are not limited to the Town's DGEIS, Comprehensive Plan, Site Plan and Subdivision law, and DEP Regulations.

This analysis shall also discuss the relationship of the proposed project with nearby sensitive uses, such as open space, agriculture, public recreation, and state-owned lands. Any adverse environmental impacts associated with the proposed project shall be identified. Mitigation measures shall be provided for any significant adverse impact identified.

3.10 Community Services

The project will generate demand on various Town services including police and fire protection, and emergency services. This analysis shall estimate and describe the effects of this demand on these and other relevant community services, including schools. The fiscal costs, if any, to the Town of Windham associated with providing any additional services during the construction and operation of the project shall be estimated. In addition, the potential effect of any new

residents directly resulting from the project on school enrollment in the affected district shall also be estimated. Describe the methodology used to determine number of school children including assumptions regarding residency.

Changes in property tax revenues resulting from the project (e.g., the additional property tax revenues to the Town and relevant jurisdictions, including the school district) shall be summarized and evaluated in comparison with any identified potential increases in the cost of providing municipal services to the project upon completion.

3.11 Socioeconomics

This section of the DEIS shall provide a demographic and economic profile of the Town of Windham. Data on population and employment patterns shall be summarized and described utilizing data available from generally accepted governmental and non-governmental sources of demographic and economic data. The DEIS shall describe total population; number of households including total, owner occupied, renter occupied and vacant; average household size; median value of single family owner occupied home; and household/per capita income. In addition the DEIS shall summarize economic baseline information and employment data by key industries, as well as existing housing patterns.

This section of the DEIS shall also summarize the target market (average household size and income) and range of price points for each housing product and/or amenity proposed. The target market data and price point information shall be compared to the demographic, housing and economic profile of the Town of Windham. Significant contrasts between the Town data and the proposed project data shall be quantified so that the potential impact on local demographics can be assessed.

New employment expected to be generated by the project on-site and off-site, direct and indirect, shall be estimated and described, including a description of the anticipated types of jobs and the average wages for each type of job type.

Any new employment directly generated by the proposed project shall then be compared against the existing workforce for the region from which employees would likely be drawn, considering reasonable and established commute time in addition to distance, to determine any potential effects the proposed project may have on the workforce.

Should project-generated demand for employees exceed the local and regional supply from within the reasonable and established commute distances, the analysis shall estimate the potential in-migration of workers to supplement the available workforce.

Using the U.S. Department of Commerce's Regional Input-Output Modeling System (RIMS II) or the IMPLAN model, the DEIS shall estimate the project's short-term (construction period) and long-term (post-construction/project completion) economic and fiscal effects. The analysis shall include estimates of the number of jobs to be generated directly and indirectly, as well as estimates of directly and indirectly generated wages and salaries. Public sector revenues, including personal income taxes, will be estimated. Potential sales tax revenue generation will also be estimated for construction-related expenses.

3.12 Cultural Resources

The project site shall be investigated for the presence of historic and prehistoric cultural resources in accordance with scoping document Section V.12 Cultural Resources Studies. This DEIS section shall summarize the findings of those investigations.

Provide a summary of existing conditions from the findings of the Stage 1A and Stage 1B cultural resources investigations reports.

If any significant cultural resources are identified on the property, describe their general location and how they would be impacted by the proposed project.

If any significant impacts are identified, then describe measures to be taken to avoid impacts. These measures could include additional site investigations/documentation, or avoidance through project design adjustments.

Section 4 Unavoidable Adverse Environmental Impacts

Describe the unavoidable adverse environmental impacts that will occur as a result of the project including necessary information on the extent, likelihood and long term consequences of the identified impacts. Any topic identified as having an unavoidable adverse environmental impact will be identified, quantified, and described in details. This section is likely to include but is not limited to a discussion of impacts to the land, ground and surface water, wetlands and water courses, flora and fauna, community character, visual aesthetics, infrastructure and community services.

Section 5 Alternatives

Assessment of reasonable and feasible alternatives to the proposed action is required by SEQRA. When assessing alternatives consideration shall be given to the objectives and capabilities of the project sponsor, and assessments should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. For the alternatives listed in 5.2 – 5.6 include sketch plans and development plan tabulation incorporate water and sewer demands and build statistics of these potential alternative uses for comparison with the proposed action.

5.1 Alternative Locations

Discuss potential alternative locations where the project sponsor could accomplish the goals for the proposed action.

5.2 Alternative Use of the Site

Discuss alternative uses that could occur on the site in the context of local land use regulations, local land use patterns, project site characteristics, and availability of infrastructure to serve the site. At a minimum, evaluate silviculture, active/passive recreation, and expansion of the Windham Mountain ski area (additional trials, terrain, features, etc.) as three alternative uses of the site.

5.3 Reduced Footprint

Reduce the development footprint to no more than 30% of the site, leaving 70% as open space or for recreational facilities.

5.4 Reduced Infrastructure Demand

Reduce demands for water and sewer to 50,000 gpd each.

5.5 Integral Phased Plan

Provide at least three phases of development, each as a stand-alone, integral (lacking nothing essential) plan.

5.6 No-Waivers Plan

Eliminate, to the extent possible, the need for waivers from the Town Code.

5.7 No-action Alternative

Discuss the adverse or beneficial changes that are likely to occur in the reasonably foreseeable future in the absence of the proposed action.

Section 6 Irreversible and Irretrievable Commitment of Resources

Identify and evaluate the irreversible and irretrievable commitment of resources needed for the proposed action. Include commitments of energy and materials needed to construct and operate the proposed action as well as commitments of capacity in the Town's water supply system and wastewater system.

Section 7 Growth-Inducing, Secondary and Cumulative Impacts

This section shall present a discussion of off-site impacts that are likely to occur as a result of the project. The discussion shall focus on the potential for off-site development in Windham and the immediate surroundings that would occur as a result of the project.

An assessment of growth inducing, secondary and cumulative impacts shall be part of the fiscal and economic impact assessment of the project that will be a technical appendix to the DEIS. See Section V.14 of this scoping document below for details.

The DEIS shall consider potential cumulative impacts from the proposed action in conjunction with other recently approved projects in the Town or other proposed projects currently under review. Potential cumulative impact assessment should focus on the topics of traffic, water supply and wastewater.

Furthermore, the DEIS shall address the community service and infrastructure demands of the proposed project as compared to existing or planned capacities of such services/infrastructure

and discuss the opportunities gained or lost for future development as a result of implementation of the proposed project.

Section 8 Effect of the Proposed Action on the Use and Conservation of Energy

This section of the DEIS shall discuss the effects that the proposed project would have on energy consumption, including the benefits that can occur as a result of project measures that are proposed to conserve energy.

Section 9 Consultation and Coordination

Provide documentation regarding the involvement of various regulatory agencies, service providers, and others contacted during the preparation of the DEIS.

References

Provide citations to published materials referenced within the DEIS.

V. DEIS Appendices

DEIS appendices shall include compilations of project-related documents pertinent to documenting the SEQRA record. A number of detailed studies/analyses shall be performed with the results also presented in DEIS appendices.

1. SEQRA Documentation

Compile SEQRA documents for inclusion in the DEIS, including such things as the project EAF, Lead Agency Determination, Positive Declaration, Public Notices, Final Scoping Document, etc.

2. Letters of Record

Compile pertinent correspondence with outside agencies regarding the project and include this correspondence as an Appendix in the DEIS.

3. Water Supply Report

Prepare a Preliminary Design Report. The design report shall include a description of site conditions, project summary including documentation of potable and non-potable flows, fire flow calculations, a discussion of potential alternative sources, the proposed treatment process(es), site selection within the project site, and technical exhibits and drawings related to the water infrastructure for the project. Since the project proposes connection to the Town's municipal water supply, the Conceptual Design Report shall discuss off-site infrastructure improvements necessary to bring water to the site, on-site infrastructure operation and maintenance responsibility (transportation corporation) and the ability of the Town's system to meet project demands. Discuss alternative water supplies (e.g. development of on-site individual wells or a community system), improvements to the Town's supply, transmission, storage, and treatment system required as a result of the project demands, and discuss the

capacity that remains if the Town commits to serve the projected full-build demand of the project.

4. Wastewater Design Report

Prepare a Preliminary Design Report. The design report shall include a description of site conditions, estimated wastewater production including hydraulic loading and organic loading, evaluation of disposal alternatives, collection and disposal plans, system construction, and operations and maintenance. Since the project proposes connection to the Town's municipal wastewater treatment plant, the Conceptual Design Report shall discuss off-site infrastructure improvements necessary to take wastewater from the site, on-site infrastructure operation and maintenance responsibility (transportation corporation) and the ability of the Town's treatment plant to meet project demands. Discuss alternatives for wastewater treatment, identify any improvements to the Town's collection and treatment system required as a result of project demands and discuss the capacity that remains if the Town commits to serve the projected full-build demand of the project.

5. Stormwater Management - Operational Quantity

The stormwater management system for the project shall be designed by utilizing the HydroCAD Stormwater Modeling System, Version 7.1 or higher, by Applied Microcomputer Systems. The SCS TR-20 method will be utilized.

The storms analyzed are those specified in the August 2003 New York State Stormwater Management Design Manual (the Manual). Those storms are:

1.) The Water Quality volume, 1-Year, Type II Design Storm (new NYCDEP requirement).

2.) The Channel Protection Volume, 1-Year, Type II Design Storm.

3.) The Overbank Flood Control Volume, 10-Year, Type II Design Storm.

4.) The Extreme Storm, 100-Year, Type II Design Storm.

5.) The 25-Year Design Storm per NYCDEP requirements.

A pre-development model shall be created for use in predicting stormwater runoff at the identified Design Points. Design Points shall be identified at points of interest where flows can be easily determined, locations that are down gradient of proposed development, and as close as possible to the areas of proposed development.

Once the Design Points are chosen, individual subcatchments shall be derived from field observation and mapped data. The individual subcatchments include;

1.) Areas of cover type taken from air photos and field observation, and vegetation community type mapping derived from field observation.

2.) Soils types compiled from on-site high intensity soils mapping.

3.) Time of concentration flow paths based on existing conditions and mapping. These shall begin with a sheet flow segment, transitioning to shallow concentrated flow and channel flow where these conditions exist. Channel conditions shall be determined by field observation, and the position and orientation of channels shall be established using GPS data.

Flow paths within each subcatchment shall be field-verified to include existing culvert sizes and pitches, the geometry, cover type and slope of existing swales or ditches and the condition of cover types for sheet flow and shallow concentrated flow components. Reach segments shall be included to link individual subcatchments together to create a path to the individual design points. Reaches shall be described in a similar fashion as the time of concentration segments. A separate reach shall be described for every significant change in cover type, slope or geometry. Where applicable and pursuant to recommendations in HydroCAD, in the case of a subcatchment that is draining along the entire length of a reach, the reach should be modeled as a flow segment within the subcatchment.

If a detailed surface water profile for a channel is necessary, a separate analysis using a different program will be conducted to account for the fact that HydroCAD reach routing uses Manning's equation and does not consider potential inlet, outlet or tailwater water effects.

These factors shall combine to create a pre-development HydroCAD Model that will accurately predict the existing hydrology.

Design stormwater controls to capture, convey and detain stormwater runoff from the developed portions of the project site. By creating positive drainage through site grading within each of the subcatchments, the proposed stormwater control systems shall be capable of reducing post-development runoff rates from a 1, 10, 25 and 100-year storm.

The proposed stormwater management plan for the site shall be developed in accordance with the guidelines established in the Manual and the Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its sources, 10 NYCRR §128-3.9. The primary design goal shall be to meet the water quality objectives as discussed in the Manual. In order to achieve the primary goal of meeting water quality objectives, while at the same time mitigating potential impacts associated with increased stormwater runoff, the design of the stormwater management system shall follow the guidelines presented in the Manual and 10 NYCRR §128-3.9.

Stormwater management devices shall be located in close proximity to proposed facilities and in locations that provide the best opportunity for treatment and flow attenuation. Subcatchments shall be created around areas that contribute to the individual devices or proposed points such as catch basins or culverts. The subcatchments shall be linked by reaches, which shall be modeled, including pipes, culverts, swales and any facilities that will transmit runoff. The proposed flows associated with the five design storms shall be treated and attenuated at or below the pre-development rates at each Design Point.

6. Stormwater Management - Operational Quality

Pollutant loading analyses shall also be performed in accordance with 10 NYCRR §128-3.9.

To estimate phosphorus loading from the project a direct calculation method shall be utilized. This direct method calculation incorporates site specific and regional data. To create the direct calculation, forest runoff characteristics from NYCDEP watershed monitoring sites in the Catskills shall be utilized to calculate pre-development runoff export of total phosphorus (TP) and total suspended solids (TSS). To estimate the runoff quality for the developed site, NYCDEP 1997 (Guidance for Phosphorus Offset Pilot Program, March 1997) shall be consulted to obtain runoff values for developed areas. Using area take offs of different land uses on the developed site (impervious areas, ski lifts, etc.) total loading shall be calculated by using the export coefficients for TP and TSS for the different land uses. Reduction in TP and TSS loading that is achieved by routing runoff through the designed stormwater management shall be calculated by applying industry accepted removal rates for TSS and TP for the various elements of the stormwater management practices employed.

7. Stormwater Management - Construction Quantity

Stormwater calculations shall be conducted using the method prescribed in the USDA Soil Conservation Technical Release No. 20 and using the HydroCAD Stormwater Modeling System. The Design Storm utilized will be the ten (10) year 24 hour Type II storm event for the Windham area.

The objective of the stormwater plan shall be to manage stormwater during the construction phase of the project. The plan shall utilize permanent and temporary stormwater basins and sediment traps that are sized to collect and store runoff pursuant to the most current version of the "New York State Standards and Specifications for Erosion and Sediment Control. . No recharge of stormwater is anticipated at the stormwater ponds to be built for the construction phase of the project. Plans for dewatering the sediment basins will be developed including the identification of discharge locations and a description of the methods to dewater the basins. If site constraints limit the ability to construct stormwater ponds than an alternative design using baffled tanks, filtration and/or flocculation shall be prepared and included in the DEIS.

Siting and sizing of construction phase basins shall take into account the detailed design of the components of a permanent stormwater management system designed under number 5 above.

8. Stormwater Management - Construction Quality

TP and TSS loading shall be calculated for the construction phase in a manner similar to the methods used for the operational phase in number 6 above. The analysis shall take into account the location and sizing of the permanent and temporary sediment basins, their settling capacities, discharge locations and discharge rates. The need to incorporate the use of chemical flocculants within the sediment basins shall be evaluated, and if it becomes apparent that such flocculent use will be necessary to avoid turbid discharges, a plan shall be developed that provides specifications for detention basin treatment and dewatering.

9. Draft Stormwater Pollution Prevention Plan (SWPPP)

A draft of the project Stormwater Pollution Prevention Plan (SWPPP) for the project prepared in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (Permit GP-08-001 or any subsequent update in effect at the time of preparing the DEIS) will be included as part of the DEIS. The draft SWPPP will contain some of the information contained in the Appendices in numbers 5, 6, 7 and 8 above as well as many of the plans prepared under Section VI below, in particular the grading and drainage plans, construction phasing plans and the sediment and erosion control plans. The draft SWPPP shall contain drafts of all of the requisite components contained in Part III.B of the General Permit, including the following.

- General Site background information
- Existing conditions mapping and description– slopes, vegetation, soils and wetlands
- Grading and drainage plans
- Hydrologic and hydraulic analyses for structural controls
- Sizing criteria for multiple design storm return intervals
- Construction Phasing Plans
- Sediment and erosion control plans and narrative description
- Temporary and permanent stabilization (including a re-vegetation plan) in accordance with "blue book" standards
- Plans and descriptions for the dimensions, materials installation details and operation and maintenance of stormwater controls
- Inspection schedule
- Litter control, spill management and spill notification information

10. Wetland Delineation Report

The wetland delineation report prepared for submission to the US Army Corps of Engineers shall be included as a DEIS Appendix. The Delineation Report shall include sections on delineation methodology, general vegetation, soil and hydrology characteristics of the site, and a description of the characteristics of each delineated wetland. Included as Exhibits shall be the data sheets for each wetland/upland sampling point with accompanying photographs, completed post-Rapanos Jurisdictional Determination forms, and survey maps of the delineated wetland boundaries.

11. Visual Impact Assessment

A Visual Impact Study shall be prepared in accordance with the following procedures.

The methodology for the assessment of potential visual and aesthetic impacts will be consistent with the following guidelines.

- *NYSDEC Program Policy "Assessing and Mitigating Visual Impacts", July 31, 2000*
- *Development in the Adirondack Park Objectives and Guidelines for Planning and Review*. Adirondack Park Agency. Updated through April 1991
- *The SEQR Handbook*. New York State Department of Environmental Conservation. November 1992

Digital terrain modeling shall be utilized to create viewshed mapping within a five-mile radius of the site. The digital terrain modeling shall be used to identify the potential viewshed areas for all development areas within the site. Off-site areas that are blocked from view by landforms and/or vegetation shall then be plotted to produce zones of visibility maps for the development areas on the site.

Sensitive viewshed receptor types identified in the publications listed above and also including public roads and hiking trails, and public recreation areas that have potential views into the project development areas shall be identified and located. This shall be limited to a five-mile radius.

The zone of visibility for the proposed development footprints from all identified receptors including public roads, and trails within a five-mile radius shall be field-verified. Existing structures and features on and around the property, including neighboring residential development and the ski trails at Windham Mountain shall be used for orientation during this reconnaissance.

A field exercise shall be conducted to document the visibility or lack of visibility of the project from the previously identified vantage points. 4 foot diameter minimum (5' preferred) colored balloons shall be flown at up to six (6) different locations near the locations of proposed buildings to provide site orientation when assessing visibility within the 5 mile radius. Balloons shall be flown at a measured height sufficient to be above the existing tree line as well as the actual maximum building height. GPS coordinates of balloon locations shall be collected. On a clear day with good visibility each area identified as having the potential for views into the project will be examined. Examinations shall take place during leaf-off conditions. Examinations shall consist of driving roads and visiting sensitive receptors identified as having potential views. Where potential views are confirmed to exist, these views shall be photo-documented using SLR (digital and/or conventional) cameras including 50mm focal length photos to be used for simulation graphics. GPS location data shall be collected at each photo location. Screening provided by forest cover as it may reduce the duration of views or obscure views shall also be documented during the photography process.

Based on the work performed above, the actual zone of visibility map for the project components based upon leaf-off investigations shall be prepared.

Up to ten (10) paired photograph-based representative views of visual conditions with and without the development of the project shall be prepared and included in the report. Paired photographs shall include visualization of all project components including (when visible) structures and site improvements, clearing and grading, and any proposed visual mitigation measures. The selection of representative views to be simulated shall be based on the relative importance of public viewing points, level of viewer exposure and geographic distribution.

Representative views shall include the most significantly affected near views as well as affected vista views. The number and location of representative views shall be approved by the Lead Agency upon completion of the tasks described above.

AutoDesk Land Desktop and AutoCAD software shall be used to create a 3-D wire frame model by taking all 2-dimensionally accurate site plan information included in the site plan drawings such as existing and proposed contours, locations of tree clearings, locations of buildings etc. and incorporating known and given elevations to each component to generate an accurate 3-dimensional model that can be viewed from any angle and location.

Utilizing surveyed 3-dimensionally accurate topographic information a model of the existing 3-dimensional landform shall be created. The proposed grading shall be incorporated into the existing landform model by assigning elevations to all proposed contours, then tying them into the existing landform to create the proposed landform model, or ground plane surface. The proposed tree clearing and vegetation to remain shall be represented by isolating the 2-dimensional polygon on the proposed site plan that represents all vegetation to remain. The part of the 3-dimensional landform model that is within the vegetation polygon shall be copied to create a surface that will represent the tops of the trees and relates to the existing topography. This surface shall be given an elevation above the ground plane based on existing tree heights, then vertical faces shall be created that connect the tree top surface to the ground plane. This creates a 3-dimensional polygon that represents trees to remain.

The proposed buildings located in 2-dimensions on the site plans shall be transformed into 3-D models. The 3-D building models shall then be given an elevation that corresponds to the proposed finish floor elevation indicated on the grading plans. The GPS coordinates at the locations of the photographs that capture the views to be simulated shall be incorporated into the AutoCAD file that contains the site plan and the 3-D model, so the photo locations are horizontally and vertically accurate within the context of the site plan and the AutoCAD file.

The digital image of the proposed condition shall be created and saved using AutoCAD, which is a "snapshot" of the 3-D model from each specific photo location. Using computer graphic software titled Adobe Photoshop, the digital snapshot of the proposed condition shall be transposed over the existing condition photograph of the same view. Features and/or landform within the digital snapshots shall be aligned with the features and/or landform within the existing condition photograph to position the overlay as accurately as possible. The view elements of the proposed condition shown in the digital snapshot that are anticipated to be screened from view due to intervening foreground vegetation or topography shall then be removed. Then the model of the proposed condition shall be rendered as needed with appropriate colors and textures. The final result shall be a simulation that represents a view of the proposed condition, while maintaining the context of the existing surroundings.

The report that shall accompany the simulations will include a discussion of the numbers and types (hiking, driving, existing land uses, etc.) of people to be affected, the durations of views that can be expected, and how views may vary between leaf on and leaf off conditions. This shall include a discussion concerning the nature of the visual change and the public's probable reaction to such change.

The DEIS shall discuss suitable measures to mitigate potential impacts. The discussion shall include measures such as project component locations, structure heights, use of earth tone colors, non-reflective glass, cut-off light fixtures, and other similar type measures. The DEIS shall discuss the visual impacts of the project as they relate to the NYSDEC Catskill State Park Land Master Plan.

12. Cultural Resources Studies

Stage 1A and 1B investigations and reports shall be prepared for the project site and included in a DEIS Appendix.

Phase IA

Review files held by OPRHP to determine if any reported archaeological sites lie within or adjacent to the project area and area of potential effect (APE). All sites within one mile (1.6 km) shall be documented as is required by that agency.

State and National Registers shall be examined for properties or sites that are within or adjacent to the project area.

Historic maps that indicate the development of the project vicinity shall be included in order to determine if former structural remains or map documented structures (MDS) may lie within or adjacent to the project area.

Review local histories and previous cultural resources reports conducted in the vicinity of the project area.

Conduct a site inspection to assess existing conditions, prior disturbance, areas of archaeological sensitivity, and standing structures. All buildings more than 50 years in age within and adjacent shall be photo-documented.

Phase IB

The Phase IB archaeological field survey and reconnaissance shall document the presence or absence of archaeological deposits or other cultural resources. A minimum of 16 shovel tests per acre (50 foot interval) is required by SHPO in areas with low probability for cultural remains and 32 shovel tests per acre (25 foot interval) for areas of high probability. The total number of shovel tests may be reduced depending on the amount of prior disturbance or increased depending on the presence of map documented structures. Excessively wet or highly sloped locations may also be eliminated from testing since archaeological deposits are seldom found in such locations. Shovel testing methods and field documentation shall follow OPRHP standards for field investigations as adapted from those of the New York Archaeological Council (NYAC).

Phase IA and IB Reports

A combined Phase IA and IB report shall be prepared. The Phase IA report will summarize the documentary research, known cultural resources, and provide an archaeological

sensitivity assessment. The Phase IB report shall discuss methods, results, and recommendations for additional investigations, if needed. Shovel test records and the artifact catalog shall be appended to the report. Tables, figures, and photographs shall be included to illustrate the discussion as appropriate.

13. Traffic Impact Study

Data Collection

Background Information - Available background traffic, roadway, and development information shall be obtained from the Town, County, and NYSDOT.

Traffic Counts - Manual intersection turning movement counts shall be conducted during the Friday afternoon peak period of 4:00 to 7:00 p.m. as well as the Sunday peak period of 3:00 to 6:00 p.m. during a ski season holiday weekend. These periods represent those times of the day that weekend visitors will generally arrive and depart the resort community. Counts will be conducted at these five intersections:

- South Street (CR12)/Church Street (CR 79)
- South Street (CR 12)/NY Route 296
- South Street (CR 12)/Main Street (NY Route 23)
- Main Street (NY Route 23)/Church Street (CR 79)
- Main Street (NY Route 23)/NY Route 296

Automatic Traffic Recorders (ATRs) shall be installed on South Street in the vicinity of the site to collect hourly traffic volume data for several days, including a weekend.

Existing Roadway Conditions- Existing roadway and traffic control conditions shall be inventoried at the study intersections. This shall include lane widths, shoulder widths, and traffic control.

Accident Data - Accident data for the latest available three year period shall be obtained from the New York State Department of Transportation for the area immediately adjacent to the project site.

Forecasting

No-Build Traffic Volumes - Background traffic volumes shall be determined at the study area intersections for the No-Build condition (without the project) for one design year reflective of Build-out of the project. Background traffic volumes shall include normal background traffic growth, plus the traffic from other approved projects in the area.

Trip Generation/Distribution/Assignment - Trip generation for the project shall be estimated for the Friday PM peak hour and Sunday peak hour based on data contained in *Trip Generation*, 7th Edition, published by the Institute of Transportation Engineers. These traffic volume estimates shall be distributed and assigned to the adjacent roadway network.

Build Traffic Volumes - Future traffic volumes shall be estimated for the study area intersections for the Build traffic conditions, which will include the additional traffic generated by the project.

Traffic Analysis

Operational Analysis - Traffic analyses shall be conducted for the intersections listed above and the site driveway according to the applicable procedures set forth in the *2000 Highway Capacity Manual* (HCM) for the following conditions:

- Existing traffic
- Future No-Build traffic (without the project)
- Future Build traffic (with the project)

The intersection analyses shall result in a before/after Level of Service (LOS) for the Friday PM peak hour and Sunday peak hour.

Needs Assessment - Based on the results of the operational analyses above, the need for highway improvements and traffic control shall be analyzed to mitigate project impacts and provide adequate access to the site and through the study area. Also, recommendations to improve sight distances, where necessary, for the site driveway shall be made.

An accident analysis shall be conducted to determine any prevalent accident types in the roadway network adjacent to the project site. Any prevalent accident types will be identified and mitigation measures will be identified if applicable.

14. Economic and Fiscal Impact Assessment

Land Use and Community Character

Provide a general description of the existing land uses in the local setting of the proposed project. The analysis shall identify local land use and economic plans and policies, and the consistency and effect of the project on these shall be discussed. A regional land use, zoning, and public policy discussion shall also be provided.

This analysis shall place the proposed project in context with surrounding land uses, and current and pending public policies applicable to the subject property and the setting of the project. General land use patterns within this area as well as the larger regional area shall be identified and mapped, and an evaluation shall be prepared comparing the proposed project with existing land uses. An analysis of the proposed action's consistency with land use regulations and current and pending public policies applicable to the subject property and the project area shall be prepared.

This analysis shall also discuss the relationship of the proposed project with nearby sensitive uses, such as open space and agriculture. Any adverse environmental impacts associated with the proposed project shall be identified.

Community Services

The project will generate demand on various Town services including police and fire protection, and emergency services. This analysis shall estimate and describe the effects of this demand on these and other relevant community services, including schools. The fiscal costs, if any, to

the Town of Windham associated with providing any additional services during the construction and operation of the project shall be estimated. In addition, the potential effect of any new residents directly resulting from the project on school enrollment in the affected district shall also be estimated.

Changes in property tax revenues resulting from the project (e.g., the additional property tax revenues to the Town and relevant jurisdictions, including the school district) shall be summarized and evaluated in comparison with any identified potential increases in the cost of providing municipal services to the project upon completion.

In addition to costs, this section shall evaluate the capacity of the local fire and emergency service providers to provide safe and adequate service to the proposed project. This analysis shall be documented in writing by direct communication with the service providers. Needs for personnel, training, funding, apparatus, equipment, etc. to serve the demand of the proposed project shall be described.

Socioeconomics

This portion of the DEIS shall provide a demographic and economic profile of the Town of Windham. Data on population and employment patterns shall be summarized and described utilizing data available from generally accepted governmental and non-governmental sources of demographic and economic data. The DEIS shall describe total population, number of households, average household size, and household/per capita income. In addition the DEIS shall summarize economic baseline information and employment data by key industries, as well as existing housing patterns.

New employment expected to be generated by the project shall be estimated and described, including a description of the anticipated types of jobs and the average wages for each type of job type.

Any new employment directly generated by the proposed project shall then be compared against the existing workforce for the region from which employees would likely be drawn, considering reasonable and established commute time in addition to distance, to determine any potential effects the proposed project may have on the workforce.

Should project-generated demand for employees exceed the local and regional supply from within the reasonable and established commute distances, the analysis shall estimate the potential in-migration of workers to supplement the available workforce.

Using the U.S. Department of Commerce's Regional Input-Output Modeling System (RIMS II) or the IMPLAN model, the DEIS shall estimate the project's short-term (construction period) and long-term (post-construction/project completion) economic and fiscal effects. The analysis shall include estimates of the number of jobs to be generated directly and indirectly, as well as estimates of directly and indirectly generated wages and salaries. Public sector revenues, including personal income taxes, will be estimated. Potential sales tax revenue generation will also be estimated for construction-related expenses.

Growth Inducing, Secondary and Cumulative Impacts

The analysis shall estimate how project-related and seasonal resident expenditures and project-related employment might affect the local and regional economy, based on assumptions concerning seasonal resident and visitor presence and expenditures, and operating expenses of the project elements. In addition, the analysis shall discuss the possibility of new off-site development (e.g., new residential and commercial development)

which might be induced by the project and the seasonal residents. The potential environmental effects of such development shall also be qualitatively described.

Commercial Development Demand

The analysis shall qualitatively describe commercial business conditions and trends within the study area based on field surveys and publicly available data, including data from US Census Bureau Economic Census, the New York State Department of Labor, and other public sources. The DEIS shall generally describe the business conditions in the study area according to key industry sectors. Based on the RIMS II or IMPLAN analysis of the operational phase, the DEIS shall estimate the potential off-site economic benefits and commercial demands resulting from new spending in the local economy generated by the project.

Potential Induced Development

As noted above, based on the analysis of the effect direct project employment may have on the existing labor pool in the study area, the analysis shall estimate in-migration of new residents into the study area for project jobs. If such in-migration may occur, the analysis will estimate the potential for new residential development resulting from this in-migration based on the availability of housing within the labor pool based on commute-to-work distance data.

The DEIS shall consider the capacity of the existing commercial base to accommodate potential increases in demand, and will identify those business sectors where potential new growth opportunities may induce new development to occur.

15. Test Pit Logs

This Appendix will include the data collected and used to prepare the high intensity soils mapping for the site. Included will be logs of the individual test pits as well as a GPS mapping of test locations.

16. Plant and Wildlife Survey Report

Background Information – Information shall be collected including a search the U.S. Fish and Wildlife Service (USFWS) website for endangered species information and accessing the New York State Department of Environmental Conservation (NYSDEC) Herpetological Atlas and Breeding Bird Atlas data.

Contact Letter – Provide the response to a contact letter to the New York Natural Heritage Program requesting information on known occurrences of rare, threatened, endangered or special concern animals, plants and natural communities and significant wildlife habitat (including deer wintering areas). The regional NYSDEC office shall also be contacted for pertinent information, particularly currently identified deer wintering areas in the vicinity of the project site and any information available about known bear den locations in the vicinity of the project site. Include any information provided by the Region in the survey report.

Floristic Survey – A survey of floristic communities on the project site shall be conducted to identify rare, threatened, endangered and invasive species.

Prior to the site visit, as much information about plant species potentially present on the site will be collected through research including:

1. Request a file search by the New York Natural Heritage Program (NYNHP) to find previous records of rare, threatened, or endangered species on the field site or in its vicinity. The Environmental Resources Mapper application on the New York State Department of Environmental Conservation (NYSDEC) internet site is a useful tool to screen the site for the presence of rare, threatened, or endangered species.
2. Review the most recent New York Rare Plant Status List compiled by the NYNHP, which is available on the NYSDEC internet site. This can be used to identify the rare species known to be found in the county where the field site is located. It also has information on the phenology (times of flowering and fruiting) of the various species.
3. Review published floras that cover the area that includes the field site. Take note of any mention of rare, threatened, endangered or invasive (RTE/I) species.
4. Interview the landowner, caretaker, foresters, consultants, or others who may be familiar with the site and who may have some knowledge of its vegetation and/or terrain.
5. Consult the web site of the New York Invasive Species Clearinghouse for information on invasive species in the region where the field site is located.

After a list of potentially occurring RTE/I species has been compiled, field guides and other sources will be consulted to determine the preferred habitats of the plants and the times of the year when they are most likely to be identifiable (e.g., flowers or fruits are present). Topographic maps, surveyor's maps, and geologic maps will be consulted to understand the terrain of the field site and its underlying geology. Aerial photos, such as those available from the internet site of the New York State Geographic Information Systems Clearinghouse, will be examined for clues about the existing vegetation on the site. Wetlands maps published by NYSDEC and the National Wetlands Inventory will be examined for indications of the occurrence of wetland habitats on the field site.

Based on the information gathered in the steps outlined above, a set of "target species" will be identified. These are species most likely to be found on the site, based on known occurrence in the vicinity of the site and their preference for the habitats found on the site. Field investigation activities will be timed to allow identification of plants that peak early in the growing season, as well as those most identifiable late in the growing season.

Prior to arrival on the field site, the investigator(s) will devise a plan to search the site, taking into account its size, its terrain, access points and trails. The site will be walked in a pattern that allows visual inspection of its entire area and will traverse each vegetative cover type. If limitations of terrain make it impossible to see all parts of the site, then efforts will concentrate on those areas having the topography, geology, or habitats in which the target species are most likely to occur.

Although the investigators will concentrate on the target species, they must be on the lookout for all species that may appear unusual or unfamiliar. If a potential RTE/I species is found, an attempt will be made to identify it in the field. It if is tentatively identified as an RTE/I species, or if identification is not possible, the plant will be photographed. Several photographs showing the entire plant, as well as close-up photos of flowers, fruits, or other parts will be taken. A ruler or other scale will be included in the photos. These photos will be recorded in the field notebook, along with notes on characteristics that may aid in identification, such as the

presence of hairs on certain parts, or other features not visible on photos. The plant's location will be recorded using the GPS unit (UTM coordinates, NAD83 datum). If it is not possible to record the location with GPS, then its approximate location will be indicated on a topographic map. Flagging tape will be used to mark the location of the plants in order to make it possible to find them again.

When a potential RTE/I species occurs as a patch of several to many plants, the size of the patch will be measured or estimated. Notes will be made as to the nature of the ecological community in which it is found, including dominant plants, slope, aspect, and surface hydrology. A sketch of the location, including landmarks, significant trees, and water bodies is useful.

If the potential RTE/I species is found in sufficient abundance, a specimen may be collected as long as it will not harm the remaining plants or significantly diminish their potential to reproduce. This will be done only if permission to collect plants has been obtained from the landowner. Care will be taken to obtain at least several inches of the root system and all the aerial parts of a herbaceous plant. For woody plants, leaves, twigs, flowers and/or fruits will be collected. The specimen will be tagged with a piece of flagging tape, on which an identification number or other information relating to its location is written. Specimens may be carried in a plastic bag or vasculum until they can be placed in a plant press and dried. When preparing plants for pressing, their parts will be arranged to allow easy examination of all parts of the dried specimen. If fruits, seeds, or other small parts are in danger of falling off the specimen, some of them will be removed and placed in an envelope made from a small sheet of paper, on which identifying information is written.

When a potential RTE/I species is found at more than one location within a site, its size and location will be recorded, additional photographs taken, and possibly more specimens collected. Habitat information will also be recorded, as indicated above.

After completion of the fieldwork, tentative plant identifications made in the field will need to be confirmed. Photographs and descriptions of plants made in the field will be compared with descriptions, drawings, and photographs in manuals and other published sources. Photographs available on the internet may be helpful, but only those from reliable sources, such as herbarium and governmental agency web sites, will be used.

Collected plant specimens will also be identified using information in manuals and other published sources. Positive identification of some plants may be possible only through comparison with specimens that have been identified by an expert and deposited in a herbarium, such as the one at the New York State Museum in Albany. It may be necessary to arrange a visit to a herbarium. Alternatively, specimens may be sent to the NYNHP for identification by a botanist. If that is done, the specimen will include the following information: species name and location information, including state, county, town, nearby village and specific plant location (GPS); habitat with associated species; number of plants; and any field characteristics that may not be seen on a dried specimen (flower color, habit, tree dimension etc.); date of collection; collector(s); collection number, if used; and name of the person who identified the specimen. It will be accompanied by a completed Natural Heritage Program reporting form. It is also possible to e-mail photographs to NYNHP to obtain a botanist's opinion on the identity of a plant.

After all plant specimens and photographs have been identified, the GPS data will be used to plot their locations on a map of the site. A map for each species will be produced, as well a summary map showing all species. The report accompanying the maps will explain the procedures followed in the field, the species found, their habitats, distribution, and their legal status.

Wildlife Investigations – Wildlife investigations shall be conducted on the site to record mammal, amphibians, reptiles, and bird species using the site.

Fall Mammal Survey – Conduct two fall surveys spanning two field days in September and October each to determine large mammal (deer, bear) and small mammal use of the site. Inventory mammal use by visual observation, tracks and scat. Search all cover types to document mammal use using qualitative meander survey methods. Additionally, habitat based assessments shall be made regarding the potential occurrence of deer wintering areas (aspect, coniferous covertypes, etc.) and black bear denning areas (rock crevices and caves, etc.) focusing on that portion of the site proposed to be developed. Areas of concentrated food sources (hard mast, berries, fruits, etc.) should be noted during all seasonal wildlife surveys and discussed in the report.

Spring Mammal Survey – Record all mammal sign (visual observation, scat, tracks) noted during field work conducted during the spring wildlife surveys.

Summer/Fall Amphibian and Reptile Surveys - Conduct a summer amphibian and reptile survey of the site. These surveys would target species that could occur on the site. Generally, these surveys should be conducted during early spring. However, many of the resident species will be recorded during a summer one-day survey.

Fall Bird Migration Survey – Qualitative meander surveys will be conducted within eachcover type on the site. Conduct two fall surveys spanning two days in September and October to determine migrating and resident birds using the site.

Spring Breeding Bird Survey – Establish bird survey points on the site. At least one survey point shall be established in each cover type on the site. Using the established survey points record bird species using the modified point count method. Two breeding bird surveys, spanning two field days each, shall be conducted between the hours of 5:00AM and 10:00AM. Ideally each point will be sampled four times. If weather conditions are unfavorable (heavy rains or high winds) point counts may be less than four at each point count location, but each point shall be sampled at least once. This work shall be conducted in May and early June.

Spring Amphibian and Reptile Surveys – Census the site for reptiles and amphibians (herps). This survey shall collect data on species which were not recorded during the fall months because they are active only in the spring. This effort shall focus on vernal pools, intermittent streams, and potential basking areas for snakes.

During the survey efforts, biologists shall also record any other incidental wildlife species observed during the bird surveys and herp searches.

Baseline Report – Prepare a baseline wildlife report describing the wildlife resources found on the site. This report shall include tables of data collected during wildlife surveys. In addition, data from the New York State Herpetological Atlas and the Breeding Bird Atlas shall also be included. Agency correspondence shall also be included.

17. Project Design Guidelines

The DEIS shall contain Design Guidelines that will be implemented under the direction of an HOA Architectural Review Board or some other similar authority that will oversee adherence to the design guidelines. These design guidelines shall be considered to be a precursor to a draft Declarations and Covenants section of what will ultimately become part of an Offering Plan that will be submitted to the Attorney General's office prior to beginning sales. The Design Guidelines shall include appropriate mitigation measures promulgated in the DEIS as they relate to protection of natural resources, visual impacts, etc.

The Design Guidelines should address the following issues.

Site Planning – this section should address things such as setbacks, building envelopes, maximum impervious cover, preservation of vegetation, grading and drainage, etc.

Landscaping – things such as preservation of existing trees, revegetation, lighting, maintenance of stormwater and landscape features, including fertilizer and pesticide application, etc., should be addressed in this section.

Architectural Design – this section should address topics such as building heights, size of residences, preservation of views, exterior lighting, materials and finishes, exterior wall colors, etc.

Design Review Procedures – this section shall define the roles of the Architectural Review Board and the home builder, including a multi-step design review process, submittal requirements and procedures, inspection/enforcement mechanisms, fees deposits and fines, etc.

Construction Guidelines – topics such as working hours, dust, mud and noise controls, protection of trees, debris and trash removal, materials storage, site preparation, etc. should be covered in this section.

VI. DEIS Plan Drawings

The DEIS shall include the preliminary subdivision plat prepared in accordance with the Town's Subdivision Law (Rules and Regulations).

The DEIS shall also contain a detailed set of site plan application drawings prepared in accordance with the Town's Site Plan Review Law, and shall include the following:

Cover Sheet
Overall Site Development Master Plan/Existing Conditions Mapping
    Slopes
    Soils
    Wetlands and Watercourses
    Composite
Site Layout Plans
Water and Wastewater Utility Plans and Profiles
Off Site Water and Wastewater Plans with Connections to Municipal Systems
Grading and Drainage Plans (2-foot contour grading, 1"=100' or larger)
Road Profiles
Stormwater Management Plans
Sediment and Erosion Control Plans including Construction Sequencing Plan
Wetland Impacts and Mitigation Plans
Typical Site Details and Enlargements

In addition to the subdivision plat and site plans listed above, the DEIS shall also include architectural sketches that establish building footprints, masses and typical exterior character. Sketch plans and elevations of the commercial buildings, typical townhouse building and two typical single-family homes shall be included in the DEIS.

RESOLUTION ADOPTING FINAL SCOPING DOCUMENT

RESOLUTION OF THE
PLANNING BOARD OF THE
TOWN OF WINDHAM
MARCH 18, 2010

WINDHAM MOUNTAIN SPORTING CLUB

SCOPING DOCUMENT

WHEREAS the Town of Windham, Greene County, New York has received a sketch plan application and full Environmental Assessment Form (EAF) for a project identified as the Windham Mountain Sporting Club (WMSC), such application dated September 21, 2009 prepared by The LA Group, PC on behalf of Tuck Eastside Partners, LLC ("TEP" or "the Applicant"); and,

WHEREAS, TEP proposes to construct a multi-phase residential development located to the north and east of Windham Mountain ski area on some 464.6 acres of land with access by Trailside Road and Panorama Lane primarily consisting of 169 single-family units, 87 townhomes and 89 condominiums as well as amenities including a members lodge and clubhouse, wellness center and skier transport lifts; and,

WHEREAS, the WMSC project is planned with open space, on-site stormwater controls, municipal water and sewer service, on-site private utility services owned and maintained by transportation corporations, and private roads; and,

WHEREAS, site plan and subdivision review and approval from the Town of Windham Planning Board and consent to form the proposed transportation corporations from the Town of Windham Town Board as well as other permits and approvals from other agencies are required; and,

WHEREAS, the project as proposed consists of construction of more than 250 new residential units to be connected at the commencement of habitation to existing community or public water or sewerage systems including sewage treatment works in a town having a population of less than 150,000; and

WHEREAS, the Town of Windham Planning Board reviewed the application materials including the Full EAF and classified the project as a Type I Action requiring a coordinated review with other involved agencies per 6 NYCRR Part 617.4(b)(5)(iii); and

WHEREAS, the proposed project will require the Town of Windham Planning Board to review and issue site plan and subdivision approval; therefore, the Town of Windham Planning Board adopted a Resolution of Intent to act as Lead Agency for the purpose of conducting the environmental review required by 6 NYCRR Part 617 and circulated the Resolution of intent together with Part I of the Long Form Environmental Assessment and other application materials including a project description and a site location map to the identified involved and interested agencies to solicit agreement with the Town's declaration of intent to act as Lead Agency for the SEQR review; and,

WHEREAS, having received no objections from other agencies and after consultation with the New York State Department of Environmental Conservation, it was determined that the Town of Windham Planning Board may act as Lead Agency for the environmental review of the proposed WMSC project; and,

WHEREAS, on January 21, 2010, the Lead Agency determined in a resolution that the proposed project, Windham Mountain Sporting Club, includes the potential for at least one significant adverse environmental impact as defined in Part 617.7(a)(1) including water quantity and quality, traffic, erosion potential and drainage problems, removal of large quantities of vegetation, impairment of important aesthetic resources, potential impacts to open space and recreational land, encouraging a population increase with associated demand for community services, and potential cumulative impacts; and,

WHEREAS, a Positive Declaration was adopted on January 21, 2010 by the Lead Agency based on the determination that there is potential for at least one significant adverse environmental impact, and the consequences are likely to occur in the long term and are irreversible once the project is built, while the project and its potential impacts are very significant in magnitude and number of persons affected; and,

WHEREAS, the Positive Declaration required Scoping of the Draft Environmental Impact Statement (DEIS) including an opportunity for public involvement and the applicant submitted a draft scoping document to the Lead Agency on January 21, 2010; and,

WHEREAS, the draft Scoping document was circulated in the involved and interested agencies and made available to the public for review upon receipt by the Lead Agency, notice was provided in the official newspaper of the Town of Windham and the ENB of the adoption of a Positive Declaration and the Scoping process, a public information session was conducted on February 18, 2010 at 7 PM at Windham Town Hall where public comment was accepted, and written comments were accepted until March 10, 2010; and,

WHEREAS, the Lead Agency has prepared a final Scoping Document that incorporates the comments of interested and involve agencies and the public with consideration of the provisions of 6 NYCRR Part 617.8 and 617.9; **NOW THEREFORE,**

Windham Mountain Sporting Club
March 18, 2010

BE IT RESOLVED THAT

1. The Scoping Document provided as Attachment A to this Resolution incorporates a brief description of the proposed action, potentially significant adverse impacts identified in the positive declaration and in consultation with involved agencies and the public including aspects of the environment that may be impacted, the nature of information needed to evaluate existing conditions, impacts and mitigations including methodologies, reasonable alternatives to be considered, and identification of information to be included in appendices; therefore, it is hereby adopted.

2. The alternatives identified in the Scoping Document provided in Attachment A shall be submitted in sufficient detail with respect to potential impacts and demands for infrastructure and services to permit comparative assessment with the proposed action given the objectives of the project and capabilities of the sponsor within 90 days of the adoption of the Scope.

3. This resolution shall take effect immediately.

Resolution Offered by: Maureen Anshanslin

Resolution Seconded by: Karyn MacDonald

Resolution Adopted by Voice Vote

ATTACHMENT A

Delaware Engineering, P.C.

Memo

To: Town of Windham Planning Board

From: Mary Beth Bianconi

CC: Kevin Franke, The LA Group

Date: January 31, 2012

Re: DEIS Completeness Review Memo

BACKGROUND

6 NYCRR Part 617.9(a)(2) states:

The lead agency will use the final written scope, if any, and the standards contained in this section to determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review. This determination must be made in accordance with the standards of this section within 45 days of receipt of the draft EIS. (i) If the draft EIS is determined to be inadequate, the lead agency must identify in writing the deficiencies and provide this information to the project sponsor. (ii) The lead agency must determine whether to accept the resubmitted draft EIS within 30 days of its receipt.

On January 5, 2012, Completeness Review Workbooks were circulated to the Planning Board which restated the contents of the DEIS as described in the Final Scoping Document adopted on March 18, 2010 in column format with space provided to record notes regarding the presence or absence of the required DEIS elements. In addition, the Workbooks provided a means to organize the completeness review by sections.

On January 19, 2012, the Planning Board, as Lead Agency, requested a two-week extension of the 45 day timeframe for the completeness review, and the applicant acquiesced to this request. The result is that the Planning Board must make a determination as to completeness of the DEIS by February 17, 2012. The Planning Board meets on February 2nd and February 16th. Given this timeframe, it is important to focus the completeness review on whether or not the elements of environmental analysis in the adopted Scoping Document have been included in the DEIS and avoid the temptation to engage in a review of the potential environmental impacts/mitigations for the project; review of the impacts and mitigation measures will occur after the DEIS has been adopted as complete by the Planning Board and distributed for public and agency review.

This memo provides a brief discussion of areas where the DEIS may not have the analysis/information outlined in the Scoping Document. There are several areas where information required in the Scoping Document has been included in the DEIS, but in a different section or sections than described in the Scoping Document; this is acceptable.

To the extent the information identified by the Planning Board's review as lacking is within the DEIS and has been overlooked, the Applicant's Engineer is encouraged to point out the location(s) in the text.

Section	Description & Workbook Page	Comments
NA	Table of Contents	While not specifically required in the Scoping Document, a tab for the Table of Contents would be very helpful.
1.3	Purpose, Need & Benefits, p. 3	The specified list of potential benefits has been provided only with respect to an increase in taxes. Other benefits to the community should be addressed. Alternatively, clearly state If the only benefits to the community are tax generation.
1.4	Require Permits & Approvals, p. 3	Expected timeframes for permits/approvals are not provided.
2.4	Land Cover, Open Space and Recreation, p. 5	The Scoping Document states that public access should be described. It appears that there will be no public access to the project. This should be stated more clearly to comply with the Scoping Document.
3.9	Land Use and Community Character, p. 21	A discussion of the influence of Catskill Park and Catskill Park State Land Master Plan, including Scenic Significance is required, but not provided.
3.10	Community Services, p. 22	While it is recognized that service providers in the Town have been slow to respond to the Applicant's request for letters of service/impacts, ultimately, this section requires additional analysis including specifically any potential increases in cost of providing municipal services upon completion of the project compared to potential revenues from taxes and fees. For example, while it is reasonably assumed that the majority of the housing units will be occupied seasonally, it appears that there will be no restriction on year-round occupancy. Given that this is the case, a reasonable analysis of the potential cost impact on education services should be provided.
4.0	Unavoidable Adverse Environmental Impacts, p. 24	Long term consequences and quantified impacts are not provided. Summary and cross reference to other sections of the DEIS should be added to avoid reiteration and to achieve the objective of the Scoping Document.

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MEMO

TO: **Town of Windham Planning Board**

FROM: **Kevin Franke**

DATE: **February 2, 2012**

RE: **DEIS Completeness Review**

We received our copy of Delaware Engineering's January 31, 2012 memo regarding DEIS completeness review (copy attached). In their memo Delaware Engineering lists 7 items where they believe information may be missing from the DEIS or where information was not found in the location(s) expected. The following provides clarification on those 7 items.

(1) A tabbed divider for the Table of Contents will be added as requested.

(2) Section 1.3. In addition to the discussion of economic benefits provided in Section 1.3.4(B), there is also discussion of the project benefit of preservation of open space and the project benefit of proposing a development that is consistent with the Town's GEIS (see page 1-11). In the description of project water supply (Section 2.6.3(F), p. 2-23) there is discussion of the benefit of the WMSC Applicant contributing towards the costs of the water system consolidation.

(3) Section 1.4. In accordance with the requirements of the scoping document, Section 1.4 provides timeframes for other permits relative to the SEQRA process (i.e. concurrent with SEQRA, subsequent to SEQRA, etc.). The scoping document does not require numerical timeframes. Most often these timeframes are not under the control of the Applicant, and are instead under the control of the permit application reviewers.

(4) Section 2.4. In Section 2.4.1 it is stated that open space lands on the site "will be available to club members and their guests". While the project open space lands will not be open to the public, Section 2.3 will be amended so that it is made clearer that it is the Applicant's intent to have the restaurant in the Member's Lodge open to the general public based on availability, although seating preferences will be given to members and their guests.

(5) Section 3.9. The comment from Delaware Engineering is not entirely correct, because the scoping document itself is not entirely correct on the issue. The area of "scenic significance" referenced in Delaware's comment is actually only the NY State owned public lands in the Catskill Park (Forest Preserve lands), and not the entire Catskill Park,

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which is a mix of public and private lands. Regardless, the visual impact assessment provided in the DEIS (Section 3.7 and Appendix 11) thoroughly examined all lands within the 5 mile study area – both Forest Preserve and non-Forest Preserve.

(6) Section 3.10. A balance sheet will be added to this section showing how the project-related benefits to the school district greatly exceed the project-related costs to the school district.

(7) Section 4.0 – Section 4.0 will be amended to provide cross-references to applicable subsections in Section 3, along with providing key statistics from Section 3.

cc: Mary Beth Bianconi

February 16, 2012

Thomas B. Wilcock
Tuck Eastside Partners, L.P.
34 Salisbury Road
Darien, CT 06820

Re: Notice of Incomplete Draft Environmental Impact Statement
Windham Mountain Sporting Club

Dear Mr. Wilcock:

Thank you for granting the Town of Windham Planning Board's request to extend the timeframe for completeness review from February 3, 2012 to February 17, 2012. The two week extension was valuable time that allowed the Board to conduct a thorough completeness review. The Planning Board, as Lead Agency, has reviewed the Draft Environmental Impact Statement (DEIS) received by the Town on December 20, 2011 and has found that the document incomplete.

Attached is a memo from the Town's consultant that details areas to be addressed. Also attached is a response memo from your consultant, The LA Group. The Planning Board has reviewed the memo provided by The LA Group with respect to the completeness comments of the Board and its consultant. Assuming these issues are addressed prior to the next Board meeting (March 1, 2012) in the manner discussed in The LA Group's memo and as discussed at the Planning Board meeting of February 16, 2012, the Planning Board will consider the DEIS complete and ready for public review at the March 1st meeting.

In order to facilitate review of the modifications to the DEIS, please provide a redlined version of any modified sections of the DEIS, appendices or drawings required to address the completeness comments to the Planning Board's consultant, Delaware Engineering, P.C. prior to the March 1, 2012 meeting.

The Town of Windham Planning Board remains committed to a fair and expeditious review of the Windham Mountain Sporting Club. Your cooperation to date has been appreciated.

As always, please contact us if you have questions or need additional information.

Sincerely,

Maureen Anshanslin
Chair, Town of Windham Planning Board

Attachments

C w/attachments: Town of Windham Planning Board
Kevin Franke, The LA Group
Mary Beth Bianconi, Delaware Engineering, P.C.