

LEGOLAND NEW YORK

TOWN OF GOSHEN PLANNING BOARD LEAD AGENCY SEQRA FINDINGS STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT OF FACTS AND FINDINGS

The Proposed Action, LEGOLAND New York, is located on 15 tax parcels consisting of 521.95 acres on the south side of Harriman Drive, west of Arcadia Road and north of Conklingtown Road (the “Project Site”). As part of the Proposed Action, the 15 parcels which make up the current Project Site will be merged into a single lot under common ownership. From this lot, a 1-acre lot will be created for the wireless communications tower enclosure, an 8.06 acre area of the site will contain the new Exit 125 roundabout and on and off ramps, which will be dedicated to the State of New York, and two lots are proposed to be created for wells that currently exist on parcel 11-1-58. These wells are proposed to be offered for dedication to the Town of Goshen for municipal purposes along with a minimum 100’ radius. The final lot area of the LEGOLAND

property after these dedications will be 507.43 acres. It is possible that the Town of Goshen will request the dedication of an additional 1.647-acre lot on 11-1-62, as well as portions of presently owned Town parcels that contain water well infrastructure and surrounding buffer areas.

The Proposed Action will include 26 rides and attractions, a 20,000 square foot aquarium, 2 theaters, 10 retail areas, approximately 15 restaurants (including both dine-in, counter service and food kiosks), a 250-room hotel and approximately 81,000 square feet among five buildings in back-of-house facilities (including the administration offices, maintenance warehouse, landscaping building and trash collection), as well as associated parking and drainage facilities. Merlin Entertainments will own and operate the site. Exterior areas of the facility will be generally closed from November through March. The hotel, offices, aquarium and indoor computer lab/classroom space will be open year-round, but with reduced staff and a significantly reduced numbers of visitors. Generally, the site is laid out with the facility in the west-center of the site. Restaurants, shops, rides and attractions within the facility are organized into eight themed areas, surrounded by a ring road. Main guest access to the facility will be from Harriman Drive. Vehicles will enter at one main gate and circulate south to the main parking area.

The Project Sponsor proposes to obtain public water and sewer services from the Village of Goshen. Sewer and water mains are accessible in Harriman Drive, and new water and sewer mains will extend service to the site. The Project will be an out-of-district user of Village utilities. No additional utility districts are proposed to be formed, and the Project Sponsor will not utilize any water from onsite wells.

Introductory Local Law No. 5 of 2016 proposes amendments to the Town of Goshen Comprehensive Plan. While the Proposed Project is consistent with the 2009 Town of Goshen Comprehensive Plan's Goal #4 to develop a strong and balanced economic base and to attract tax positive commercial developments to offset existing tax exempt lands and to pay for services required by the growing population, Sections 1.2, 3.1 and 5.0(2) of the Comprehensive Plan of the Town of Goshen are proposed to be amended to specifically encourage additional commercial uses in the Town along State Route 17 to increase tax and other revenues to offset the costs of providing residential services to Town residents.

Introductory Local Law No. 6 of 2016 proposes to create a Commercial Recreation Overlay District on the majority of the Project Site. This local law establishes a process of approval for the district, specifies which uses will be permitted and states that the Overlay District shall terminate and cease to exist without further action by the Town Board if the Town Planning Board does not approve a Special Permit and Site Plan for a Commercial Recreation Facility within six (6) months of the effective date of the local law or, if so approved, the Commercial Recreation Facility is thereafter not built or otherwise abandoned.

Within the Project Site are Lots 11-1-60, 11-1-62, 11-1-63, 11-1-64, 11-1-65, 11-1-66, 11-1-67, 11-1-68, and 11-1-69 which were deeded to the Town of Goshen on July 25, 1984 by the County of Orange following the County's foreclosure on those lots due to nonpayment of taxes. Merlin Entertainments proposes to acquire those parcels, or portions thereof, from the Town of Goshen for their fair market value. Lots 11-1-60, 11-1-65 and 11-1-67 contain wells and associated improvements that are owned by the Town of Goshen Arcadia Hills Water District. Those lots

do not meet current New York State Department of Health requirements for wellhead protection. Merlin Entertainments proposes to transfer sufficient land area from the surrounding lots to the Town of Goshen in order to provide the Town of Goshen with lots that meet current Department of Health wellhead protection requirements. It is possible the Town of Goshen will also request Merlin Entertainments to transfer land to provide the Town with sufficient land area to meet wellhead protection requirements for wells and associated improvements on Lot 11-1-62.

The Town Board has the authority to sell Town-owned land. Following the completion of the SEQRA review for the Project, the Town Board may determine to sell all, or portions, of the Town-owned lots to the Project Sponsor. Fair market value would be established by one or more appraisals, and determined by the Town Board. If the Town Board declines to sell all or a portion of the Town-owned lots to the Project Sponsor, the Proposed Action would proceed with an alternative design that does not include the Town-owned lots as part of the Proposed Project. In that event, due to overall site constraints, the Project Sponsor would be unable to donate to the Town of Goshen the two wells and surrounding areas that are currently located on parcel 11-1-58.

Identified impacts and corresponding mitigations and findings follow, in the order of presentation in the DEIS.

A. Geology and Soils

According to the Orange County Soil Survey, dated 1981 and prepared by the United States Department of Agriculture (USDA) Soil Conservation Service, the central portion of Orange County, including the Project Site, is located within the Hudson Mohawk Lowland Physiographic Province. Three separate areas of fracture trace exist on the site.

According to the Orange County Soil Survey, the following soil classifications are present on the Project Site: Alden, Bath-Nassau, Erie, Madalin, Mardin, and rock-outcrop Nassau complex.

Soils in several areas of the site have been previously disturbed by development. Grading occurred in the area of the communications tower enclosure, single-family dwelling on lot 11-1-47, and the restaurant and inn that previously existed on the site. Rough grading activities occurred to the south of the Arcadia Hills development for roads and drainage in association with a previously approved subdivision. There is currently approximately 45,608 square feet of impervious surfaces, including gravel areas existing on the site.

Mitigation Findings

- A.1 Elements of the Proposed Project would result in disturbance to geology and soils. There will be no significant adverse impacts to existing geology and soils. The existing geology and soils are capable of supporting the Proposed Project.
- A.2 Based on the grading plan calculations, there will be approximately a total cut of 1,712,405 cubic yards and a total fill of 1,933,281 cubic yards. Based on the projected

additional amount of construction excavation volume on the site (for earth material removed for foundations and infrastructure), the necessary fill can come from within the site and soil would not need to be imported from outside the site.

- A.3 In accordance with the New York State Department of Environmental Conservation (“NYSDEC”) New York State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Construction Activity (“GP-0-15-002”), a Stormwater Pollution Prevention Plan (“SWPPP”) has been prepared along with an erosion and sediment control plan for the Proposed Action to ensure compliance with GP-0-15-002. Mitigation measures implemented during construction would include best management practices (BMPs) designed to control sediment and reduce the potential for soil erosion. Adherence to the New York State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Construction Activity, combined with the required SWPPP and implementation of BMPs, would further reduce potential soil erosion. Proposed erosion and sediment control measures consistent with Section 97-42 of the Town Code are proposed. All erosion and sedimentation control measures shall be installed before any land disturbance and would be monitored and maintained throughout construction. The BMPs would include, but not be limited to, the following:
- The smallest practical area of land shall be exposed at one time;
 - When land is exposed during development, the exposure shall be the shortest practical period of time;
 - Temporary vegetation and other protective measures shall be provided to ensure soil stabilization to steeply sloped areas;
 - Provide controls to reduce soil erosion and intercept/slow storm water flows;
 - Cover stockpiled soil;
 - Use dust suppressants, such as watering soils and unpaved roadways;
 - Preserve existing vegetation where no construction activities are planned and wherever possible; and
 - Replant/re-vegetate all exposed and/or disturbed areas immediately upon completion of construction.
- A.4 Depending on the volume and quality of rock encountered, onsite rock crushing may be utilized for construction of onsite roads, parking lots and foundations. Onsite rock crushing will reduce impacts associated with the transport of excavated rock. If utilized, rock crushing would be performed at a single location in the central portion of the Project Site to minimize impacts to nearby residences and noise receptors. Given the size of the property, rock crushing operations would be located a minimum of 2,400 feet from any dwelling.
- A.5 In the event the Project Sponsor determines during construction that rock chipping and/or hammering is infeasible or impractical, and blasting is determined necessary for excavation, blasting activities will be strictly controlled and conducted according to all applicable regulations, including Town of Goshen Code Chapter 58. Pre-blasting surveys of proximate structures will be conducted and vibration thresholds will be established. Blasting-induced vibration above established levels will be prohibited. If blasting is determined necessary, blasting mats will be utilized to reduce noise and dust impacts.

Any required blasting will be monitored. Monitoring points would take into consideration sensitive receptors. Monitoring equipment will be capable of monitoring both ground and airborne vibration. Pre-blasting surveys will identify water wells, and include water quality testing. Prior to the commencement of any blasting, the Project Sponsor will prepare, to the satisfaction of the Town Engineer, a rock blasting and stabilization protocol to identify specific vibration and noise thresholds, blasting notification procedures, protective measures, and monitoring and reporting requirements, including any well and hydrogeologic monitoring.

B. Topography

The site contains both gentle and steeply sloping terrain with 57.5% of the site containing slopes less than or equal to 10%, and 5.4% of the site containing slopes over 25%. Generally, the Property's topographic high point, an elevation of approximately 630 feet above mean sea level (MSL), is located on the western side of the site near the existing communications tower. The site slopes downward in all directions from this point. The low areas of the site are along Harriman Drive with an elevation of approximately 420 feet (MSL). The southern portion of the site also slopes downward from the vicinity of the communications tower toward Conklingtown Road where elevations range from approximately 500 feet to 530 feet (MSL). Offsite improvement areas, including land along both sides of Harriman Drive and around the intersection of South Street and Route 17M, have been previously disturbed and are relatively flat.

Mitigation Findings

- B.1 Based on the latest grading plans, retaining walls will be required in some areas to avoid wetland disturbance and reduce the overall area of development. Walls along the guest entrance road and parking areas range from 5.5' to 23' high, generally averaging 12 to 14' in height. The tallest individual walls on the site are tiered 20.5' and 23' high walls resulting in an overall grade change of 43.5' located on the southern end of the site and parallel to the existing Orange & Rockland easement for the high-tension power lines spanning the site. Walls within the interior of the facility, range from 4' to 17.5' high with most averaging 6' to 8' high. The tallest walls in the interior of the facility are located on the northerly side of the "Bricktopia" cluster and within the "Miniland" area.
- B.2 The Proposed Project will result in unavoidable impacts to topography through grading and excavation activities. A Stormwater Pollution Prevention Plan ("SWPPP") consistent with NYSDEC requirements including preparation of an erosion and sedimentation plan has been designed to comply with the requirements of Section 97-46, "Steep Slope Regulations" and Chapter 53, "Clearing and Grading Control" of the Town Code. All erosion and sediment control plans will be reviewed by the Town of Goshen as part of Site Plan approval.

C. Surface Water Resources

The Otter Kill is a 16-mile-long tributary of Moodna Creek that runs through the Goshen Green Hill Reservoir, continuing north, away from the Reservoir, through the Project site and under NYS Route 17 through the Town of Hamptonburgh, joining with the Black Meadow Creek and eventually joining the Moodna Creek, flowing to the Hudson River. It is classified by the NYSDEC as a Class C stream, and a permit from the NYSDEC is required for any disturbance to its bed or banks. As per the Town's Zoning Overlay District Map, the Otter Kill is within the Town's Stream Corridor and Reservoir Watershed (SC) Overlay district. The purpose of the SC overlay district is to protect water quality and scenic resources, and reduce the risk of flood damage. The SC district extends 150 feet from the mean high water line of any stream or stream segment shown within the SC district. Site plan approval may only be granted if the Board finds, with appropriate conditions, that the Proposed Action: (1) will not result in degradation of scenic character and will be aesthetically compatible with its surroundings, and (2) will not result in erosion or surface water pollution from surface or subsurface runoff. Additionally, the Town Code requires principle structures to be setback at least 100 feet from the watercourse measured horizontally from the mean high water line.

Wetlands on the Project Site have been delineated by a certified wetlands specialist who met with representatives from the NYSDEC and the Army Corps of Engineers on the Project Site to confirm the delineation. As per this delineation, there are 55.179 acres of Federal jurisdictional wetlands on the Project Site. There are 61.401 acres of NYSDEC jurisdictional wetlands located on the Project Site associated with mapped wetland GO-41. State jurisdictional wetlands have a 100-foot regulated buffer area around them, which constitutes an additional 15.97 acres of land.

The two Village of Goshen surface water reservoirs are located upstream toward the south and west of the Project Site. The Prospect Reservoir (also identified as Reservoir #1), located off Lower Reservoir Road, is approximately 47 acres and serves as the main water source for the Village of Goshen public water system while the Green Hill Reservoir (also identified as Reservoir #2), is approximately 8 acres, and is located off of Conklingtown Road. Based on the Village's current NYSDEC water taking permit, the Village of Goshen is permitted to withdraw a maximum of 1.3 million gallons per day (MGD) when the reservoir level is at below minus 75 inches (drought conditions) from the combined sources of Prospect Reservoir, Green Hill Reservoir, and Crystal Run Village (CRV) Well Nos. 1 and 2. During non-drought conditions, the Village can produce a total of 1.8 MGD (1.0 MGD from the surface water reservoirs and 0.8 MGD from the CRV wells).

Mitigation Findings

- C.1 Stormwater runoff from the developed areas of the Project Site will be treated to ensure water quality will be consistent with NYSDEC regulations. This includes the preparation and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) which complies with the requirements of the NYSDEC State Pollution Discharge Elimination System General Permit for Storm Water Discharges (GP-0-15-002). The SWPPP will include specifications for operation, inspection, and maintenance of stormwater management practices as well as an Erosion and Sediment Control Plan. With the implementation of the SWPPP and compliance with GP-0-15-002 potential

adverse impacts to on-site or downstream water resources will be mitigated to the maximum extent practicable.

C.2 The Proposed Project will disturb 0.440 acres of the on-site Federally regulated wetlands. Off-site wetland disturbances, resulting from the revised traffic improvement plan, consist of 1.654 acres of Federal wetlands and 0.084 acres of NYSDEC wetlands, which are located within the NYS Route 17 right-of-way. Wetland impacts have increased from the original proposal due to the relocation and reconfiguration of Exit 125, which plans have been advanced as a result of comments from the Lead Agency, Town Board, public and NYSDOT. Wetland disturbances will require the following approvals:

- (1) Coverage under Nationwide Permit #39 from the Army Corps of Engineers for onsite wetland disturbances resulting from the development of the Proposed Project;
- (2) An Individual Permit from the U.S. Army Corps of Engineers for offsite wetland disturbances (total acreage of both ACOE and NYSDEC) resulting from the revised traffic improvement plan;
- (3) An Article 24 wetland disturbance permit from the NYSDEC for offsite wetland disturbances resulting from the revised traffic improvement plan;
- (4) § 401 water quality certificates from the NYSDEC for the Federal wetland disturbances; and
- (5) A clearing and grading control permit from the Town of Goshen for site preparation within wetlands or within a one-hundred-foot buffer strip of wetlands.

C.3 To compensate for the total wetland disturbances, including impacts resulting from the revised traffic improvement plan, the Project Sponsor proposes to create up to 6.97 acres of wetlands on the Project Site. Wetland mitigation areas will be constructed to match the character of the existing wetlands. Minor grading will be required to construct the areas. Once created, these wetland mitigation areas would be subject to the same regulations as other wetlands. The timing of the creation of the mitigation wetland areas will be determined by the permit conditions established by the U.S. Army Corps of Engineers and the NYSDEC. The total acreage of wetland disturbance and mitigation will be subject to the final traffic design as approved by NYSDOT. Mitigation wetlands shall be planted with hydrophytic plants (those which are listed on the most up to date U.S. Army Corps of Engineers National Wetland Plant List, Northeast (Region 1)) with preference given to those plant species that currently occupy the onsite wetlands, such as Red Maple, Pin Oak, Winterberry, Spicebush, Highbush Blueberry, Wool Grass and Fox Sedge. No invasive species will be planted. A monitoring program will be implemented for the first five years after construction to monitor water levels in the new wetland areas and to ensure planting survival. Annual reports regarding the post-construction status of the mitigation wetlands will be submitted to the U.S. Army Corps of Engineers and the NYSDEC, with copy submitted to the Town of Goshen Building Department.

- C.4 The Project Sponsor proposes a conservation easement to ensure the permanent preservation of 150.1 acres, which amounts to 28.76% of the overall Project Site. The area within the conservation easement will encompass the majority of the onsite portion of NYSDEC wetland GO-41. The area within the conservation easement will be owned by the Project Sponsor. The Town of Goshen will be the holder of the easement, as it would be in the best position to monitor and enforce the terms of the easement in the future for the benefit of Town residents. The conservation easement will be consistent with the Town Code definition of conservation easement (*i.e.*, perpetual restriction created in accordance with Article 49, Title 3 of the ECL and GML § 247) and will preclude future development within the easement, with the exception of necessary utility and access improvements. The permanent preservation of these areas will allow the wetland area to continue to provide beneficial flood control and habitat area on the Project Site.
- C.5 No disturbance to the Otter Kill, nor any disturbance within 100 feet of its banks, will occur as part of the Proposed Project. This will protect both onsite aquatic habitat and downstream resources of the Otter Kill.

D. Vegetation and Wildlife

The Project Site includes a mix of second growth forest, successional farm fields, wetlands, and disturbed vegetative communities associated with the aboveground utility easements, and previous development (former hotel and road improvements associated with an approved but un-built residential subdivision). The forested communities represent approximately 347 acres of the Project Site, and include a mix of deciduous forest species, including white oak, northern red oak, tulip poplar, sugar maple, red maple, American beech, hickory species, and shagbark hickory. The successional farm fields include dense thickets of multiflora rose, autumn olive, and bush honeysuckle. A large emergent wetland area associated with a former farm pond located south of Harriman Road is characterized by mineral soils with sedges, tussock sedge, cattail, and common reed. Most of the other wetlands are located within forested and scrub/shrub areas, associated with on-site intermittent stream channels. The total wetland area on the site includes 116.72 acres. None of the on-site stream channels appear to have year round flow, except for the northernmost portion of Otter Kill and a large man-made swale constructed along the perimeter of New York State wetland GO-41, west of Gumwood Drive.

The NYSDEC Heritage Program and U.S. Fish and Wildlife Service (“USFWS”) were contacted for their concerns. Based on the IPaC report from the USFWS, the site is located within the range of five Federally threatened or endangered species known from Orange County: bog turtle (*Glyptemys muhlenbergii*), Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), dwarf wedge-mussel (*Alasmidonta heterodon*), and small whorled pogonia (*Isotria medeoloides*). In addition, the USFWS lists twenty-one migratory bird species of conservation concern that may occur within the project area.

The New York Natural Heritage Program (“NYNHP”) maintains a database on New York’s flora and fauna to deliver information to partners working in natural resource conservation. In a letter

dated July 5, 2016, the NYNHP did not have records for any rare species or habitats on or adjacent to the site. A separate July 14, 2016 letter from the NYSDEC indicated the presence of Northern cricket frog (*Acris crepitans*) “in the proximity of the site”.

A certified biologist conducted field habitat evaluations between June and August 2016 to investigate the potential for Indiana and Northern long-eared bats. The open and closed forest community, identified snags, trees with exfoliating bark (shagbark hickory), hilltops, proximity to streams and ponds, and wetlands all confirm that the site could be potential Indiana and Northern long-eared bat habitat. Based on the observed conditions, the assessment confirmed potential forested roosting habitat for the Indiana bat and Northern long-eared bat.

Based on the presence of the on-site pond and man-made swale, potential Northern cricket frog habitat was identified on-site. However, further inspection of the pond indicated that it receives runoff from the adjacent highways and may serve as a detention area for water quality treatment. Road runoff, including road salt, particulates, petroleum products, and waste oil, are some of the materials that may enter the pond after heavy rains. In particular, road salts have been found to be extremely toxic to frogs. As such, the pond likely does not provide the high water quality generally associated with Northern cricket frog habitat. Similarly, the man-made swale displayed evidence of extensive eutrophication with a dense algae bloom observed on its entire surface, and a similar concern regarding the water quality was raised. Additionally, no Northern cricket frogs were heard spontaneously calling from either area during EcolSciences’ June 4, 21, or 24, 2016 field investigations.

Based on guidelines set forth in *Recovery Plan for New York State Populations of the Northern Cricket Frog (Acris crepitans)* (NYDEC, 2015), qualified surveyors with knowledge of Northern cricket frog ecology and experience identifying frog calls conducted a field survey July 28, 31, and August 5, 2016 to identify if Northern cricket frog vocalization could be heard from the on-site waterbodies. Due to the late season, surveys were conducted as quickly as possible to take advantage of appropriate weather conditions. The two (2) on-site survey station locations focused on the areas of potentially suitable on-site open water habitats. The large off-site Goshen Reservoir located at the intersection of Reservoir and Conklingtown Roads was also surveyed. Northern cricket frogs are not known from this location, but the large size of the reservoir and its close proximity to the site made it a potential cricket frog location. On July 28 and August 3, 2016, Northern cricket frogs were heard spontaneous calling from the wetlands/waters of Glenmere Lake which was used as the control site for the survey. No Northern cricket frogs were heard calling or responding to the tape at any of the on-site survey locations or at the Goshen Reservoir location. Although the survey was conducted outside of the recommended Northern cricket frog survey time-frame of May 20-July 10, 2016 these observations of calling cricket frogs at a known site on two of the three survey dates validates the timing and methods of the survey that was conducted on the Project Site and confirmed the absence of Northern cricket frogs on-site.

Based on the initial site investigation, no appropriate habitat was identified for dwarf wedge mussel. All of the on-site stream channels were found to be largely ephemeral in nature and not conducive to supporting a mussel population throughout the year.

During the June site investigation, small whorled pogonia stalks, leaves or flowers would have been visible. Although USFWS identified small whorled pogonia as potentially occurring in Orange County, based on available literature, the State of New York has only one known population of the Federally protected plant species and it is not found in the vicinity of the Site. This species was not identified on the Project Site, and it is the opinion of the botanist that this species does not occur on the site. Therefore, no additional field habitat assessment for small whorled pogonia was conducted.

Mitigation Findings

- D.1 Significant mature trees over 36 inches in diameter have been surveyed and identified by species on the Project Site in the areas that are to be disturbed. Approximately 45 of such trees are located within the proposed area of disturbance. One such mature tree will be preserved within the area of disturbance. Outside of the area of disturbance, 250 acres of forested land will remain undisturbed to provide habitat for forest-dwelling species as well as providing visual, noise and stormwater attenuation for the Proposed Project.
- D.2 All onsite tree clearing will be conducted during bat hibernation period, generally between the November 1 and March 31 hibernation period of the Indiana and Northern long-eared bats, to avoid impacts to any active roost trees. Indiana and Northern long-eared bats generally hibernate in communal caves or old mine shafts, many of which have already been identified and protected by New York State. The Project Site does not provide hibernacula potential. Therefore, until the bats disperse to their summer range, tree clearing in the winter months will not negatively impact bats usage of the site. To off-set any potential incidental take of the Indiana and Northern long-eared bat due to indirect effects, the Proposed Project would avoid disturbance of approximately 250 total acres of woodland on the Project Site that would maintain Indiana and Northern long-eared bats with potential foraging and roosting habitat. In addition to forest areas, there would also be over 115 acres of wetland areas and 40 acres of successional fields that will also remain undisturbed.
- D.3 The Project Sponsor has incorporated into their tree planting plan at least 50 trees which are known to be favored by bats for roosting. These trees include shagbark and butternut hickory, black locust, and American elm. Unless damaged trees are a danger to the visitors of the facility, snags, dead limbs, or other potential roosting habitat will be allowed to remain outside the facility until they no longer provide potential bat habitat.
- D.4 The NYSDEC has concurred with the conclusions of the protocol and conclusions of the Project Sponsor's Northern cricket frog surveys which state that it is unlikely that any Northern Cricket Frog habitat exists on the site. Thus, no mitigation related to Northern cricket frogs is required.
- D.5 The Project Sponsor proposes the permanent conservation of 150.1 acres of the site through the placement of a conservation easement on portions of the property. The Project Sponsor proposes to gift the conservation easement to the Town of Goshen, which would be in the best position to monitor and enforce the terms of the easement in

the future for the benefit of Town residents. The conservation easement would preclude future development within the protected areas, with the exception of necessary utility and access improvements.

- D.6 The project has been designed to avoid impacts to on-site wetlands and stream corridors. Where necessary, proposed wetland crossings will be constructed with open-bottom box culverts. Open-bottom box culverts are the preferred stream and wetland crossing method recommended by the NYSDEC for protecting water quality and will allow amphibious species to pass safely underneath the road surface. Structures will be designed and installed so that the natural stream flow and bottom substrate are mimicked throughout the crossing and so that the structure does not constrict or fragment the stream.
- D.7 Pesticides, insecticides and herbicides will not be utilized outside of the development area.

E. Groundwater and Water Supply

The Project Site contains a number of water wells and/or associated improvements. This includes four (4) water supply wells serving the Arcadia Hills Water District (Well Nos. 8A, 51, 51A and 52) on Lot Nos. 11-1-60, 11-1-65 and 11-1-67; one (1) water supply well serving the existing multi-family dwelling on Lot No. 11-1-47; three (3) undeveloped wells (Well Nos. 1, 2 and 3) on Lot Nos. 11-1-49.2 and 11-1-58 and two (2) undeveloped wells (Well Nos. 9 and 10) on Lot No. 11-1-62.

There are no sand and gravel aquifers under the Project Site. The nearest aquifers (sand and gravel) are located on the north side of Route 17 in the vicinity of Ward Road, and east of the Project Site in the Town and Village of Chester.

The Town of Goshen operates four public water districts. The closest is the Arcadia Hills Water District to the immediate east of the Project Site. The Arcadia Hills Water District serves approximately 822 people via 258 service connections from 11 ground water wells.

The Proposed Project will not obtain water service from any of the Town's public water districts, but instead will obtain water service from the Village of Goshen. The Village owns and operates a Public Water System (PWS Identification No. 3503528) for land within the Village and various outside users approved on a site-by-site basis. The system currently serves approximately 5,500 people through 1,750 service connections. Water supply for the system is provided through two (2) surface water reservoirs [Prospect Reservoir (Reservoir #1) and Green Hill Reservoir (Reservoir #2)] and two (2) groundwater wells in the Crystal Run Village (CRV) located off Stony Ford Road in the Town of Wallkill. The Village is permitted under their NYSDEC Water Supply Approval to withdraw a maximum of 1.3 million gallons per day (MGD) when the reservoir level is below minus 75 inches (drought conditions) from the combined sources of

Prospect Reservoir, Green Hill Reservoir and Crystal Run Village Well Nos. 1 and 2. During non-drought conditions, the Village can produce 1.8 MGD

Mitigation Findings

- E.1 The Village of Goshen Board of Trustees adopted a resolution to provide water service to the Project during their August 8, 2016 Village Board meeting. The Proposed Project will be an out-of-district user to the Village's system. The Village Board's resolution was based on preliminary studies and subsequent reports performed by the Village of Goshen's water and sewer civil engineering consultant and the Village's current NYSDEC Water Supply Approval permit, which concluded the current Village system has adequate capacity to serve the Proposed Project.
- E.2 The Project Sponsor has an agreement with the Village of Goshen, subject to SEQRA, relative to water service and shall pay all user-incurred fees for water service consistent with the agreement including annual unit charge(s) and unit usage rates.
- E.3 The Project development will not use groundwater from the Project Site. The Project Sponsor will close and abandon existing onsite wells on its property (not including the Town-owned parcels) in accordance with NYS Health Department and/or American Water Works Association (AWWA) procedures and provide the Town of Goshen with a certification upon well abandonment. The Project Sponsor shall provide the Town sufficient land to meet Health Department wellhead protection for the four (4) water supply wells serving the Arcadia Hills Water District (Well Nos. 8A, 51, 51A and 52) on Lot Nos. 11-1-60, 11-1-65 and 11-1-67 which currently do not comply with current Health Department requirements. Unless otherwise determined by the Town Board, the Project Sponsor shall transfer to the Town, land with sufficient area to meet wellhead protection requirements for the undeveloped wells on Lot 11-1-62. Obtaining water service from the Village of Goshen, an existing Public Water System, will avoid potential impacts to groundwater. Therefore, no significant adverse impacts to groundwater resources will occur.
- E.4 Should the Town agree to sell the Project Sponsor the nine Town-owned parcels, or portions thereof, the Project Sponsor shall offer for dedication two (2) of the three (3) wells (Well Nos. 1 and 2) on Lot 11-1-58 with sufficient areas to meet Health Department requirements for wellhead protection, and permanent easements for future access. These wells will be offered as a benefit to the Town and specifically the Arcadia Hills Water District. The Project Sponsor shall reimburse the Town for its actual costs for the permitting and development of these two wells, up to \$30,000 per well. The third undeveloped well (Well No. 3), on Lot No. 11-1-49.2, is located within the proposed development area and will be abandoned in accordance with NYS Health Department and/or American Water Works Association (AWWA) procedures.
- E.5 As an incentive to provide the Proposed Action with water service, the Project Sponsor has agreed to reimburse the Village of Goshen for costs associated with developing an additional production well at the Crystal Run Village (CRV) well site. Since the Village

of Goshen presently has sufficient water to satisfy the needs of the Proposed Action without development of an additional CRV well, the analysis of a new well has been excluded from this SEQRA review. The Project Sponsor, in response to numerous public comments, has provide initial pump test results indicating the new well (CRV Well No. 3) has the potential to yield an additional 300 gallons per minute (GPM) which equates to an additional 432,000 gallons per day (GPD). During the testing, the existing CRV wells (Well Nos. 1 and 2) were in operation and their water levels monitored to evaluate potential hydraulic interference. Initial test results indicated the level of interference was insignificant and no adverse impacts on existing wells are anticipated. The Village will determine whether and when to develop the additional CRV well (Well No. 3). Any SEQRA review necessary as a result of undertaking, funding or approval of this new well will be the responsibility of whatever SEQRA lead agency is tasked for such project.

- E.6 The Project shall be designed to meet Insurance Services Office, Inc. (ISO) fire flow standards of minimum 20 psi for fire suppression. Fire hydrants will be installed at all water main high points and at a maximum spacing of 600' along the length of the water mains.

F. Wastewater Management

The closest available public wastewater treatment facility is located in, and operated by, the Village of Goshen. The Village of Goshen Wastewater Treatment Plant, located on Cypress Road, is approximately 2.5 miles from the Project Site. A Village of Goshen sewer main exists along Harriman Drive providing wastewater service to the Arcadia Hills residential subdivision and other existing uses along Harriman Drive.

Mitigation Findings

- F.1 The Village of Goshen Board of Trustees has adopted a resolution to provide sewer service to the Project Site during their August 8, 2016 Village Board meeting. The Proposed Project will be an out-of-district user to the Village's system. The Village Board's resolution was based on studies and reports performed by the Village of Goshen's water and sewer civil engineering consultant, and the Village's current NYSDEC State Pollution Discharge Elimination System (SPDES) permit that concluded the system has adequate treatment capacity to serve the Proposed Project.
- F.2 The Project Sponsor has an agreement with the Village of Goshen, subject to SEQRA, relative to sewer service and shall pay all user-incurred fees for sewer service consistent with the agreement including annual unit charge(s) and unit usage rates.
- F.3 As part of the anticipated expansion of the Arcadia Hills subdivision, infrastructure, including sanitary manholes and sewers, was installed during the 1970's throughout portions of the proposed Project Site and thereafter abandoned. All abandoned terminal manholes on the Project Site, which may connect to the Arcadia Hills sanitary sewer collection system, shall be disconnected and sealed by the Project Sponsor to eliminate any potential infiltration and inflow. All disconnections and sealing shall be coordinated

with, and in accordance with the requirements of, the Town of Goshen Highway Department.

- F.4 The existing Arcadia Hills sanitary force main is reported to be prone to breaks, requiring excavation and repairs along Harriman Drive. The Project Sponsor shall replace the existing Arcadia Hills force main (from the Arcadia Hills pump station to the receiving manhole along Harriman Drive) which will minimize the need to excavate and repair the force main in the improved Harriman Drive. The replacement force main will be in generally the same horizontal and vertical alignment as the existing force main except for some minor relocation to avoid proposed improvements associated with Harriman Drive and the relocated NYS Route 17 Exit 125. Final design of the force main and appurtenances will be in accordance with NYSDEC requirements and will be addressed as part of the Project's Site Plan approval, and submitted to the Town and Village for review and approval.
- F.5 The onsite wastewater system collection and conveyance system final design will be reviewed by the Village Engineer, Town Engineer and NYSDEC prior to Site Plan approval. All onsite wastewater infrastructure will be constructed to Village specifications and installed prior to the issuance of a Certificate of Occupancy for the project.

G. Stormwater Management

In New York State, construction activities involving soil disturbances of one (1) or more acres of land, which discharge to surface waters of the State, require coverage under the NYS Department of Environmental Conservation (DEC) State Pollution Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity Permit No. GP-0-15-002. The Proposed Action will disturb more than one (1) acre of land and requires coverage under the NYSDEC SPDES General Permit for Storm Water Discharges from Construction Activity. Permit coverage requires the preparation and implementation of a Stormwater Pollution Prevention Plan ("SWPPP") including: (1) Erosion and Sediment Control practices in conformance with NYS's technical standard, *New York State Standards and Specifications for Erosion and Sediment Control*, and (2) Post-Construction Stormwater Management practices meeting the sizing criteria of the General Permit and the performance criteria of NYS's technical standard, *New York State Stormwater Management Design Manual*. All proposed stormwater management measures will be consistent with the NYS technical standards and will result in the Proposed Project not having a significant adverse stormwater impact. Given the size of the Proposed Project, a request for a waiver from the five (5) acre disturbance maximum will be submitted by the Project Sponsor. If a waiver is granted, the Project Sponsor will comply with all conditions of such waiver. If no waiver is granted, then the Project Sponsor shall abide by the five-acre disturbance maximum.

Mitigation Findings

- G.1 A Preliminary Stormwater Pollution Prevention Plan (SWPPP) has been prepared in conformance with the NYS technical standards. As final plans are developed the SWPPP will be updated and reviewed as part of Site Plan approval.
- G.2 NYSDEC requires that the water quality volume be treated through the use of specific green infrastructure practices. Sustainable stormwater practices to be employed to control water quantity and quality impacts include the use of porous pavers, grass swales, bio-retention areas and two rain gardens. The design of these practices is based on promoting infiltration of the water quality volume.
- G.3 A landscaping plan has been proposed including the planting of over 5,000 trees, which is also recommended as a natural way to reduce stormwater runoff.
- G.4 An Erosion and Sediment Control Plan has been prepared in conformance with the NYS technical standard.. This includes a stabilized construction entrance at the proposed construction entrance at the back-of-house entrance on Harriman Drive, silt fences and stone outlet sediment traps at locations throughout the Project Site and sediment basins along proposed drainage pathways. These practices are intended to reduce runoff velocity and cause deposition of transported sediment. Temporary diversion swales will be utilized as required throughout the Project Site to prevent clean runoff from entering disturbed areas and to divert sediment laden runoff to a stabilized outlet or sediment trap/basin. Slope stabilization matting and pipe slope drains will be placed through the Project Site on slopes to protect the area from erosion before vegetation is fully established.
- G.5 The SWPPP will also include an operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The Project Sponsor will be the entity responsible for the operation and maintenance of all stormwater management facilities both during construction and on a permanent, long-term basis. The Operation and Maintenance Plan shall include the following: schedules, procedures, forms for inspections, maps showing stormwater practice areas and any required maintenance agreements.

H. Traffic

The Study area consists of the following intersections:

- NYS Route 17M/N. Connector Road and South Street
- NYS Route 17M and Route 17 Exit 125 Westbound On/Off Ramps
- Harriman Drive and BOCES Drive/Exit 125 Eastbound On/Off Ramp
- NYS Route 17M (N. Connector Road) and Exit 124 On/Off Ramps
- South Street at Harriman Drive
- Harriman Drive and BOCES Access Drives
- Harriman Drive and Glen Arden Retirement Community Access
- NYS Route 17A, NYS Route 207 and Matthews Street/N. Connector Road
- NYS Route 17A and Hatfield Lane/NYS Route 17 Exit 124 EB On/Off Ramp

- NYS Route 17 Mainline (both eastbound and westbound) between Exits 125 and 124
- NYS Route 207 and Main Street/Church Street
- South Street and Reservoir Road/Lower Reservoir Road
- NYS Route 17M and Old Chester Road
- NYS Route 17M and Duck Farm Road
- NYS Route 17M and Arcadia Road
- NYS Route 17M and West Avenue/Chester Shopping Center Driveway (Village of Chester)
- NYS Route 17M and NYS Route 94 (Village of Chester)
- NYS Route 17M and Kings Highway (C.R. 13)/Lehigh Avenue (Village of Chester)
- Orange Heritage Trailway crossings at South Street, Duck Farm Road/NYS Route 17M, and Old Chester Road

Turning movement traffic counts collected by representatives of Maser Consulting, P.A., together with machine Automatic Traffic Recorder (ATR) counts collected along various key roadway segments serving the project and surrounding area, were utilized to establish the Existing Traffic Volumes for the study area intersections and roadway segments as identified in the Scoping Document.

Analysis locations also included mainline NYS Route 17 in the vicinity of the Proposed Project, as well as at critical ramp interchanges along NYS Route 17 from Interstate 84 in the west to and including the Interstate 87 interchange in the east. Analysis also considered accident rates at all study locations with a comparison to statewide averages. Locations with accident rates above the statewide average were identified for additional improvements to improve upon safety at those locations.

The area surrounding the Project Site location is serviced by Coach USA/Short Line bus stops located at the Park and Ride lot on Matthews Street and the Main Street Bus Stop within the Village of Goshen. These stops provide service via Coach USA/Short Line to New York City during the AM and PM peak hours, nearby hubs including the Woodbury Common Premium Outlet Center and the Galleria at Crystal Run, and a connection to the Orange Westchester Link (OWL), providing access to the greater White Plains area with once-daily weekday round trips. Additionally, the Main Line Trolley Route provided by Coach USA/Short Line provides access to the area surrounding the site from municipalities in Orange County, including Middletown, Wallkill, Chester, Monroe, Harriman, and Woodbury Common. In addition to the bus services, regional rail service is provided in Orange County via the Port Jervis Line operated by NJ Transit, which extends from Rockland County into Orange County with stops in Harriman, Campbell Hall (Hamptonburgh) and Middletown. Additionally, Metro North also provides train service on the east side of the Hudson River with stops in Westchester, Putnam and Dutchess Counties. The key locations along that line include Tarrytown, Croton and Peekskill in Westchester County, and Beacon in Dutchess County.

Existing pedestrian facilities in the vicinity of the site include the Orange County Heritage Trail, which runs parallel to NYS Route 17 and NYS Route 17M throughout this portion of the county. The Heritage Trail originates in the Village of Monroe and currently terminates in the Town of Goshen at Harley Road. The Heritage Trail is planned to be extended to the west into the City of

Middletown. It locally connects the areas of the Town and Village of Chester, the Town of Goshen and Village of Goshen. The trail is used by both pedestrians and bicyclists. The only existing sidewalks in the immediate vicinity of the site, other than the Heritage Trail, are located along the South Street Bridge and the portion of South Street from the bridge connecting towards the Village of Goshen and the Heritage Trail north of the North Connector Road and Route 17M (Chester Avenue) intersection.

The traffic analysis considered a standard background growth rate, as well as known adjacent developments in the area to project the existing traffic volumes to future Design Year to form the No-Build Traffic Volumes (future traffic volumes without the Proposed Project). In order to estimate the future Proposed Project Traffic Volumes, actual Hourly Trip Generation Rates (HTGR) at existing LEGOLAND facilities were calculated, based upon entering and exiting traffic volumes counted at those facilities and related to the attendance figures on those particular days. Utilizing these HTGR's, future Proposed Project Traffic Volumes were estimated considering a shoulder season (non-summer) Peak Daily Attendance of 15,000 visitors per day and summer season Peak Daily Attendance of 20,000 visitors per day. The Proposed Project-generated Traffic Volumes were combined with the No-Build Traffic Volumes to form the Future Build Traffic Volumes (future traffic volumes with the Proposed Project).

Utilizing the No-Build and Build Traffic Volumes Highway Capacity Analysis was conducted for all study locations during nine (9) peak hour analysis periods (considering both summer and non-summer conditions). Highway Capacity Analysis was performed in accordance with the guidelines set forth the Highway Capacity Manual, 6th Edition, published by the Transportation Research Board. Locations experiencing an unacceptable degradation in Level of Service were identified for mitigation to offset the Proposed Project traffic impacts.

Mitigation Findings

The following is a list of mitigation measures to offset the Proposed Project impacts, which include but are not limited to the list of recommended improvements contained in Section V.A of the FEIS Traffic Impact Study:

- H.1 To accommodate the incoming traffic volume, the Project has been designed with an approximately 4,100 linear foot, four-lane access road with parking towards the rear of the site to allow for stacking of approximately 500 vehicles on the access road within the site. No toll will be collected upon entry and parking attendants will direct vehicles within the day-guest parking lot to ensure efficient and expedited parking of guest vehicles to get vehicles on to the site and avoid vehicle stacking and idling as much as possible. This operation will be further outlined in the Transportation System Management Program (see discussion in H.9 below).
- H.2 The main guest parking lot will include 3,388 at grade spaces, including 70 spaces for busses, and an additional 650 underground parking deck spaces. The hotel guest parking lot will provide 252 parking spaces and 756 employee parking spaces will be provided in the back-of-house area. ADA accessible parking spaces will be provided in all lots as required.

- H.3 To reduce vehicle trips to the site the Project Sponsor will coordinate with various local hotels to provide shuttle service to the Project Site.
- H.4 The Project Sponsor is relocating and reconfiguring Exit 125 on Route 17, including the construction of a bridge over Route 17 as part of its proposal for LEGOLAND New York (see Figures ES-1 through ES-4 of the FEIS Traffic Impact Study). The relocation of Exit 125 addresses concerns regarding traffic impacts on local roads by removing most LEGOLAND traffic from South Street and Harriman Drive in Goshen. It assists in solving geometric shortfalls of the existing Exit 125 interchange in accordance with current Federal Highway Administration (FHWA) and NYSDOT design guidelines. This reconfiguration of Exit 125 is designed to meet current FHWA and NYSDOT standards, which will assist with Route 17's future conversion to Interstate-86. Although this new plan will not technically be a "fly-over," because there will not be a direct connection to LEGOLAND property, it will have many of the same benefits, including safety benefits. The relocated Exit 125 will be a full access interchange for both westbound and eastbound vehicles on Route 17 that, with the new bridge, will provide a more direct point of access to and from the LEGOLAND New York theme park, as well as other existing institutions located on Harriman Drive, including Glen Arden and Orange-Ulster BOCES. The new traffic mitigation would not adversely impact the total existing volume of traffic traveling Westbound New York State 17. This plan also includes extending the three lane section of NYS Route 17 westbound from the new Exit 125 on-ramp up to the existing three lane section which will improve safety in this vicinity due to the increased separation distances between Exit 124 and 125 as well as improving other merging and diverging activities that presently occur in short proximity to the other interchange. Traffic travelling to/from Route 17 to/from the extended Harriman Drive will be controlled with the installation of a roundabout on the southern side of Route 17. The intersection of the ramp from Route 17 Westbound and the bridge overpass will be controlled by a fully actuated traffic signal.
- H.5 The main guest access to the Project Site will be a 'T' intersection on Harriman Drive with a fully actuated traffic signal. Two right-turn lanes will provided from the main access road to Harriman Drive to travel east to the new Exit 125 on ramp and one separate left-turn lane will be provided to travel west onto Harriman Drive to South Street (see Figure ES-3 of the FEIS Traffic Impact Study).
- H.6 The intersection of Route 17M/17M Connector Road and South Street will be improved by widening both 17M and the Route 17M Connector Road to allow for separate left-turn lanes and widening South Street to allow for a separate northbound, right-turn lane. The existing traffic signal at this intersection will be upgraded to an Adaptive Traffic Signal (see Figure ES-4 of the FEIS Traffic Impact Study).
- H.7 All offsite traffic improvements will be completed by the Project Sponsor prior to the opening of the facility.

- H.8 The three Orange County Heritage Trail crossings that are within the Study Area will be improved by the Project Sponsor subject to review and approval by Orange County (see Exhibits 2, 3 and 4 contained in Appendix M of the FEIS Traffic Impact Study). Improvements will include replacing signage in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) and restriping the crossing with thermoplastic or epoxy striping to increase visibility and clearing of vegetation on either side of the rail trail in the vicinity of the intersection to improve visibility for both motor vehicles and bicyclists/pedestrians. In addition to these improvements the South Street crossing is proposed to be a fully signalized crossing, which would be actuated by pedestrians and would stop vehicles on South Street. If the South Street crossing cannot be fully signalized then alternative improvements will include, but are not limited to, the improvements identified for the other crossings, as well as realigning the crosswalk to make it a more perpendicular crossing across South Street (shortening the crossing distance) as well as enhancing the safety/visibility of the crossing via a textured crosswalk, subject to the necessary approvals of local municipalities. Any proposed improvements will occur within the existing Public Right-of-Way.
- H.9 A Transportation System Management Program (TSMP) will encourage use of mass transit during peak times by coordinating express bus service to and from the site. It will also use variable message signs and interactive traffic information updates to patrons via social media. Information will be provided to attendees to inform them of conditions on Route 17 during those periods. LEGOLAND will also develop programs to encourage patrons to avoid those peak travel times by either staying at the facility later or to schedule their departure accordingly to help avoid those peaks and lessen any potential impacts during peak Summer Sundays. The TSMP will also consider items with respect to on-site traffic operations, and operations at the visitor and employee entrances along Harriman Drive. This will particularly focus on when peak attendance at the Proposed Project site is anticipated and the measures have in place to accommodate traffic arriving at the Proposed Project site that gets turned away. The TSMP will be a condition of approval, and will be subject to the review of the Town Building Inspector, in consultation with the Town Police Department. The TSMP will be periodically reviewed with Town Officials to determine effectiveness of measures being implemented, as well as potentially incorporating new measures.
- H.10 As per the requirements of NYSDOT, LEGOLAND will complete a Post Implementation Monitoring Study which will be completed within the first year of operation or a subsequent date if it is determined that the Proposed Project is not yet reaching its anticipated Peak Daily Attendance. This study will provide traffic volume data and information to confirm the Projections of the Traffic Study and allow for modifications/minor adjustments to off-site conditions relative to the Project. The areas of focus would include such items as signal timing adjustments as well as monitoring of locations which were identified in the traffic studies as potential locations for signalization or other similar upgrades. The information collected and evaluated will be used and coordinated with NYSDOT and the Town of Goshen to implement these adjustments if necessary. The monitoring data will also be available to help coordinate peak time activities with the emergency and other local services.

- H.11 Although the following locations are not anticipated to meet the necessary Traffic Signal Warrant criteria for traffic signalization (per the MUTCD) based upon the Projected Traffic Volumes contained in the FEIS Traffic Impact Study, they will be monitored for traffic signalization after the Proposed Project is open and fully operational. If a traffic signal is determined to be warranted at that time, then a traffic signal will be installed with the design/installation cost to be the responsibility of the Project Sponsor. The following is a list of locations to be monitored:
1. Harriman Drive and Employee Entrance Driveway
 2. Harriman Drive and Glen Arden Drive
 3. Harriman Drive and Boces Driveways
 4. Harriman Drive and South Street
- H.12 Upgrade traffic signal at the intersection of Exit 124 ramp and North Connector Road to an Adaptive Traffic Signal and modify the traffic signal timings in accordance with the analysis contained in the FEIS Traffic Impact Study.
- H.13 Reconstruct the existing vertical curve on Harriman Drive east of Glen Arden to improve sight distances consistent with the roadway design speed (see Exhibit 6 in Appendix M of the FEIS Traffic Impact Study).
- H.14 Install additional actuation and provision of a cable modem, as per NYSDOT requirements, at the intersection of NYS Route 207 and Main Street/Church Street. Modify the traffic signal timings at this location in accordance with the analysis contained in the FEIS Traffic Impact Study.
- H.15 Buses will be required to switch off their engines unless they are immediately boarding passengers. No idling of buses will be allowed.
- H.16 Performance of additional safety improvements outlined in Table AR-1 of Appendix F in the FEIS Traffic Impact Study. These safety improvements are being recommended to go toward improving safety at high accident locations and will be subject to final review and approval by the NYSDOT and/or the associated local agency.

I. Noise

Noise measurement surveys were conducted at locations (receptors) on and off the site to provide a representative sampling and to identify ambient noise levels in the area. The noise measurements were taken with a Bruel and Kjaer Type 1-Precision integrating Sound Level Meter – Type 2236. The actual measurements and calibration procedures followed were completed in conformance with American National Standards Institute (ANSI) criteria.

Sensitive receptors in close proximity to the Project Site include Orange Ulster BOCES, Glen Arden Retirement Community and the Orange County Heritage Trail. Each of these locations was considered when establishing the specific receptor locations.

The analysis shows that receptors located closer to NYS Route 17 and NYS Route 17M corridors are influenced primarily by the existing traffic levels while those along the site's west and south side are more heavily influenced by local or neighborhood noise levels. At various receptors along the east side, background levels from the operations at the Tilcon Quarry were also noticeable at various times during measurements.

Mitigation Findings

- I.1 Based on the noise study prepared for the Proposed Project, current ambient noise levels in the vicinity of the Project Site were recorded from 43 dBA to 63 dBA. Higher background noises result from the proximity of New York State Route 17. Increases in noise levels as a result the Proposed Action would be 3 dBA or less at the majority of receptor locations. Based on standards set forth by the NYSDEC publication, *Assessing and Mitigating Noise Impacts*, increases in noise of less than 3 dBA are anticipated to have no appreciable effect on receptors. The only receptor location to experience a noticeable (over 3 dBA) noise impact during the weekday build-condition was receptor 6, which is located at the western property line near the hotel and entrance to the main guest parking area. This receptor location borders vacant land and is more than 1,000 feet from Glen Arden property or any residential dwellings.
- I.2 The front, side and rear setbacks will be set by the Planning Board as part of its site plan review. In addition, the Commercial Recreation Overlay District boundary has been moved 100 feet from the edge of all property lines to provide additional zoning buffering between Proposed Project and all adjacent properties.
- I.3 In the vicinity of the access road closest to Glen Arden Retirement Community, the majority of the road is at a depressed elevation and a retaining wall is proposed just inside this property boundary, which creates a mitigating acoustic barrier from this adjoining property. No noise impacts are anticipated to the Glen Arden Retirement Community or other points west of the site.
- I.4 Generators will be for emergency use only and will be located within enclosures designed to attenuate noise.
- I.5 The nearest structure proposed on the Project Site is located more than 1000 feet from the adjacent residential development. Areas along the Project's Site eastern property line will be placed in a conservation easement to protect this area from future development in perpetuity. The combination of both distance and undisturbed natural vegetation will reduce noise impacts to the east of the site.
- I.6 Additional tree plantings, including more than 5,000 trees, will buffer noise from the facility.
- I.7 Fireworks will be limited to four (4) special events, such as the Fourth of July or Halloween, and to eight (8) weekends per year. Fireworks would only be used by

certified professionals and would take place at approximately 8pm. Total time of use would be approximately 20 minutes per event. The limited number of fireworks occasions, and the short time frame for each event, will mitigate the adverse impacts of the originally proposed schedule of fireworks displays. Times and dates will be coordinated with Town officials as necessary.

- I.8 Consistent with Town of Goshen construction noise regulations (Town Code Chapter 70), construction activities, including rock crushing, would only occur Monday through Friday from 8:00AM to 8:00PM and Saturdays from 9:00AM to 8:00PM.

J. Utilities and Solid Waste Disposal

Orange and Rockland Utilities, Inc. (O&R) provides gas and electric service in the area of the Project Site. An existing O&R natural gas main runs along Harriman Drive, and O&R maintains electric utility poles along Harriman Drive as well as high-tension electrical transmission lines through the Project Site. Natural gas will not be utilized on the Project Site. The existing transmission line will provide electrical service to the Project Site. As there is adequate infrastructure and capacity to service the electricity needs of the Project, there will be no significant adverse impacts relating to the provision of this utility service.

Solid waste management in the area is provided by private haulers. Solid waste is carted to the Orange County Transfer Station.

Mitigation Findings

- J.1 Orange and Rockland Utilities, Inc. (O&R) will provide electric service to the Proposed Project and has issued the Project Sponsor a willingness-to-serve letter. No off-site improvements or upgrades will be required to make electric utility connections. All telephone and electric distribution lines shall be placed underground. The Project Sponsor shall relocate utility poles along Harriman Drive due to the proposed road widening.
- J.2 The Project Sponsor proposes to employ several energy conservation measures intended to reduce electricity usage at the site. This includes the use of solar panels on various rides and high efficiency light emitting diode (LED) light fixtures. The lighting system will be zoned to illuminate specific portions of the Project Site during hours of needed use with the ability to dim areas that are not in use to reduce energy consumption. During the overnight hours, all lighting will be turned off, except as necessary for safety around the hotel and various security points. Occupancy sensors will continue to operate allowing localized full illumination when activity is detected.
- J.3 Standby, emergency generator power will be provided to support fire alarms, refrigeration and freezer units, hotel emergency lighting, basic functions for the aquarium, as well as at the proposed water booster station and sewer pump station. Generators shall only be used in the event of an emergency and no adverse impacts are anticipated.

J.4 In an effort to reduce the total amount of solid waste which would be transported to the Orange County Transfer Station and ultimately to a landfill, the Proposed Project will implement a recycling program which includes recycling material such as cardboard, office paper, traffic cones, cooking oils, motor oil, light bulbs, shrink wrap, scrap metal, pallets, LEGO brick, foam brick, plastics (grades 1-7) and batteries. Landfill diversion practices to be employed within the facility shall include placing recycling receptacles next to trash receptacles to encourage guests to recycle, mulching green waste such as landscaping trimmings for reuse on site, offering reusable plates and utensils for dining on premises.

K. Land Use and Zoning

The Proposed Action has been evaluated for compatibility with existing and future land uses within one-mile of the Project Site, and consistency with applicable zoning ordinances and other public policy documents including the amended Town of Goshen Comprehensive Plan and Open Space and Farmland Protection Plan; the Southern Walkkill Biodiversity Plan; and the Orange County Comprehensive Plan and Open Space Plan.

The Project Site is located in the Town's Rural (RU) and Hamlet Residential (HR) Zoning Districts. Adjacent land to the west of the site in the Village of Goshen is zoned Office Business Hospital (OBH). To the east of the site, land in the Town of Chester along the border with the Town of Goshen is zoned Suburban Residential (SR-2 and SR-6), and Agricultural Residential (AR-.3). To the northeast of the site, zoning in the Village of Chester closest to the site is Residential – Multiple Dwelling (RM) with business and manufacturing districts further east along NYS Route 17. The property is located in the Town of Goshen's AQ-3 Aquifer Overlay District, and portions of the site fall within the Stream Corridor and Reservoir Watershed Overlay District and Scenic Road Corridor Overlay District.

Surrounding land uses include residential and agricultural uses to the south and immediately east of the site, land west and north of the site containing educational uses, offices and various commercial uses along Harriman Drive and Route 17M. Further west along Route 17A, just over 1 mile from the site are several manufacturing plants, medical offices, the Orange County DPW garage, a hotel and a car dealership. Therefore, the community character of the Town of Goshen is characterized by a dense, centralized village setting, with numerous small commercial businesses, restaurants and churches, surrounded by mainly small-lot single family residence parcels, with a diverse mix of larger commercial and industrial uses located along or immediately adjacent to commercial corridors such as NYS Route 17M, Route 17A and Route 17, with larger lot residential uses and agricultural uses filling in the remaining areas.

Mitigation Findings

K.1 The overall mixed land use character of the Town of Goshen will not be significantly impacted by the Proposed Project, given the visual buffering of the site, the development of approximately 150 acres of a 522-acre site, the placement of a conservation easement over approximately 150 acres of the site, other mitigations noted elsewhere in this

Findings Statement (including the seasonal nature of the most intense usage), and the programmatic focus of the Project. Although the scale and intensity of use is markedly different than the single family residential development of the Arcadia Hills residential development to the immediate east of the project, the relative scale and intensity of building development and impervious coverage is not dissimilar to the Glen Arden residential development, Elant Nursing Home, and B.O.C.E.S. educational facility to the immediate west of the project. There has been no evidence submitted, either by the Project Sponsor or the many commenters' letters and public statements, suggesting a likely population growth resulting from the Project. The increased traffic impacts that are more intense than surrounding developments have been mitigated to the maximum extent practicable, as noted elsewhere in this Findings Statement.

- K.2 The Scenic Road Overlay District, which runs along the Project's frontage on Arcadia Road and Conklingtown Road, requires increased buffers and allowing natural vegetation to remain. No disturbance will occur within the overlay district on Conklingtown Road and while the visual analysis provided in the DEIS and FEIS shows that the Project may be visible from locations along Arcadia Road, only minor clearing at the point of the emergency access road will be required within the overlay district in that location. No significant adverse impacts are anticipated to this overlay district.

- K.3 The new Commercial Recreation Overlay District will be placed on the Project Site with a 100-foot area along the boundary of the site (which will provide a zoning buffer around the entire site adjacent to surrounding properties). Based on the requirements of the Second Revised Introductory Local Law No. 6 of 2016 which proposes to create a Commercial Recreation Overlay Zoning District, all uses constructed in the CR Overlay District will require the issuance of a special permit and site plan approval by the Planning Board. The use is subject to the requirements set forth in the proposed local law for that use. Also, the relevant procedures and required findings must be followed as set forth within Article IX of the Town Zoning Code. The overlay district, as proposed, has several benefits over requiring the applicant to seek a series of variances. The Town Board and Planning Board have more control over permitted uses and activities, and related bulk requirements, expressly encouraging a unified and harmonious design with a series of requirements for landscaping and buffers.

- K.4 The Proposed Project is consistent with goal #4 with the 2009 Town of Goshen Comprehensive Plan to develop a strong and balanced economic base and to attract tax positive commercial developments to offset existing tax-exempt lands and to pay for services required by the growing population. Further, the site is located along State Route 17, which the 2009 Town of Goshen Comprehensive Plan stated that such areas "along Route 17 are suitable for more intensive commercial and light industrial uses where appropriate." Thus, in accordance with DEC guidance (EAF Workbook) the project is consistent with the 2009 Town of Goshen Comprehensive Plan because it is not in conflict with the stated vision, goals, and recommendations of the comprehensive plan. To further clarify and expand on these objectives, Introductory Local Law No. 5 of 2016, the environmental impact for which is included in this SEQRA analysis, proposes to amend Sections 1.2, 3.1 and section 5.0(2) of the Town's Comprehensive Plan to

specifically encourage additional commercial uses in the Town along State Route 17 to increase tax and other revenues to offset the costs of providing services to Town residents, many of which are the product of the residential developments also provided for in the Town's Comprehensive Plan.

- K.5 The Proposed Project is consistent with all relevant regional plans, particularly the Orange County Comprehensive Plan, Orange County Economic Development Strategy and the Hudson Valley Regional Economic Development Council initiative.
- K.6 As part of the Proposed Action the 15 parcels that make up the current Project Site will be merged into a single lot under common ownership, excepting (i) a 1-acre lot to be created for the pre-existing communications tower and associated communications infrastructure, (ii) wells and related infrastructure on the Project Site which currently serve the Arcadia Hills Water District system (together with additional surrounding buffer lands to be offered for dedication to the Town to allow the Town to comply with Department of Health requirements), and (iii) a 8.06 acre area that will contain the new Exit 125 roundabout and on and off ramps, which will be dedicated to the State of New York. The final lot area of the LEGOLAND property after these dedications will be 507.43 acres. No adverse environmental impacts will result from the proposed actions to merge these lots and to subdivide portions of them.
- K.7 Within the Project Site, Lots 11-1-60, 11-1-62, 11-1-63, 11-1-64, 11-1-65, 11-1-66, 11-1-67, 11-1-68, and 11-1-69 were deeded to the Town of Goshen on July 25, 1984 by the County of Orange following the County's foreclosure on those lots due to nonpayment of taxes. Merlin Entertainments proposes to acquire those largely isolated, irregularly shaped parcels, or portions thereof, from the Town of Goshen for their fair market value. Most of these parcels have no access to any improved roadway. An appraisal has been provided on these lots by the Project Sponsor and the Town of Goshen has commissioned its own independent appraisal to establish a fair market value. The Town Board has the legal authority to sell the Town-owned lands at, or even below, market value. All infrastructure related to the Arcadia Hills Water District located on these lots will be retained by the Town and this district. Further, Merlin Entertainments proposes to transfer sufficient additional land to the Town of Goshen in order to provide the Town of Goshen with lots that meet current Department of Health wellhead protection requirements. No adverse environmental impacts will result from the sale of these Town-owned lands to the Project Sponsor.

L. Community Services

The Project Site will be located within the Town of Goshen and emergency services calls will be generally routed to providers within the Town of Goshen, consistent with the County's emergency service protocols. The Town of Goshen Police Department serves the Town-Outside-Village (TOV) area and operates from 44 Police Drive approximately 3 miles from the Proposed Site. The Project Site is also served by the Orange County Sheriff's Office and New York State Police, Troop F.

The Goshen Fire District, which serves the site, includes three separate companies within the Town and Village of Goshen. Other local fire departments which could provide mutual aid if necessary include the Village of Chester Fire Department located at 81 Main Street in Chester approximately 5 miles from the site and the Village of Florida Fire Department located at 19 South Main Street in Florida, approximately 6 miles from the site.

Ambulance services are provided in the Town of Goshen by GOVAC, which operates from New Street in the Village of Goshen and by other private providers. Excel Urgent Care provides 24-hour emergency room service and is located on Hatfield Lane in Goshen approximately 2 miles from the site. Emergency/Urgent Care services are also provided at both Orange Regional Medical Center (ORMC) on East Main Street and Crystal Run on Crystal Run Road, both in the Town of Wallkill and a reasonable distance from the Project site.

The Town Hall of the Town of Goshen is located at 41 Webster Street within the Village of Goshen. Operations of the Building Department, Town Court, Tax Assessor and a number of other administrative offices are contained within this building. The total Town population as of 2015 was 13,700. As Village Hall provides many services to its residents, Town Hall is likely to mainly serve a population of 8,233 (Town outside Village). The Town and Village have a joint Parks and Recreation Department which operates out of Craigville Park on Craigville Road.

Mitigation Findings

- L.1 The Proposed Project will have a first aid station with a team of certified Emergency Medical Technicians (EMTs) to handle minor medical issues and reduce the number of calls for ambulance services to the site. The onsite EMT's shall have motorized carts to respond quickly to medical emergencies.
- L.2 The Project Sponsor shall provide onsite security 24-hours per day, 7 days per week, 365 days per year. Onsite security shall include gate screening of guests and include 'park rangers' patrolling the facility. Employee screening will take place upon entry from staff parking areas.
- L.3 The Project Sponsor shall conduct emergency evacuation drills at the facility with staff, onsite emergency services and local emergency service providers, intended to ensure proper training and seamless coordination in the event of an emergency. Emergency evacuation plans have been provided directly to service providers and the Project Sponsor will continue to conduct meetings with local emergency service providers for their review and continued input in conjunction with the Site Plan approval. In addition, the Project Sponsor will develop, with input from local emergency service providers, a site-specific Emergency Response Plan and will conduct emergency response drills on site and revise the Emergency Response Plan as necessary.
- L.4 Two (2) emergency access connections for the site will be provided, including a connection between the main entrance boulevard/service loop-road and an existing 25-foot wide emergency access road to/from Arcadia Road. These emergency accesses will be gated with a Knox® Box for expedited entry by emergency services. The access road

has been reviewed with emergency service providers and will be improved to their satisfaction, as well as to the satisfaction of the Building Inspector and Town Engineer.

- L.5 The Proposed Project will provide both indoor and outdoor recreation attractions on a County and Region-wide level. It will not generate demand for additional recreation services outside of the facility, nor is there any indication it will cause a decrease in the utilization of existing Town or County recreational venues. No adverse impacts to Town or Village recreation services are anticipated.
- L.6 Excel Urgent Care is located on Hatfield Lane in Goshen approximately 2 miles from the site. Emergency/Urgent Care services are also provided at both ORMC on East Main Street and Crystal Run on Crystal Run Road in Middletown. Neither facility has reported capacity issues and both have recently expanded. No impacts are anticipated to local hospital or emergency room services.
- L.7 Town Hall services, including permitting, court services and highway maintenance will be offset by user fees, real property taxes (even as reduced by the proposed 20-year PILOT agreement with the Orange County Industrial Development Agency) and the 30-year Host Community Benefit Agreement revenue to be received by the Town of Goshen. No adverse impacts are anticipated to Town Hall services.

M. Fiscal and Economic Impacts

The Project Site is made up of 15 total tax parcels. In 2016, the total assessed value for the Project Site was \$1,598,500, generating a total of \$91,185.05 for the site's various taxing jurisdictions, including Orange County, Town of Goshen, Town Highway Department, Goshen Fire District and both Goshen Central School District and the Chester Union Free School District. Two of the parcels, 11-1-46 and 15-1-59, are currently subject to a New York State Agricultural Exemption, which means the parcels' overall taxes collected are lowered based on a reduced assessed value. Nine of the parcels are currently owned by the Town of Goshen and are wholly exempt from property taxes.

The Project Sponsor will pursue a 20-year Payment in Lieu of Taxes (PILOT) agreement with the Orange County Industrial Development Agency (IDA) for the Proposed Action, instead of the originally proposed 30-year PILOT. The 20-year PILOT was suggested by the IDA and evaluated as part of the IDA's independent Economic Impact Review Report prepared by KPMG LLP in February 2017. The 20-year PILOT will provide a tax exemption which increases tax payments each year to each jurisdiction. This agreement will provide \$184,150 to the Goshen Central School District, \$35,600 to the Town and \$30,250 to Orange County in year one. The KPMG report notes a 20-year PILOT will generate \$87 million in PILOT payments and property tax revenue over a 30-year period. The PILOT agreement does not apply to special district taxes and therefore the Project Sponsor will pay 100% of the taxes to the Goshen Fire District, which is estimated to be approximately \$190,883.17 in the first year. These payments are an increase over that which the property is currently generating for each of the various taxing jurisdictions and are sufficient to cover the costs of municipal services provided.

Other benefits to the local, regional and State economy will result from the generation of sales tax revenue. The KPMG report commissioned by the Orange County IDA projects an additional \$581,000,000 in sales tax and \$281,000,000 in hotel tax over 30 years.

The Project Sponsor has entered into a Host Community Benefit Agreement with the Town of Goshen, which will also require the Project Sponsor to provide the following to the Town of Goshen:

- A host community fee for every visitor. For each visitor up to 2 million, the Town of Goshen will receive 65 cents, and 20 cents for each visitor thereafter – with no cap on payments. This will provide the Town of Goshen with at \$1.3 million annually, based on 2 million visitors, and more if there are more visitors;
- Two (2) Community Days with 50 percent of the revenue from ticket sales donated to the Town of Goshen;
- A 50 percent discount on standard one-day tickets for all Goshen residents; and
- Payment of \$500,000 of the Host Community Fee at the beginning of each calendar year, with the balance depending on actual attendance paid at the end of the calendar year.

The Proposed Project is estimated to create 500 full-time jobs, as well as 300 part-time jobs and 500 seasonal jobs during peak season. Full-time jobs include management, marketing, finance personnel, information technology (IT) and administrative positions as well as security, maintenance and hotel and aquarium management which pay competitive salaries and offer benefits. Job creation will benefit the location and regional economy.

Construction of the Proposed Project will generate approximately 800 construction jobs. The Project Sponsor will enter into a Project Labor Agreement to ensure construction jobs will come from Orange County and surrounding counties.

N. Visual Resources

The potential visual impacts of the Proposed Action were assessed based on NYSDEC Program Policy DEP-00-2, “Assessing and Mitigating Visual Impacts.” While the Project is not subject to DEC review for visual impact, and DEP-00-2 does not replace local discretion for determination of significance under SEQRA, the policy does provide guidelines for assessing potential visual impact of the Project.

To analyze the potential visual impacts of the Proposed Action, images documenting existing views of the Proposed Project were recorded at multiple locations. Post-construction photo simulations were prepared with cross sectional analyses for vantage points where the potential for visual impacts was identified.

No designated historic resources are in the immediate vicinity of the site. The closest sites on the National Historic Register are the Everett-Bradner House and the George Wisner House. Also in the vicinity are Goshen’s First Presbyterian Church and its associated Historic District, which includes properties along South Street, north of NYS Route 17.

No Town or Village parks are in the immediate vicinity of the Project Site. The Orange County Heritage Trail, a lineal County Park, runs parallel to NYS Route 17 and NYS Route 17M just north of the Project Site, throughout this portion of the County.

Mitigation Findings

- N.1 All improvements shall be located at least 1,000 linear feet from the project boundary (*i.e.*, property line). Land along the entire eastern property line shall be placed in a conservation easement to preserve this area from future development in perpetuity, as shown on the conservation easement map. The combination of both distance and undisturbed natural vegetation will reduce visual impacts.
- N.2 The most prominent structure, the hotel, shall be located along the westerly portion of the Project Site to reduce visibility from the Arcadia Hills residential subdivision. The Administration and Maintenance buildings (*i.e.*, back-of-house facilities) shall be set back a minimum of 500 feet from Harriman Drive and orientated with the narrowest portion of the building facing Harriman Drive to reduce visibility from Harriman Drive, NYS Route 17 and NYS Route 17M.
- N.3 Project Site lighting shall utilize “dark sky friendly” fixtures with shields to prevent light spillage into adjacent undisturbed areas to the greatest extent practical. Light levels shall be zero at all property lines except along Harriman Drive where light levels will be higher but consistent with lighting along similar roads. Lighting levels after the operations of the facility close will be reduced to minimum-security levels. The facility closes at 8PM in the peak summer season with staff typically leaving the facility approximately 1.5 to 2 hours after the facility closes. Therefore lighting levels will be reduced at or shortly after 10PM at the latest on the site. Nighttime lighting hours would be reduced during the shoulder season (April-May and September-October) when the facility closes at 6PM and further reduced during winter months when the majority of the facility’s operations are closed. No impacts to adjoining properties are anticipated from Proposed Project lighting.
- N.4 Landscaping shall be provided throughout the Project Site to minimize the visibility of the internal areas of the facility from Arcadia Road. The conceptual planting plan consists of approximately 5,000 trees including a mix of native deciduous, evergreen and ornamental species. Landscaping shall be provided within the proposed main guest entrance boulevard, within all parking areas, and around the periphery of the facility. Landscaping and grading along Harriman Drive will be coordinated with the NYSDOT to minimize the visibility of the proposed on and off ramps for Exit 125.
- N.5 Some visibility of the Project is anticipated from certain of the vantage points selected by the Planning Board for review. In particular, portions of the Proposed Project will be visible from Arcadia Road, Harriman Drive, NYS Routes 17 and 17M, and some areas of the Arcadia Hills subdivision. However, this visibility will be mitigated as noted and will not result in a significant adverse visual impact.

O. Environmental Contamination

No records were identified for the Project Site on NYSDEC's environmental website database. This database contains records of the sites being addressed under one of NYSDEC Division of Environmental Remediation's (DER's) remedial programs – State Superfund, Brownfield Cleanup, Environmental Restoration and Voluntary Cleanup. This database also includes the Registry of Inactive Hazardous Waste Disposal Sites and information on Institutional and Engineering Controls in New York State.

Two properties were identified in the NYSDEC Environmental Remediation Database search which were adjacent or in the immediate vicinity of the Project Site. These include a spill site at 71 Old Chester Road (spill #0210257), on the north side of NYS Route 17, approximately 3,300 feet from the Project Site identified as an unknown quantity of fuel oil which was closed in 2003 and a spill at the corner of Conklingtown Road and Reservoir Road (spill #9602333) identified as a 1 gallon spill of transformer oil which was closed in 1996.

The majority of the subject property is vacant/wooded land but also supports dilapidated building foundations, a pond, utility easement, a residential dwelling, and a communications tower, with evidence of farming activities on parcel 11-1-58. Based on a review of aerial photographs, the subject property appears to have supported agricultural use prior to 1940 to the present. Only minor haying activities have taken place over the last 10 years. As part of the Phase 2 Environmental Site Assessment, a series of soil samples were collected in each of the eleven fields potentially identified as being historically used for agricultural purposes. Soils were analyzed for pesticides, lead and arsenic at Hampton Clark/Veritech labs of Fairfield, New Jersey, a New York State approved laboratory, on a standard laboratory turn-around schedule. Of the twenty-two soil samples collected from each of the eleven fields, no pesticides were identified. All sample analyses identified pesticides as non-detectable. Arsenic and lead (common components of historically used agricultural pesticides) were identified at detectable levels in all twenty-two (22) samples analyzed. Arsenic levels ranged from 3.1mg/Kg to 7.3mg/Kg, and lead ranged from 13mg/Kg to 44mg/Kg. Even at the maximum observed concentrations, both arsenic and lead are identified to be below all soil and groundwater cleanup criteria maintained by NYSDEC. Concentrations of arsenic and lead in the shallow surface soils are believed to be naturally occurring and related to normal background concentrations in this local environment.

During the site visit some solid waste was observed in the vicinity of the dilapidated buildings such as trash, construction debris, tires, and other miscellaneous household waste items. No hazardous waste, areas of historic fill or chemical drums were identified, nor were any odors or soil stains, which would suggest environmental contamination may be present.

Mitigation Findings

- O.1 The Applicant shall dispose of the existing solid waste located on the Project Site as identified above (*i.e.*, trash, construction debris, tires, and other miscellaneous household waste items).

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

P. Cultural Resources

Based on the literature research there are no properties or structures on the National Register of Historic Places on or adjacent to the Project Site.

NYS Office of Parks, Recreation and Historic Preservation records show that three previously recorded prehistoric archaeological sites are within or adjacent to the proposed Area of Potential Effect (APE). A Phase IA/IB archaeological investigation was completed in 2000 that overlaps with the eastern portion of the current APE. The investigation was conducted for the proposed Arcadia Hills Section II and the previously proposed Lone Oak Estates residential development and included 217 acres (Hartgen 2000:1). This study identified the aforementioned three sites. Based on the previously reported prehistoric archeological sites a Phase IB study was recommended for the areas of the proposed APE. Phase IB fieldwork included the excavation of 581 shovel tests (stps) across the Proposed Project's APE. As a result of the Phase IB fieldwork the locations of two of the previously identified sites were adjusted and one of the sites (identified as site 07106.000123) was larger than previously anticipated in the 2000 study. The current study also identified two new archaeological sites (identified as LEGOLAND Sites 4 and 5). Subsequently, Phase II investigations were designed to gather data used to evaluate the NRHP eligibility status of the sites. Site eligibility is based on NRHP criteria of significance (36CFR60.6, Federal Register 1976).

Sites were identified as follows:

Site 07106.000121

This site consists of 3.5 acres. The site is assigned to the Late Archaic cultural period (4000-1000 BC) based on the recovery of a project point similar to the Poplar Island style projectile point of the Late Archaic cultural period (Hartgen 2000:11). The Phase II investigation yielded few artifacts, found no cultural features and did not recover any diagnostic artifacts with which to assign cultural affiliation of the site. Based on these results and upon concurrence by the OPRHP, the site does not meet NRHP eligibility criteria. No further archaeological work is recommended for this site.

Site 07106.000122

This site consists of 1.5 acres. The 2000 Phase I study found a Late Archaic Poplar Island-like projectile point at this site. The NRHP eligibility of this site has not been determined. Avoidance of the site by project activities is recommended. If avoidance is not feasible, Phase II archaeological investigations are recommended to determine NRHP eligibility of the site.

Site 07106.000123

This site consists of 1.79 acres. The site is tentatively assigned to the Terminal Archaic cultural period (1700-700 BC) based on the recovery of a projectile point interpreted to be an Orient Fishtail point. Archaeological deposits appear intact in unplowed A- and B-horizon soils. Based on these results, the site is likely to yield information important in prehistory and meets NRHP eligibility criterion d. Avoidance of the site by project activities is recommended. If avoidance is not feasible, Phase III data recovery is recommended to mitigate adverse impacts to the site.

LEGOLAND Site 4

This site consists of 0.73 acres. This site was identified by the current Phase I study and further investigated by Phase II work. No culturally diagnostic artifacts were recovered from the site with which to assign cultural affiliation. However, excavations identified a sub-plow zone pit feature and documented archaeological deposits in unplowed B-horizon soils. Based on these results, the site is likely to yield information important in prehistory and meets NRHP eligibility criterion d. Avoidance of the site by project activities is recommended. If avoidance is not feasible, Phase III data recovery is recommended to mitigate adverse impacts to the site.

LEGOLAND Site 5

This site consists of 0.3 acres. The prehistoric component of this site is represented by a single artifact: a Jack's Reef Pentagonal projectile point which is associated with the late Middle Woodland cultural period (AD 500-1000). The historic component of the site is represented by fragments of beverage glass, pieces of whiteware ceramics, and small brick fragments. This component is interpreted to be associated with the occupation of the structure shown on historic maps of the area as well as trash from more recent years. The structure is no longer standing; it burned down in the recent past. No temporally discrete historic archaeological deposits or features were identified at the site. Based on these results and upon concurrence by the OPRHP, the site does not meet NRHP eligibility criteria. No further archaeological work is recommended for this site.

Mitigation Findings

- P.1 Site 07106.000122 will not be disturbed consistent with the recommendation from the Archeological Investigation.
- P.2 As per the findings of the Archeological Investigation, Site 07106.000123 and LEGOLAND Site 4 are eligible for NRHP listing and will require data recovery prior to any disturbance in this area in order to preserve all artifacts. Prior to the start of construction, the project archeologist will develop a Phase III testing and recovery program for Site 07106.000123 and LEGOLAND Site 4 in consultation with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). The plan will be submitted to OPRHP for review and concurrence, with a copy to the Town of Goshen. The Project Sponsor will follow the recommendation of OPRHP.
- P.3 A letter from the OPRHP has been received confirming the findings of the prepared Archeological Investigation. As a result of the implementation of the Phase III work and complying with the recommendations of OPRHP, no significant adverse impacts to archeological resources will result from the project.

Q. Agricultural

The Project Site is located within Orange County Agricultural District #2. County Agricultural Districts 1 and 2 were created in November 1972 to encourage agricultural activities to continue on agriculturally viable land. Parcels 11-1-46 and 15-1-59 were both previously used for agricultural purposes, although more recently only minor haying has occurred on these properties.

Once construction is underway on the Project Site, none of the parcels will be permitted to seek an agricultural assessment reduction as two of them currently do today. As per the NYS Department of Taxation, a payment for conversion of the land will be required which is equal to five times the taxes saved in the most recent year that the land received an agricultural assessment. In addition, interest of 6 percent per year compounded annually will be added to the payment amount for each year that the land received an agricultural assessment, not exceeding five years.

Mitigation Findings

- Q.1 The location of the Project Site in an agricultural district does not preclude or otherwise restrict non-agricultural development on the property. Both the present zoning, and the proposed rezone overlay district allow non-agricultural development. Given that no farming currently takes place on the site and that much of the area once suitable for farming has been disturbed, no significant adverse impacts to agricultural resources are anticipated.
- Q.2 The Proposed Project is likely to have a limited positive impact on local farms based on the Project's need for fresh fruits and vegetables for onsite restaurants and the desire to purchase from local suppliers whenever possible.

R. Air Quality

While the immediate vicinity of the Project Site does not contain any major existing sources of emissions, Orange County has historically experienced elevated ozone levels due in part to proximity to the New York/New Jersey metropolitan area. Orange County was also designated nonattainment for fine particulate matter (PM2.5) in the past, but concentrations of both ozone and PM2.5 in Orange County have decreased substantially in the past 10 years. Orange County is also part of a nonattainment area for the 1997 8-hr ozone standard, but is in attainment with the lower 2008 8-hr ozone standard (0.075 ppm). This has occurred because ozone levels have decreased over time in Orange County, and the County met the 2008 standard at the time nonattainment designations were made. The 1997 ozone standard nonattainment status has not been changed to maintenance; however, for purposes of transportation conformity the 1997 ozone standard has been revoked by a 2012 EPA final rule. In addition, in 2013 the EPA proposed revoking the 1997 ozone standard for all remaining purposes other than transportation conformity. Orange County is an attainment/unclassifiable area for the remaining Clean Air Act

criteria pollutants: carbon monoxide, nitrogen dioxide, sulfur dioxide, coarse particulate matter (PM10), and lead.

Mitigation Findings

- R.1 Emissions from vehicles generated by the Proposed Project is an unavoidable adverse impact, but are not considered a significant impact to air quality as none of the mobile source emissions exceed the volume threshold criteria for either carbon monoxide or particulate matter established by NYSDOT, and the proposed traffic improvement plan will reduce traffic congestion of visitors to the Proposed Project by providing a direct connection onto Harriman Drive from Route 17, reducing idling times in favor of the free-flow of vehicles has been shown to reduce impacts to air quality.
- R.2 Best Management Construction Practices will be employed during construction activities to reduce the potential for fugitive dust generation at the site. Stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction site. Tracking pads would be established at construction exits to prevent dirt from being tracked onto roadways. Any truck routes within the site would be either watered as needed or, in cases where such routes would remain in the same place for an extended duration, the routes would be stabilized, covered with gravel, or temporarily paved to avoid the re-suspension of dust. During dry weather, exposed soil areas (unpaved access roads, soil piles, staging areas etc.) would be watered once per day to control fugitive dust. All trucks hauling loose material would have their loads securely covered prior to leaving the construction sites. To minimize fugitive dust emissions, vehicles on-site would be limited to a speed of 10 mph. Truck idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes consistent with NYSDEC regulations.
- R.3 Impacts from construction vehicles is anticipated to be minor for several reasons including proper maintenance of equipment, requiring vehicles to maintain strict minimal speed limits on site, controlling unnecessary idling for vehicles and equipment, and providing sufficient onsite parking for construction workers. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes consistent with NYSDEC regulations. Clear signage indicating idling limits shall be provided for construction workers at all access points. According to the NYSDOT's Environmental Procedures Manual, emissions from construction vehicles and equipment is temporary and "self-correcting once the Project is completed".
- R.4 Onsite rock crushing will reduce impacts associated with the transport of excavated rock. If utilized, rock crushing would be performed at a single location in the central portion of the Project Site as shown on the erosion and sediment control plans. Covers and watering would be utilized at this location to minimize fugitive dust.
- R.5 No airborne pesticides or herbicides will be utilized on the site.

S. Construction

Full build-out will occur in two (2) phases. Phase 1 will include the entire Proposed Action with the exception of the SeaLife aquarium. Phase 1 including all off-site traffic improvements is anticipated to commence after obtaining all necessary approvals and take approximately 24 months. Construction will begin with clearing in the northeast corner/back-of-house area. A staging area will be created in this area and parking area for workers. Subsequent stages of construction will include the main park access drive and utility installation, followed by the main park area and finally, the main guest parking lot. The area on the site plan designated for the SeaLife Aquarium will be graded and seeded as part of Phase 1 but will remain grass until construction of Phase 2 commences.

Construction activities on the Project Site could result in temporary impacts associated with noise, air quality (dust), and construction truck traffic.

Mitigation Findings

- S.1 Best Management Construction Practices shall be employed during construction activities to reduce the potential for fugitive dust generation at the site. Stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction site. Tracking pads would be established at construction exits to prevent dirt from being tracked onto roadways. Any truck routes within the site would be either watered as needed or, in cases where such routes would remain in the same place for an extended duration, the routes would be stabilized, covered with gravel, or temporarily paved to avoid the re-suspension of dust. During dry weather, exposed soil areas (unpaved access roads, soil piles, staging areas etc.) would be watered once per day to control fugitive dust. All trucks hauling loose material would have their loads securely covered prior to leaving the construction sites. To minimize fugitive dust emissions, vehicles on-site would be limited to a speed of 10 mph. Truck idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes consistent with NYSDEC regulations.
- S.2 Clearing of trees shall be conducted between November 1 and March 30 to comply with NYSDEC restrictions relating to protected species of bats.
- S.3 Construction of the Proposed Project would be carried out in accordance with the Town of Goshen Noise Code, which allows construction activities between the hours of 8:00 AM and 8:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. Construction activities occurring after-hours are not permitted except for emergency conditions in the interest of public safety.

T. Growth Inducing Impacts

Potential growth inducing impacts from the Proposed Project were evaluated, including the construction of the Proposed Project itself, as well as extension of public water and sewer lines, adoption of local laws, and sale of Town-owned land to the Project Sponsor.

Mitigation Findings

- T.1 No additional growth outside of the Project Site is expected to result from the adoption of Local Law 6, as the Commercial Recreation Zoning Overlay District would only be applied to the subject properties and would not extend to other properties without Town Board approval and an additional SEQRA review.
- T.2 No growth would result from the sale of land currently owned by the Town of Goshen to the Project Sponsor. These parcels are small, abnormally shaped, and isolated; the majority of which do not have street frontage.
- T.3 No other users would be permitted to connect to the proposed water or sewer mains proposed to serve the Proposed Project without the approval of the Village Board, and a SEQRA review being conducted. Therefore, no potential for growth would result from the extension of such mains.
- T.4 Although secondary commercial growth from the construction of the facility is possible and may include supporting small-scale commercial development, vacant and underdeveloped land exists in the Town along Route 17M on which commercial development is permitted and recommended by the Town of Goshen 2009 Comprehensive Plan Update which could accommodate such growth. Land within the Village of Goshen, particularly on Clowes Avenue and along Greenwich Avenue/NYS Route 207, is appropriate for growth, as well as land further east in the Village and Town of Chester where commercial development is also permitted. Future commercial development, which is a key recommendation of the Town's 2009 Comprehensive Plan will support the tax base and provide jobs for local residents. No significant adverse environmental impacts are expected to result in the area of growth inducing impact.

Certification of Approval of Findings

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

1. The Planning Board has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final Environmental Impact Statements; and
2. The Planning Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including effects disclosed in the environmental impact statement; and
4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the environmental impact

statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

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

Dated:

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

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

LEAD AGENCY

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

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

INVOLVED AGENCIES

NYS Department of Environmental Conservation
Division of Environmental Permits – Region 3
625 Broadway
Albany, New York 12233-1010

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

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

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

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

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

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

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

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

INTERESTED AGENCIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Town of Chester
1786 Kings Highway
Chester, New York 10918

Village of Chester
47 Main Street
Chester, New York 10918

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

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

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enb@gw.dec.state.ny.us