

FINAL ENVIRONMENTAL IMPACT STATEMENT

for the proposed

WINDHAM MOUNTAIN SPORTING CLUB

Trailside Road

Town of Windham, Greene County, New York

Applicant:

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DEIS:

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EXECUTIVE SUMMARY

1. Background and Document Organization

This is a Final Environmental Impact Statement (FEIS) issued by the Town of Windham Planning Board, the Lead Agency, in accordance with Article 8 of the Environmental Conservation Law (ECL) also known as the State Environmental Quality Review Act (SEQRA) and implementing regulations (6 NYCRR Part 617). The proposed action that is the subject of this FEIS is the construction and operation of a residential sporting club known as the Windham Mountain Sporting Club in the Town of Windham, Greene County, New York.

This FEIS consists of two parts. The first part of this document is the Draft Environmental Impact Statement (DEIS) and accompanying appendices and drawings/plans that were accepted as complete by the Windham Planning Board as Lead Agency on March 1, 2012. This FEIS incorporates the DEIS by reference. The second part is this FEIS document that addresses the issues raised during the DEIS public comment period as well as comment letters submitted to the Lead Agency after the close of the public comment period. Together the DEIS and FEIS constitute the Environmental Impact Statement (EIS).

The SEQRA process is structured to allow examination of all relevant environmental issues by technical experts, agencies, and the public in order that the lead agency and other involved agencies may make reasoned and informed decisions. This FEIS has been prepared by the Lead Agency, with assistance from the Lead Agency's technical consultants, the Applicant, and their consultants in order to carefully analyze comments and take a hard look at potential environmental impacts and proposed measures to mitigate such impacts.

The FEIS provides additional information regarding existing environmental conditions, potential environmental impacts, and measures proposed to mitigate the potential impacts that were identified.

The following section of this document, Errata, presents summaries of some of the topics for which revised information is provided in the FEIS, including:

1. Steep Slope Disturbance and Sediment and Erosion Control
2. Stormwater Management
3. Hydrogeology
4. Blasting/Noise
5. ARB Guidelines
6. Visual Impact Assessment
7. Recreation Demands
8. Water and Sewer
9. Traffic
10. Socioeconomics

The Errata section also includes revised technical reports, revised project plans and revised EIS figures and tables.

Following the Errata section of this FEIS are responses to the comments received during the public comment period that was open from March 2, 2012 to April 30, 2012 which also included a public hearing held at Windham Town Hall on April 5, 2012. Subsections of the Responses to Comments section of this FEIS follow the sequence and content of sections in the DEIS. Information is provided in a comment and response format.

Copies of the comments submitted during the public comment period and made during the public hearing are included in Appendix 1 of this FEIS.

Written comments were received from the following:

- Delaware Engineering on behalf of the Windham Planning Board, April 30, 2012
- Supervisor Walker, Town of Windham, April 30, 2012
- NYSDEC Region 4, April 30, 2012
- NYCDEP, April 30, 2012
- Riverkeeper, April 30, 2012

A copy of meeting notes prepared by Delaware Engineering reporting on the content of the public comments made during the public hearing is included in Appendix 2 of this FEIS.

The following people provided comments during the April 5, 2012 public hearing.

- Rey Olsen, Windmont
- Tim Woods, Windham Mountain Partners
- Alan Higgins
- Joe Damrath, NYCDEP
- Councilman Carl Gonzalez, Town of Windham
- Dick Jordan, Brainard Ridge
- Chief Stacy Post, Windham Police Department

1.1 Additional Public Comments Filed After the Close of the Public Comment Period

In addition to addressing comments received during the public comment period, this FEIS also addresses comments submitted after the close of the public comment period, including the following:

- NYS Attorney General Office of the Watershed Inspector General (WIG) November 21, 2012 letter to the Windham Planning Board,
- NYSDEC February 3, 2014 letter to the LA Group with copies going to the Windham Planning Board and others,
- NYSDEC March 3, 2014 e-mail to the LA Group with copies going to WIG and NYCDEP.

- NYCDEP August 14, 2014 letter to the Windham Planning Board and Delaware Engineering, and
- NYS Attorney General Office of the Watershed Inspector General August 14, 2014 letter to the Windham Planning Board and Delaware Engineering.

Copies of these comments are included in Appendix 3 of this FEIS along with a Chronology of Events Following the Close of the Public Comment Period.

1.2 Modifications to the Project Design as a Result of Public Comment

In response to public comments made during but primarily after the close of the public comment period by governmental agencies expressing concern with development proposed on steeper (>25%) slopes, the Applicant has modified the project design to reduce the amount of disturbance proposed for areas of steeper slopes.

A revised Project Master Plan, L1.01 (200 scale), Project Master Plan With Constraints, L1.01A (200 scale), Project Master Plan With Constrains Enlargements, L10.01-L10.09 (50 scale), and Lot Study Plans L9.01-L9.03 are located in the Errata section of this FEIS. Also located in the Errata section is Figure 1.01B which is an annotated version of the DEIS Master Plan showing the components of the DEIS plan that have been eliminated and other changes to the DEIS plans that have been made for this FEIS.

The following table is a comparison of the unit types proposed in the DEIS and those proposed as part of the current FEIS plan.

	DEIS #	DEIS #	FEIS #	FEIS #
Type	Buildings	Units	Buildings	Units
Single Family Home	143	143	137 (-6)	137 (-6)
Duplex	12	24	6 (-6)	12 (-12)
Townhouse	5	54	1 (-4)	7 (-47)
Condo	2	81	2	81
Total	162	302	146 (-16)	237 (-65)

The Wellness Center, one of the major project amenities included in the DEIS plan, has also been eliminated as a separate building under the FEIS plan as part of the effort to reduce impacts to areas of slope greater than 25%. Some of the wellness programs previously envisioned have been reprogrammed in the Member’s Lodge and Clubhouse.

1.3 Potential Impacts and Mitigation Measures Associated with the FEIS Project

The FEIS project reflects a substantial reduction in proposed development as compared to the DEIS project. As such, the potential for adverse impacts is reduced for a number of factors,

and measures provided in the DEIS to reduce the extent of the potential impacts continue to be applied.

1.3.1 Steep Slope Disturbance

The project has been modified to substantially reduce, minimize and/or eliminate potential impacts to slopes greater than 25% and riparian buffers. These modifications include potential reduction of road widths, program modifications including the removal of project components such as the wellness center, townhomes and specific single family home lots, and the addition of specific limits of disturbance for each proposed single family home and duplex lots. After these project modifications, remaining areas where steep slopes cannot be avoided are shown on the Project Master Plan, L1.01 included in the Errata section. As part of the effort to respond to comments on the DEIS,, adjustments have been made to every single family home lot shown on the Project Master Plan, L1.01 in the Errata section.. In some cases the adjustment is only to the lot lines and limits of disturbance, in other cases lots have been reconfigured to include shared driveways or shifted to reduce potential impacts to sensitive areas, and some lots have been eliminated altogether.

The project changes described above have resulted in the amount of impacts proposed to occur on areas of >25% slopes as follows.

	DEIS Plan (ac.)	FEIS Plan (ac.)	Change (ac)
Buildings greater than 25% slope	15.47*	7.84**	-7.63
Roads greater than 25% Slope	15	11.73	-3.27
TOTAL	30.47	19.57	-10.90
*only included building envelopes of single family home (sfh) lots, did not include driveways			
** includes driveways and building envelopes for sfh lots			

Additionally, an itemized list of all project components, including single family homes (SFH), duplexes, townhome, Member’s Lodge and roads that provides the total anticipated disturbance to slopes greater than 25% for these project components is included as the table entitled Lot Summary Table that is included in the Errata section. Project-wide development proposed for slopes greater than 25% under the current plan is summarized as:

21.07 acres of development on slopes greater than 25%:

- 7.84 ac SFH,
- 0.31 ac duplex,
- 0.15 ac townhouse,
- 1.04 ac Member’s Lodge, and

- 11.73 ac roads.

This 21.07 acre total represents less than 5% of the project site.¹

1.3.2 Stormwater Management

The Lot Study Plans that are included in the Errata section of this FEIS are being provided to demonstrate that on-site stormwater management (primarily bioretention) can be accommodated within the designated building envelopes and to illustrate sediment and erosion control practices that will be implemented. The lots that were selected for the Study Plans are those that were most challenging from a design standpoint due to their size, configuration, and presence of steep slopes. By demonstrating that on-site stormwater management is feasible for the most challenging lots, by extension it is inferred that on-site stormwater management for the less restrictive lots is feasible.

Also included in the Errata section of this FEIS, is a letter report from the Applicant's site design consultant documenting how the stormwater management measures proposed in the DEIS remain adequate to serve the current project design. It is also stated that all plans and reports pertinent to stormwater management and contained in the DEIS will be updated to reflect the project design that is submitted for permitting and that these updated plans and reports will be provided to the Lead Agency, NYSDEC and NYCDEP during the permitting processes following the conclusion of the SEQRA process.

1.3.3 Water and Sewer

Included in the Errata section of this FEIS is a letter reports from the Applicant's civil engineer documenting how water consumption and wastewater generation will both be reduced and how the system improvements proposed in the DEIS will continue to be adequate to serve the project as currently proposed.

1.3.4 Transportation and Traffic

Included in the Errata section of this FEIS is a letter report from the Applicant's traffic engineer documenting how trip generation from the project will be reduced and stating that the measures proposed in the DEIS remain adequate to mitigate any potential adverse impacts.

1.3.5 Socioeconomics

¹ The DEIS for the project did not contain a project-wide total for proposed disturbances on slopes of 25% or greater. The WIG, in their November 11, 2012 letter to the Windham Planning Board (page 4 of their attached technical comments), states that project-wide disturbance on slopes greater than 25% in the DEIS plan is 35 acres. Using this total of 35 acres, the current plan represents a reduction of 13.93 (nearly 14) acres. In their same letter (page 1 of their attached technical comments) the WIG states that "Construction disturbances on steep slopes to build residential units and roads should be reduced by approximately 16 acres....." The Applicant has substantially met this request of steep slope construction reduction made by the WIG.

Included in the Errata section of this FEIS is a letter report from the Applicant's socioeconomic consultant documenting how the positive socioeconomic benefits of the project will be reduced, but that the benefits are still significant and still more than offset any additional municipal costs resulting from the project.

2. Introduction

Tuck Eastside Partners, LP (the "Project Sponsor" or "Applicant") is seeking to develop the WMSC which is a proposed private sporting club development that will offer its members multiple recreational and amenity offerings as well as a variety of residential offerings including single-family homes, duplexes, townhouses and condominiums. No ski trails are proposed, but the project does include two transport lifts that will allow skiers to travel between the project's residential areas and existing Windham Mountain ski trails. Windham Mountain is not collaborating with the Applicant on the development of the WMSC project.

The Applicant's goal for the project is to develop a high quality, four-season resort and spa that will provide a collection of recreational opportunities that are unavailable in one resort in the Windham area, while at the same time protecting and complementing the natural beauty that attracts people to the Catskills. The project includes 237 residential units comprised of single family homes, duplex units, townhomes and condominiums, a Member's Lodge and Clubhouse and East Village Lodge, two ski lifts to connect to the ski trails of adjacent Windham Mountain Ski Center, as well as privately constructed, owned and maintained roads and water and sewer collection systems connected to Town of Windham municipal systems.

WMSC is proposed on 464.6 acres located south of South Street (Greene County Route (CR) 12) and to the east of Windham Mountain ski area. The project site is located within a region known as the Catskill Park. The Catskill Park is an area of approximately 1,100 square miles that is a mix of privately and publicly owned lands. The project site is also located in the New York City Watershed, more specifically, the West of Hudson Watershed.

The project's residential components and amenities are proposed to be built in 3 phases with an anticipated timeframe for full project buildout of approximately 15 years.

The WMSC project is highly consistent with existing patterns of land use and the character of the Town of Windham as reflected in the Town's GEIS *Generic Environmental Impact Statement on the Development Capacities of the Town of Windham* (Sterling Environmental, P.C., 2010.)

3. Project Description

The project includes the following:

- 137 Single Family Homes
- 12 Duplex Units

- 7 Townhome Units
- 81 Condominium Units
- Members' Lodge and Clubhouse, which includes:
 - Private Lounge
 - Restaurant
 - Bar
 - Kitchen
 - Ski Storage
 - Full Service Spa
 - Condominiums
 - Underground Parking
 - Adjacent Ski Lift "A" connecting to Windham Mountain
- East Village Lodge, which includes:
 - Grill/Restaurant
 - Heated Pool and Hot Tub
 - Weight/Exercise Room
 - Locker Room
 - Underground and Surface Parking
 - Adjacent Ski Lift "B" connecting to Windham Mountain
- Privately constructed, owned and maintained project roads with project access from Trailside Road
- Privately constructed, owned and maintained central water and sewer collection systems with connection to existing Town of Windham systems in South Street.

The total amount of impervious area proposed for the project is 26.6 acres or approximately 6% of the site. Of this total, 17.5 acres are for roads and driveways, 2.4 acres are for the amenity buildings and 6.7 acres are for residential buildings. This represents a decrease in the amount impervious area of 6.8 acres when compared to the plan that was assessed in the DEIS.

Overall, the project will disturb about 30% of the site and approximately 70% of the site, would remain undisturbed. The majority of the areas on the site to remain undisturbed occur on the mid-slope part of the site between the proposed access road to the east and Twin Maples Lane and White Way to the west. This area also extends to the south to the vicinity of the Wanderer Trail. The second large block of lands to remain undisturbed is located in the southeastern portion of the site, including most of the southern boundary of the site. These two areas together comprise approximately 275 acres of the 322 acres to remain undisturbed. The lands to remain undisturbed in the southeast portion of the site abut State Forest Preserve lands which are comprised of +/- 201 acres of land that NYS describes as a "detached" parcel of the Elm Ridge Wild Forest.

At full buildout and at 100% occupancy the project would generate approximately 74,000 gallons of wastewater per day. The project will connect to the Town of Windham wastewater system. The proposed wastewater collection system will consist primarily of conventional gravity collection. All wastewater from the project will flow to a main trunk line that runs

down Trailside Road to South Street. Approximately 315 feet of the 8 inch main along South Street will be replaced with 10 inch main. Operations and maintenance of the project's onsite wastewater infrastructure will be the responsibility of a private Transportation Corporation.

An evaluation of the Town's wastewater treatment plant capacity and its ability to serve the project concludes that (1) based on the actual flow data from the treatment plant and the projected maximum capacity flow, the treatment plant is sufficient to accept flow from the project without modifications or expansion, and (2) in the event that future expansion of the treatment plant is needed, the project will help fund such an expansion through the fee mechanism established in the Town of Windham Sewer Use Law.

The project requires an equivalent amount of potable water – approximately 74,000 gallons per day at full buildout and 100% occupancy. The project will connect with the Town of Windham municipal water supply system. In April of 2011 the Town Board of Windham reported that with respect to water need for several development projects in the Town, the Town “has commissioned a Supplemental Generic Environmental Impact Statement to develop a comprehensive plan.” The Town Board advised the Planning Board that it “should assume that South Street Projects (County Route 12) will have access to public water as it becomes available.” The Town's plan is to consolidate existing water systems in the Town. The project water system will connect with the municipal water line near the South Street – Panarama Lane intersection. The system will include two booster pump stations on the project site as well as two water storage tanks, one for 50,000 gallons of storage and the other for 300,000 gallons. The Town has secured financing for the proposed project and is advancing from design to construction in late 2014 and early 2015.

Access to the project will be off of Trailside Road with gated emergency access available at Panarama Lane. Reconfiguration of internal circulation to address agency comments on the DEIS has resulted in the elimination of Batavia Lane and some of the previously proposed lots that this road served due to steep slope concerns expressed by the regulatory agencies. The two remaining lots in this part of the project site that were previously proposed to be served by Batavia Lane will be served by Twin Maple Lane. An alternative access into the project from NY Route 296 in the vicinity of Cuomo's Cove was evaluated and found not feasible due to steep slopes and the narrow parcel widths in this area. The project includes approximately 4.5 miles of road that will be built to Town road standards and will be maintained privately by the project's Homeowner's Association. Waivers from Town road standards are being sought for some project road slopes and intersections. The need for waivers is a result of site topography and the desire to reduce impacts associated with the increased clearing and grading that would be necessary to meet standards. The degree to which waivers are being sought has been significantly reduced over what was proposed in the Sketch Plan application, and the road design proposed is able to safely accommodate traffic, including emergency vehicles (i.e. fire trucks) and trucks delivering materials to the site. The benefit of avoiding road waivers does not outweigh adverse environmental impacts needed to do so (see letter in Appendix 1). Parking for the project will consist of a mix of surface parking and underground parking. The great majority of the parking for the two Lodge buildings will be underground, which results in a significant reduction in the amount of project impervious surfaces.

The project includes a revised stormwater management system that responds to post-DEIS State and New York City agency comments and incorporates the design standards established in The New York State Department of Environmental Conservation Stormwater Management Design Manual (SMDM) (August, 2010), 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 goal of the proposed stormwater management plan is to incorporate stormwater management as part of the overall project design. This includes protecting the site's natural resources and environmentally sensitive areas, minimizing development impacts and impervious areas by using effective site planning principles, and incorporating design features that effectively manage stormwater runoff, such as bioretention areas, stormwater management ponds and surface conveyances such as dry swales. The plan utilizes these elements 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. Specifically, the objectives of the stormwater management plan are to enhance the quality of stormwater runoff to prevent water quality degradation, and preserve water quality in receiving water bodies within the New York City West of Hudson watershed, promote infiltration and evapotranspiration, and to prevent increased runoff from developed land to reduce the potential for flooding, erosion and flood damage.

The FEIS also proposes some additional mitigation measures relating to sediment and erosion control beyond those on the plans and in reports included in the DEIS.

- The Applicant has committed to a distinct sediment and erosion control contractor who will be responsible for project-wide implementation and maintenance of approved sediment and erosion control practices.
- This contractor will work under the direction of the Qualified Inspector.
- The FEIS specifies enhanced inspection frequencies of twice per week and prior to forecasted rainfall events instead of just once per week.
- Other enhanced sediment and erosion control practices proposed as part of the FEIS include redundant structural source controls.
- The FEIS also provides for a notification system whereby the Architectural Review Board will notify NYSDEC, NYCDEP and the Windham Code Enforcement Officer every time a single family lot, and its associated professionally prepared drainage and sediment and erosion control plans, have been approved prior to construction beginning on those lots.

The bulk earthwork quantities for the project, the fact that cuts and fills were balanced, including soil spoiling sites essentially remains unchanged for this FEIS. The addition of some more retaining walls along road cuts on Sheridan Drive and Cave Mountain Drive will likely result in minor reductions in bulk earthwork, but these reductions will be inconsequential in the context of project-wide bulk earthwork quantities.

Blasting will be required for construction of sections of project roads, some building pad sites and for stormwater basins. Potential impacts from blasting, and measures that are being proposed to mitigate these potential impacts, are presented. Measures include pre-blast surveys for nearby property owners, notification of nearby property owners and the Windham police department prior to blasting, and a course for remedial action should any nearby landowner feel that they have been adversely affected by blasting activities.

For project common areas including roads and parking areas, and around the lodges, lighting will be provided in accordance with site plans approved by the Windham Planning Board. For single family homes, outdoor lighting is only allowed when approved in advance by the ARB and must adhere to the required guidelines. The purpose of exterior lighting is to provide for safety only, and not for decoration. Lighting may not pollute the night sky - no up lighting of any kind is permitted nor is light trespass onto neighboring properties or rights of way.

At WMSC, landscaping is considered an essential element of the overall design. The goal in the development of WMSC and development of individual lots is to preserve the beauty and character of the property's natural existing vegetation to a large extent while permitting attractive, landscaped areas. Specific enforceable guidelines for landscape and revegetation efforts are contained within the ARB Design Guidelines for WMSC. These guidelines specifically identify "zones" of influence, landscape preservation, and enhancement. In addition, there are requirements that prohibit non-native materials and/or invasive materials, wildfire management and forest management and limitations on the use, or reliance, on high maintenance turf areas.

Signage for the WMSC is limited to key locations where information is needed to direct visitors to key destinations or to communicate information for public safety. Project signage will be designed to complement the historic mountain character present in the surrounding communities, and ultimately reinforce the architectural style of the project as outlined in the ARB Design Guidelines. As such, signage will be constructed of primarily natural materials such as wood, stone and metals, with primarily natural colors such as earth tones.

4. Reviews and Approvals

A number of permits or approvals for the project are required at the local, County, regional, State and federal levels.

4.1 Local

Windham Planning Board - subdivision approval & site plan approval

Windham Town Board - water supply and wastewater disposal connection approvals & project transportation corporations (water and wastewater)

4.2 County

Greene County Planning Board – the project has been reviewed by the Planning Board for potential County-wide impact under Section 239(m) and (n) of the NYS General Municipal Law. On March 21, 2012 the County Planning board determined that the project has met countywide considerations.

Greene County Highway Department – At the time site plan and subdivision reviews are being conducted by the Town, GCHD will be provided with plans to review for the short section of sewer line replacement in South Street along with plans for improving sight distance on South Street.

4.3 Regional

NYCDEP - stormwater pollution prevention plan (SWPPP) & sewer collection system.

4.4 State

NYSDEC – individual construction stormwater SPDES including water treatment chemical permit, SPDES wastewater, and 401 water quality certification.

NYSDOH – realty subdivision, public water supply, swimming pools, food services

4.5 Federal

USACOE – jurisdictional determination and confirmation of conformance with NWP14 or NW 39 whichever is required by the agency.

USDHUD - Property Report for review and approval prior to the sale of any parcels

5. Environmental Setting, Potential Impacts and Mitigation Measures

Section 3 of the EIS provides descriptions of the environmental setting for the project, identifies any potentially significant impacts that could occur as a result of the project, and provides measures designed to avoid and/or mitigate potentially significant adverse impacts. A summary of those descriptions is provided below for convenience; for a complete description, see Section 3 of the DEIS and the Errata section of this FEIS

Topography on the property can be considered typical of hillside areas in the Central Catskills – a series of alternating steeper slopes and flatter benches. Elevation of the WMSC property range from a low of 1600 feet near the intersection of Panarama Lane and South Street to a high of 3060 feet near the top of Windham Mountain’s east peak express quad lift. Except for the two proposed ski lifts, project development is proposed at elevations below 2,500 feet. Approximately 54% of the site is 25% slopes or greater, while 46% of the property has slopes

less than 25%. As detailed previously, modifications to the project design have been made to reduce impacts to slope greater than 25%. These project modifications have resulted in a decrease of the amount of disturbance on slopes greater than 25% by nearly 14 acres. Mitigation measures related to slope and topography, including sediment and erosion control, stormwater management, and blasting were discussed in the Project Description section above.

The project site is located in the West of Hudson portion of the New York City Watershed approximately 15 miles from Schoharie Reservoir as measured along Schoharie Creek and the Batavia Kill. On a more local scale, the WMSC property lies within the watershed of the Batavia Kill. Numerous mapped and unmapped surface water resources on the property have been identified, delineated, survey-located and confirmed through NYCDEP site inspections. There are two main stream systems on the property that appear to be perennial streams. A number of intermittent and ephemeral drainages are in these two systems. Only perennial and intermittent streams are NYCDEP-jurisdictional watercourses. There are no mapped floodplains on or adjacent to the project site and the closest mapped floodplain is associated with the Batavia Kill. The project requires a number of road crossings of the surface waters on the site. No intermittent or perennial stream crossings will be culverted – all of these crossing will be spanned crossings. All project buildings have been sited so that they are more than 100 feet away from any intermittent or perennial streams. Like the project redesign efforts that were undertaken to reduce steep slope impacts, project modifications were also made that increased the minimum separation distance between project buildings. The minimum of 25 feet proposed in the DEIS has been increased to 50 feet in this FEIS. Protection of water quality through proper sediment and erosion control practices during construction and through properly designed and functioning stormwater controls post-construction were discussed previously in the Project Description section above.

Flora surveys of the WMSC property were performed in 2008 and 2010. These surveys resulted in the identification of 247 plant species on the site. The vegetation on the project site consists mainly of upland forests composed of sugar maple with smaller amounts of other hardwood trees. None of the plants found to occur on the site is on the New York State or Federal list of rare, threatened or endangered species.

Overall the project will result in the disturbance or alteration about 30% of the site. Approximately 70% of the site will remain undisturbed. Mitigation measures include 16 measures from the ARB Design Guidelines that minimize impacts to site vegetation. All heavy construction brought onto the site for project construction must be accompanied by a certification that it has been cleaned in order to reduce the possibility of importing invasive species. A program for controlling and/or eradicating existing invasive species on the site will be run by the Naturalist employed at the Wellness Center in cooperation with regional invasive species control program.

Wildlife surveys on the project site were conducted during August, September, and October, 2008; May and June, 2009; and June and October, 2010. Additional efforts to evaluate use of the site by breeding birds and large mammals were conducted. A total of 95 wildlife species

were documented on the site. Of the species recorded, all are typical inhabitants of this region of New York. No endangered or threatened species were observed on the site. Most black bear activity on the site occurred during summer months and coincided with the availability of food for the animals which is primarily berries.

The primary impact on wildlife would stem from the disturbance or alteration of about 141 acres of existing habitat for wildlife. This represents about 30% of the site. The manner in which a particular wildlife species will be affected depends not only on its habitat requirements but also on the size of its home range, which in many cases is a reflection of physical size. NYSDEC has stated that wildlife displaced by development of the project will have sufficient area to relocate to and will reduce the impact to the maximum extent practicable (see letters in Appendix 1 and Appendix 3 of this FEIS).

Wetlands on the project site were delineated, and the delineated wetlands were inspected by the USACOE in November 2008. None of the delineated wetlands meet the criteria to be under the regulatory jurisdiction of either the NYSDEC or meet the definition of a wetland under NYCDEP's regulations. There are 12.67 acres of USACOE jurisdictional wetlands on the project site. The jurisdictional wetlands are connected to streams that eventually drain to traditionally navigable waters, and are considered a part of "Waters of the United States" subject to USACOE jurisdiction. There are three project areas where wetland fills will occur. Together these three areas total 0.094 acre. A number of the spanned stream crossings have been made sufficiently long enough so that the span crosses over not only the streams, but also crosses over the wetlands in the areas of the spans. In order to construct these spans it will be necessary to hand cut and remove any trees that are along the alignment of the spans. No ground disturbance in these wetlands is proposed. It will be necessary to directional drill underneath wetlands in order to install utilities at three locations. No soils or plants will be disturbed in these wetlands. Due to the insignificant amount of waters of the United States (including wetlands) that are impacted, no compensatory mitigation is warranted. The amount of affected waters is below the threshold allowed by the US Army Corps of Engineers under Nationwide Permit 14, however, a pre-construction notification will need to be provided to the ACOE and it is also anticipated that a Water Quality Certification for the limited wetland impacts will be needed from NYSDEC.

A soil survey and test pits done on the WMSC property confirmed that the site has mostly shallow and moderately deep, very stony soils formed in glacial till soils derived from red shale and sand stone, and the glacial till derived from the shale tends to be reddish colored and fine textured. There are some areas of deep glacial till soils that have a very firm fragipan. At the base of the mountain in a few areas there are some very gravelly glacial outwash soils and a few areas of deep till without a fragipan. A number of the soil series present on the site have shallow depths to bedrock ranging from 10 to 40 inches below the surface. The need for blasting on the site was discussed previously along with measures that will be employed to mitigate potential impacts. The clay content in the site's soils is relatively high and the clay particles are particularly small and can remain suspended in water for long periods of time. The Stormwater Pollution Prevention Plan provides specific practices to be implemented to settle out clay materials in the stormwater basins during construction.

As per section 1.3.4 above and the letter addendum prepared by the project traffic consultant in the Errata section, the reductions in the project unit count will result in lower peak traffic generation rates as compared to the traffic generation rates provided in the DEIS Traffic Impact Study. The mitigation measures proposed in the DEIS for the higher trip generation rates will continue to be sufficient for the currently proposed reduced project size.

A Visual Impact Assessment was prepared for this project consistent with the requirements of the Scoping Document and NYSDEC's Program Policy DEP-00-2. Photographs into the project site were taken from 69 locations within the 5-mile radius study area. Ten of these locations were selected in conjunction with the Lead Agency as representative of potential views into the project site from within the study area. The chosen locations included local roads, hiking trails within and outside NYS Forest Preserve, and the historically significant Center Church on Church Street. The Visual Impact Assessment includes photos of existing conditions from these locations along with rendered simulations of the built condition. The visibility of the project varies in the viewpoints that were analyzed. In many instances, intervening vegetation and/or distance limit project visibility, and this limited visibility is eliminated at some of the viewpoints during leaf-on conditions. In some instances some of the project elements are quite visible from viewpoints. Even though project elements are visible from these viewpoints, the project will not result in significant adverse visual impact when the views are considered in the context of the existing viewshed, surrounding land uses, and the Town's land planning goals expressed in its recently completed GEIS. A number of measures will be implemented in order to mitigate potential visual impacts. These measures are enforceable through the implementation of the Architectural Review Board's adherence to its Design Guidelines during their detailed process for reviewing and approving project buildings. The FEIS provides additional information regarding the numbers of affected viewers and expected view durations. This additional information does not change the findings in the DEIS that the project will not produce substantial adverse visual impacts.

The ambient sound environment on and around the project site varies depending on the location on the site. Sound sources include vehicles on local roads, distant equipment operation at Windham Mountain as well as distant aircraft, birds, and wind in the trees. Based on the site's rural setting, ambient noise levels are expected to be around 50 A-weighted decibels (dBA). This is consistent with field measurements of ambient conditions in other rural locations in the Catskills of 49 to 52 dBA. Major sources of noise during construction will be for road construction and building construction, including blasting. Generally speaking, installation of water and sewer infrastructure is anticipated to be part of the road construction process so they are not differentiated. Noise complaint procedures that will be established and will be complied with during construction, including the establishment of telephone complaint line and specific procedures to be followed in the event any complaints are received are provided. Project operational activities are not anticipated to be a significant source of noise. Monthly reports summarizing noise complaints and complaint resolutions will be provided to the Windham Police Department.

The WMSC project is highly consistent with existing patterns of land use and the character of the Town of Windham as supported by the Town's GEIS. Land use directly adjacent to the WMSC property varies. The western boundary of the property directly abuts Windham Mountain, an active and popular recreational area. The southern boundary of the property backs up to New York State property (Forest Preserve), which is undeveloped and largely forested land. The remainder of WMSC property borders multiple private land owners to the north and east. According to the Town of Windham's GEIS, "The economic engine for Windham is Windham Mountain. Windham Mountain is marketed as a family destination ski area and is referred to as one of the "Big Three" ski areas (Hunter Mountain, Windham Mountain, and Belleayre) in the Catskill Mountains due to the Mountain's vertical drop, lift capacity, number of runs, skiable acreage, and the extent of advanced and expert terrain. Improvement plans have focused on facilities such as the lodges and residential development adjacent to ski trails. Windham Mountain strives to provide services for tourists on a year-round basis by providing mountain-based recreational activities, such as mountain boarding in the summer months, and has recently hosted mountain biking events."

Aside from the ski area and the Forest Preserve uses, the WMSC property is generally bounded by either vacant land or residential land uses. Immediately flanking the ski area, on the hillsides to the east and west, the residential developments consist of mostly seasonal homes, often with ski trails integrated into or traversing the developed area. Development in the immediate area of the project site also includes the 12-lot Copper Ridge residential subdivision, and the approved, but not yet started, Stonewall Glen townhouse project. Whereas the general residential character and land use in the town are mostly of a low-density rural residential character, the residential development land uses immediately adjacent to the east and west slopes of the Windham Mountain ski area are generally at a higher-density than the town as a whole. As noted in the Town's GEIS, "Seasonal residences and ski vacation homes comprise approximately 9% of the residential land, generally concentrated in areas near Windham Mountain or within the NYS Route 23 corridor."(GEIS, page 76) The 2010 Census shows that 88.3 percent of the residential units in the Town are classified as seasonal residences.

The EIS includes discussion of correspondence received from the Town Board stating that the Town Police, Fire and EMS can serve the project. Also included is a discussion of the Windham Ashland Jewett school district, its ability to serve the project, and the net fiscal benefit the school district will experience as a result of the project.

As described in section 1.3.5 above and in the referenced letter report from the project socioeconomic consultant in the Errata section, the reductions made to the project will result in decreased economic benefits to the various benefiting entities, but that the project will still have positive benefits for all entities.

A Phase IA Archaeological Literature Review and Sensitivity Assessment and Phase IB Archaeological Field Survey and Reconnaissance were conducted for the proposed WMSC project site and reviewed by NYSOPRHP, which issued a letter stating their determination that the project would not have an adverse effect on cultural resources.

6. Alternatives Examined

The DEIS presented a number of alternatives that were identified and evaluated.

This FEIS presents the Applicant's current preferred alternative. In the preceding sections, this alternative has been described in terms of its project components, its associated reduction in potential environmental impacts, and how measures proposed in the DEIS to mitigate potential impacts remain sufficient for the current preferred alternative.

Additional detail can be found in the Errata section and the comment responsiveness section that follows.