
I. SUMMARY

A. INTRODUCTION

This Final Environmental Impact Statement ("FEIS") has been prepared in accordance with Section 8.0113 of the New York State Environmental Conservation Law and 6 NYCRR, Part 617.14(h), State Environmental Quality Review Act. Because the Lead Agency made a determination of significance regarding the proposed action prior to January 1, 1996, the applicable SEQRA regulations are those which became effective June 1, 1987. K&M Realty Group, Ltd. ("Applicant") has applied to the Village of Rye Brook for **Site Plan Approval**, the issuance of a **Wetlands Permit**, and the issuance of a **Steep Slopes Permit** for the property designated on the Town of Rye Tax Assessment Map as Section 1, Block 22, Lot 2B and Lot 2B2 (the "Property"). Lot 2B is the portion of the Property referred to in this document as the "Peninsula," and lot 2B2 refers to the "Strip" portion of the Property. These separate lots were created by the former Town of Rye Tax Assessor for financing purposes only and the Applicant is proposing to develop only one (1) of these lots as described below.

The entire Property is zoned C1 "Neighborhood Retail District" (see Figure 1 and 2). The Applicant is seeking Site Plan Approval in accordance with Chapter 250 of the Village of Rye Brook Code, the issuance of a Wetlands Permit in accordance with Chapter 245 of the Village of Rye Brook Code, and the issuance of a Steep Slopes Permit in accordance with Chapter 213 of the Village of Rye Brook Code for the development described below.

This FEIS incorporates by reference the Project's Draft Environmental Impact Statement (DEIS), dated February 2004, accepted as complete by the Village of Rye Brook Board of Trustees on July 8, 2004. The DEIS was available for public review and comment through October 29, 2004. The public hearing on the Project was opened on September 28, 2004 and closed on October 29, 2004.

In response to specific comments on the DEIS, the proposed action, as discussed in the DEIS has been revised. These revisions are addressed in this FEIS.

One of the purposes of the SEQRA process is to improve the quality of approved projects and mitigate any significant adverse impacts that these projects may have on the environment, to the extent practicable. The revisions to the proposed action, as described in this FEIS, reduce the potential for adverse impacts from those described in the DEIS. The Applicant's favored alternative, the Mitigation Plan (residential development on the Peninsula and no development on the Strip), evolved as a result of the comments made on the DEIS.

B. THE PROPOSED ACTION

As described in the DEIS (the Proposed Action), the Bowman Avenue Development is a proposed residential and commercial/restaurant project to be located on the south side of Bowman Avenue in the Village of Rye Brook, Westchester County, New York. The Property is approximately 4.039 acres in size of which 1.672 acres is open water and 2.367 acres is dry land. The dry land is comprised of two (2) separate areas: (1) the western portion of the Property (the "Peninsula"); and (2) the eastern portion of the Property (the "Strip"). The Property lies adjacent to the Blind Brook and, in fact, incorporates a portion of the East Branch of the Blind Brook and the Lower Blind Brook Pond within the boundary of the Property.

The development is to be comprised of four (4) buildings. A single four thousand (4,000) square foot building is proposed on the Peninsula portion of the Property and will be used as a restaurant. On-site parking for fifty-four (54) vehicles and one (1) loading space will be provided. Parking and loading spaces are provided in compliance with the Village of Rye Brook Zoning Ordinance ("Ordinance"). The Strip portion of the Property is proposed to be developed with three (3) buildings, each consisting of three (3) residential dwelling units. Each dwelling unit will contain approximately one thousand six hundred eighty (1,680) square feet of gross-floor area. The residential units will occupy basement elevations

ranging from 39.85 to 40.95 feet and first floor elevation of 47.75 to 49.95 feet. Heights of the proposed dwelling units will be approximately 35 feet (3 stories) which is permitted with fire proof and semi-fire proof construction. Each dwelling unit will have a two (2) car attached garage. Nine (9) outdoor parking spaces will be provided for visitors. A total of twenty-seven (27) parking spaces are to be provided in compliance with the Ordinance. No loading spaces are required.

C. THE PROPOSED MITIGATION PLAN

As a result of comments received on the DEIS from the public, the Lead Agency, and various involved agencies and interested parties, the Proposed Action has been modified as follows:

1. Residential use only is proposed on the Peninsula portion of the Property.
2. No development is proposed on the Strip portion of the Property.

The development proposed as the "Mitigation Plan" is to be comprised of ten (10) residential condominium dwelling units on the Peninsula. Seven (7) dwelling units are approximately two thousand three hundred twenty (2,320) square feet of gross floor area. Three (3) dwelling units are approximately two thousand one hundred (2,100) square feet of gross-floor area. Each of the ten (10) dwelling units will have a two (2) car attached garage and room for 2 cars in the driveway. There are also 5 additional spaces. No loading spaces are required or provided. The peninsula will accommodate the required 2,000 s.f. open space requirement (200 s.f. x 10 dwelling units =2,000 s.f.). All of the open space would be useable by residents. Our plans reflect this use of open space on the peninsula which requires no open space on the strip. The Strip portion of the Property is proposed to remain undeveloped. A permanent conservation easement will be placed on the Strip.

The proposed Mitigation Plan provides access to the Property via one (1) driveway off of Bowman Avenue rather than the two (2) driveways as proposed in the DEIS. The proposed access driveway will provide a single ingress and a single egress lane each. The traffic from

the Property at the intersection of the access driveway with Bowman Avenue will be controlled with a stop sign. The construction of the proposed access driveway will be subject to the review and approval of the Westchester County Department of Public Works since Bowman Avenue is a County roadway. On-site pavement striping will control traffic movements within the development's parking area. It is the Applicant's opinion that the Mitigation Plan will have the same or, in most instances, fewer impacts than the DEIS' Proposed Action.

D. PROJECT HISTORY

The Property is generally considered highly disturbed, created by grading and filling activities. The Property was used as a dumping ground for construction debris, (i.e., asphalt, gravel, concrete, and wood, etc.). These prior uses have had a negative impact on the vegetation on the Property and the Blind Brook. As a result, the existing vegetation on the Property consists of weeds and brush. Prior to this activity, the Property served as a storage area for construction equipment and as a sand and gravel quarry. Subsequent to the dumping of construction debris, the Property became vegetated with typical second growth pioneer species such as brush, weeds, and what are typically considered weedy and/or undesirable trees (Tree of Heaven, Mulberry and Ash, etc.).

The Bowman Avenue Development application was originally submitted to the Village of Rye Brook in 1996. Subsequent to the submission of the application an environmental situation was detected on the Property. Gasoline tainted soil was detected in a limited area on the Strip and is currently undergoing remediation. The New York State Department of Environmental Conservation (NYSDEC) is monitoring the Property (See Appendix K for the proposed Environmental Remediation Process).

The DEIS Scope was adopted in 1996. There are no new factors related to the development that would change the Scope.

The Applicant proposes to develop the Property for residential land use in accordance with the Ordinance.

E. VISUAL ANALYSIS

Views into the Property from adjacent properties are limited due to vegetation and topography. Refer to photograph No.'s 1 through 14 (Figure P-1-P-7), Photograph Log (Figure PL-1), and Panoramic View (Figure 8) for a view of the existing Property.

a. Viewpoint Areas

(i) Westerly View from the Medical Office Building

The land located to the east of the Property consists of approximately twelve (12) acres and is developed with a medical office building, the Rye Ridge Shopping Center, and associated parking lots. A row of trees separates the medical office building and the Property. This row of trees obstructs the view of the Property from the medical office building. The existing visual condition of the Lower Blind Brook Pond and Peninsula is generally poor (see photograph 1 of the DEIS). The medical office building has a view of the open water and open space on the Property during the winter and early spring. Views of the open water and open space on the Property from the medical office building are limited by topography and vegetation. A residential neighborhood is located to the south-east of the Property. A residential subdivision located in Harrison, New York is located within one-quarter (1/4) mile of the Property but is separated by the Cross Westchester Expressway (Interstate 287). Existing residential properties cannot see the Property due to distance topography, intervening development, and vegetation restraints (see Figure 1, 10, and 11).

(ii) Southerly View from Athletic Field

The property located to the immediate north of the Property is zoned OB-2 and is presently utilized by the Village of Port Chester Board of Education as middle school athletic fields. Views of the Property are obstructed by thick vegetation.

(iii) Easterly View from City of Rye Property

The land located west of the Property is open space owned by the City of Rye and access is not available to the public. This property consists of approximately 25.1 acres and is located partially in the Village of Rye Brook (13.8 acres) and partially in the Town of Harrison (11.3 acres).

(iv) Southeasterly View from Bowman Avenue

Views from Bowman Avenue are similar to those described for the athletic fields.

b. Adjacent Neighborhoods

- (i) A residential neighborhood is located to the south-east of the Property. Views of the Property from these residences is severely limited by distance, topography and vegetation.
- (ii) A residential subdivision located in Harrison, New York is located within one-quarter (1/4) mile of the Property but is separated by the Cross Westchester Expressway (Interstate 287). Existing residential properties cannot view the Property.

F. SIGNIFICANT, ANTICIPATED, BENEFICIAL AND ADVERSE IMPACTS AND PROPOSED MITIGATION MEASURES OF THE MITIGATION PLAN

1. GEOLOGY AND SOILS

The geology of the Property does not present any notable obstacles. The Mitigation Plan is not expected to result in any impacts to the geological regime.

Soil disturbance will consist of grading and recontouring of the Property in preparation for the installation of roadways, driveways, and proposed structures. Construction may cause a temporary increase in the rate of erosion on the Property as the development will include some construction on slopes in excess of fifteen (15%) percent. Sediment control measures are proposed during the construction phase to control soil erosion and down slope siltation. A full sediment erosion control plan has been prepared by the project engineers.

The Property was originally used by Barber & Coccola, the prior owner, as a source for sand and gravel, beginning in the 1950's to approximately 1963. Subsequent to closure of mining operations, stream control permits were issued to Barber & Coccola by the County of Westchester (as recently as 1991) which allowed the dumping of construction and demolition debris on the Property. The debris consisted of asphalt, cobbles, concrete, brick, wood, glass, and metal. Soil and rock fill materials were placed at the southern end of the Strip. The Peninsula was created by the filling activity in the northern portion of the Property. Sand and rock fill was also placed on the Strip by the filling activities. The Property also served as storage area for construction equipment. The Applicant has removed some of the debris piles from the Property since July 24, 1994.

Hydrogeologic investigations of the Property indicate that underlying soils consist of brown-gray fill material, consisting primarily of coarse to fine sand and some silt and gravel, along with cobbles, boulders asphalt, concrete, and minor amounts of brick and

wood. In some areas, a layer of construction debris fill from three (3') to eight (8') feet thick overlies these materials. Groundwater occurs at a depth of ten (10') to ten and one-half (10 1/2') feet below grade and flows towards the East Branch of the Blind Brook. Groundwater is approximately one foot to one and one-half feet above the surface water level of the brook/pond. The elevational difference from the top of the peninsula to the edge of the brook/pond is ten to twelve feet.

There will be no adverse impacts resulting from the new development to geological or soil conditions. In fact, the soil conditions will be significantly improved due to current remediation efforts.

2. SURFACE AND GROUNDWATER

The development is not anticipated to have any impact on groundwater resources. The impervious surface area associated with the development is approximately fifty-nine hundredths (0.59) acres. This impervious surface is not expected to impede groundwater recharge for the surrounding region. The minor loss in groundwater recharge on the Property will be mitigated by the provision of infiltrators proposed for use in stormwater management of the developed Property. It should be noted that a small amount of impervious area currently exists on the Property, consisting of approximately forty-five hundredths (0.45) acres.

The development is not anticipated to have any impact on surface water resources. The total amount of impervious surface coverage that would result from the Proposed Action is +1.48 acres as compared to +0.80 acres for the Mitigation Plan. The approximately fourteen hundredths (.14) acre increase in impervious area on the Property will increase the rate of runoff to the adjacent Lower Blind Brook Pond. However, a stormwater management program is proposed which will reduce post-development peak runoff rates over the existing condition.

Water quality in the adjacent Lower Blind Brook Pond will be improved by the proposed development of the Property. Permanent and temporary water quality

controls are proposed to be used in conjunction with Property improvements. Currently, unvegetated side slopes along the Blind Brook and the Lower Blind Brook Pond are eroding, resulting in significant silting in the existing waterway.

No adverse impacts will arise from the proposed development with regard to surface water and groundwater resources. The detention/recharge facilities will provide water quality treatment and decrease the peak rate of runoff currently occurring on the Property.

3. WETLANDS

Wetlands on the Property were originally delineated by Evans Associates on December 8, 1994 in accordance with the Village of Rye Brook wetlands regulations using the technical criteria in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989*. Evans Associates reconfirmed the wetland delineation in September of 1999 and in April 2003. Sequentially numbered ribbons were hung along the wetland/upland boundary by a Certified Soil Scientist and a Federally Certified Wetlands Delineator of Evans Associates.

According to Evans Associates, the wetland boundary coincides almost exactly with the edge of the Lower Blind Brook Pond. Thus, the land portion of the Property has no wetlands.

The Evans Associates study noted that the Lower Blind Brook Pond has very limited flood control, biological, and water quality improvement functions. The lack of a restricted outflow and seasonally flooded vegetated wetlands restricts the Pond's importance for flood control. The biological function is limited due to the lack of habitat diversity surrounding the Pond; essentially the wetlands consist of an open water area offering little habitat diversity. Finally, since there is little by way of a flooded vegetated wetland associated with the Pond, the wetland has a minimal water quality improvement function.

The development has avoided direct impacts on the Blind Brook watercourses, thereby decreasing possible impacts to adjacent wetland vegetation or wildlife habitats. The development of the Property will have a positive benefit on the adjacent water bodies and wetlands. There will be no adverse impacts on wetland areas.

4. VEGETATION

The existing vegetation on the Property consists of weeds and brush. As for trees, there is a scattering of second growth species such as *Ailanthus altissima* (Tree of Heaven), *Fraxinus* spp. (Ash) and *Morus* spp. (Mulberry) along the north side of the Property adjacent to Bowman Avenue and along the eastern Property line. Construction of the development will require the removal of the second growth trees along Bowman Avenue, many of which are diseased and decaying. The Property was re-visited in May 2003. No significant changes in vegetation compared with observations made in 1999 and 2003 were observed. There are no significant trees located on the peninsula portion of the site, therefore tree preservation is not required.

Since the Property is so highly disturbed by previous grading and filling activities, virtually all of the Property contains plants less than thirty (30) years old (the commencement of disturbance activity on the Property). In fact, a majority of the Property contains plants less than fifteen (15) years old where they exist beyond the limits of the debris piles on the Property. The tree species found on the Property are of the secondary growth type and are generally short lived, pioneering species. From a landscape point of view, these plants are weedy and undesirable. They do, however, reach their mature height quickly.

Most recently the Property was used as a dumping ground for construction debris, (i.e., asphalt, gravel, concrete, and wood, etc.). Prior uses include a gravel quarry and a storage area for construction equipment. These prior uses have had a negative impact on the vegetation on the Property, the Blind Brook, and the Lower Blind Brook Pond.

Two (2) landscaped area types are proposed to be developed on the Property: (1) landscaped islands and manicured lawns associated with the parking areas; and (2) landscaped slopes adjacent to the Blind Brook and/or the Lower Blind Brook Pond.

The proposed landscape plan for the Bowman Avenue Development will serve to mitigate the impact of the removal of existing vegetation from the Property. Plant species have been carefully selected for compatibility with the proposed environment. The plant materials to be installed on the slopes adjacent to the Pond margin will provide both food and cover for wildlife in the area. Plant materials for the remainder of the Property are planted primarily for aesthetic reasons, but will provide value for wildlife, particularly as bird nesting areas.

There will be no adverse impacts to the existing vegetation on the Property due to extensive landscaping proposed for the development. If the strip is used as a conservation easement it will remain undeveloped and unlandscaped.

The Landscaping Plan provides for landscaping along the front entrance of the site and around each unit along with shrubs and grasses along the outer perimeter of the peninsula.

5. **WILDLIFE**

The Property has a limited wildlife population and diversity due to its small size (the land portion of the Property is only a little over two acres in size), the prior disturbance to the Property, which has left piles of debris, and the lack of diversity in upland and wetland habitats in the immediate vicinity. In addition, the Property is surrounded in all directions by intense residential and commercial development, as well as major highways. The Property was re-visited in May 2003. No significant changes in wildlife habitat and patterns compared with observations made in 1999 and 2003 were observed.

Species which require a relatively large home range or interior habitat will not reside on the Property permanently or be occasional visitors due to the nature of the surrounding development. Animals found on the Property include chipmunk, gray squirrel, skunk and eastern mole. There are a few amphibians which could potentially use the Property, though none were sighted at the time of the study. Birds confirmed on the Property include crow, eastern starling, American robin, house finch and blue jay.

The Property is located along a riparian system, the Blind Brook drainage corridor. Normally, drainage corridors are important habitats for wildlife. However, the value to wildlife of the corridor is greatly diminished by the intensity of residential and commercial development surrounding the Property. In addition, the riparian corridors are interrupted by numerous highways and road culverts. This tends to fragment the corridor, reducing its value to wildlife that needs a relatively large home range.

Impacts to the Blind Brook corridor habitats are related to two (2) environments: (1) aquatic species in the Blind Brook and the Lower Blind Brook Pond; and (2) upland and wetland areas associated with the riparian system.

The proposed development of the upland areas on the Property will not impact the Blind Brook corridor with respect to aquatic species such as fish and eels. These species will be able to continue to use the Lower Blind Brook Pond and the Blind Brook without significant impact. The development does not propose any modifications to the flow of water in the system in the vicinity of the Property.

The development of the upland areas of the Property will contribute to the overall fragmentation of the wildlife habitat of the remaining open space areas adjacent to the Blind Brook within the corridor. This fragmentation is not expected to be significant for two (2) reasons: (1) the Blind Brook wildlife corridor is already highly fragmented due to the intense development upstream and downstream of the Property; and (2) animals that might have utilized the corridor have already been eliminated due to this prior fragmentation.

The Property is located where there are significant features that have fragmented the corridor. Immediately to the south of the Property is an eighteen (18') feet wide by four (4') feet high culvert conveying the stream flow under the Cross Westchester Expressway. This is a major break in the overall wildlife corridor. Immediately to the north is the Bowman Avenue culvert and other culverts associated with the suburban development adjacent to Blind Brook.

There will be no adverse impacts on wildlife as result of the development.

6. TRAFFIC AND TRANSPORTATION

Pursuant to the proposed mitigation plan, access to the Property will be provided via one (1) driveway off Bowman Avenue, which is a reduction from the two (2) driveways proposed in the DEIS. Representatives of John Meyer Consulting prepared field surveys of the roadways in the Property's vicinity, as discussed in the DEIS. The field survey work included an inventory of the existing roadways, lane widths, pavement types, curbing, shoulders, horizontal and vertical sight distances, grades, speed limits and traffic control devices. It is the Applicant's opinion that the proposed mitigation development will not significantly impact traffic conditions in the study area.

7. VISUAL RESOURCES

Most recently the Property was used as a dumping ground for construction debris, (i.e., asphalt, gravel, concrete, and wood, etc.). Prior uses include a sand and gravel quarry and a storage area for construction equipment. These prior uses have had a negative impact on the vegetation on the Property, the Blind Brook, and the Lower Blind Brook Pond. As a result, the existing vegetation on the Property consists of weeds and brush. As for trees, there is a scattering of second growth species such as Tree of Heaven, Ash and Mulberry along the north side of the Property adjacent to Bowman Avenue and along the eastern Property line. These trees are diseased and decaying. Views into the Property from adjacent properties are limited due to vegetation and topography.

The Rye Ridge Shopping Center and a medical office building are separated by approximately four (4') feet to twelve (12') feet of elevation under the current layout. This topographical separation acts as a buffer between the two (2) properties. The existing southerly view from the medical office building of the Lower Blind Brook and the brush covered Peninsula will be impacted by the action. The existing visual condition of the Lower Blind Brook and Peninsula is generally poor, showing construction debris from past operations.

Construction of the development will require the removal of the second growth trees along Bowman Avenue. The existing trees on the Strip will remain. Development of the Property will harmoniously combine the Village's built and natural environments creating a pleasant and tasteful visual scene.

The proposed development will provide an extensive landscape enhancement of the Property. Graded surfaces to support the proposed development will be planted using a selection of trees, shrubs, ground covers and grasses adapted to the specific conditions. Other plantings in the front of the buildings and the periphery of the proposed parking area will provide an aesthetically pleasing Property for the residents. The plant materials to be installed on the Property may be referenced in the landscaping plan prepared for the development. Under the proposed development, existing views of the Property will be replaced with professionally landscaped property. The proposed buildings were selected to complement the current architectural style in Rye Brook and at the same time have a low visual impact.

The Property will be attractively landscaped with a mixture of deciduous and evergreen trees and shrubs, and a decorative gazebo is proposed. The common areas will be maintained by a homeowners association.

Due to the existing condition of the Property, the development will not significantly impact the aesthetic quality of the Property. In fact, the development will improve the aesthetic quality of the Property.

8. HAZARDOUS MATERIAL

Review of historical records and initial excavation of test pits, revealed no evidence of use or storage of hazardous materials on the Property. During the excavation of additional test pits along the northern portion of the Strip, gasoline contaminated soil was encountered. Further subsurface exploration both on site and off site concluded that the contamination emanated from and is confined to the northern portion of the Strip. During the subsequent subsurface investigations, a series of twenty (20) hand augured probes were advanced to the top of the water table along the shore of the Strip. In addition, ten (10) hand augured probes were advanced to the top of the water table along the shore of the Peninsula.

Soil samples from three (3) hand probes exhibited minor staining and were subsequently submitted for laboratory analysis. The results indicate a low concentration of each parameter, in one sample resulting from a small leak of Diesel/No. 2 Fuel Oil possibly from a piece of construction equipment during the filling process, and in the other samples from soil sized pieces of asphalt pavement.

Due to the existence of gasoline contaminated soil present on the northern portion of the Strip, a remediation plan was commenced. The Applicant constructed a biovent remediation system in the impacted area and same has been operating since April 1996. The biovent remediation system is set forth in a Remedial Action Plan, dated November 1995, which was approved by the NYSDEC. The NYSDEC is monitoring the remediation of the Strip.

Remediation of the impacted area is continuing to date, and has improved the soil conditions. The NYSDEC continues to monitor the remediation of the impacted area. Therefore, there will be no adverse impacts associated with hazardous materials. Following discussions with Village officials, the Applicant now proposes removal of the contaminated soil prior to construction (See Appendix K for the proposed Environmental Remediation Process).

9. CONSTRUCTION IMPACTS

EXISTING CONDITIONS

No construction activity is currently taking place on the Property. However, over the past thirty (30) years, there has been considerable construction activity on the Property commencing with its use as a sand and gravel quarry. Following its operation as a quarry, the Property was used as a dump for construction debris.

a. Potential Impacts

Noise

Proposed construction activity on the Property can be divided into four (5) basic phases:

- i. Ground Clearing which consists of removal of unwanted vegetation, earth and debris piles will take approximately 5 days to complete. Two large trucks making a total of 4 trips and 3 pick-up size vehicles will be used during this phase. Typically, bulldozers, dump trucks, chainsaws and front end loaders are used during this phase of the work. Sediment and erosion(S&E) control measures will be installed at the beginning of this phase of work. Monitoring, by the site engineer, is begun at the time of S&E installation. Minimal stockpiling of soil will be required since no topsoil presently exists in the development area.

The selected remedial option is removal and offsite disposal of impacted soil. Petroleum impacts were detected from approximately 6 to 8 feet below land surface (BLS) to the top of the water table, approximately 11 feet BLS. Eight hundred forty five cubic yards of soil will therefore require excavation.

Remediation will consist of removal of the top 6 feet of unimpacted soil from above the impacted area. Unimpacted soil will be stockpiled at the southern end of the property. The stockpiled soil will be covered with plastic sheeting to prevent runoff and impacted soil will then be excavated. Excavation will be carried out vertically to the top of the water table and horizontally until no visual indications of petroleum impacts are observed and photo ionization screening of removed soil yields background values. End point samples will be collected and this will ensure all impacted soil has been removed. The soil will be analyzed and compared to the New York State Department of Environmental Conservation (NYSDEC) technical and administrative memorandum recommending soil cleanup objectives. Excavated soil will be sent to Carteret Biorecycling in Carteret, NJ for treatment and/or reuse. Before soil excavation, sediment and erosion control measures will be implemented. Silt fence and/or haybales will be installed along the eastern shoreline of Blind Brook to minimize the potential for soil to migrate offsite to the Brook storm events. All transport vehicles will be decontaminated before leaving the site and all trailer beds will be completely covered with canvas tarps following loading to prevent dust emissions during transport. Because of the small size of the site work will be staged to minimize the number of trucks present at the site. Two large trucks making a total of 4 vehicular trips per day and 1 pick-up size vehicle making 2 vehicular trips will be used during this phase. Trucks will not be permitted to access or leave the site during Port Chester Middle School access or departure times. If there is insufficient material to backfill the excavation, fill material will be from an appropriate clean-fill facility.

- ii. Earthwork and Excavation which consists of the modification of the existing topography to the desired sub base elevations needed to support the development. This phase will take approximately 10 to 20 days. Two large trucks making a total of 2 to 4 vehicular trips and 3 pick-up size vehicles will be used during this phase. Equipment typically involved in this phase includes bulldozers, graders, scrapers and backhoes. It is estimated that approximately 1,500 cubic yards of material will be imported to the Property.

- iii. Paving, Utility and Building Foundation construction which consists of the installation of utility systems, including storm drainage, sanitary sewer, water, electricity, gas, telephone and cable television on the Property. This phase will take approximately 20 days. Three large trucks making a total of 6 vehicular trips and 4 pick-up size vehicles making a total of 8 to 10 vehicular trips will be used during this phase. Following installation of utilities, the pavement sub base and bituminous concrete courses are placed. Concurrently with the utility construction, the building foundations will be constructed, including piling and/or concrete slabs. During this phase of the work, dump trucks, asphalt pavers, backhoes, concrete trucks and steamrollers are used.

- iv. Building Construction - This phase primarily involves the use of small cranes of various sizes, construction of scaffolding, use of power tools and hands tools to construct the building interior and its facade. This phase will take approximately 90 days. Four large vehicles making a total of 8 vehicular trips and 6 pick-up size vehicles making a total of 12 vehicular trips will be used during this phase on a daily basis.

- v. Project Finishings and Landscaping initially includes landscaping by utilizing hydromulching and hydroseeding methods. This phase also consists of basic job cleanup including the existing pavement, adjustment of utilities structures to proper grade to accommodate asphalt top and examining pavement for any settlement, breakup and general deterioration. This phase will take approximately 20 days. Four large vehicles making 8 vehicular trips and 6 pick-up size vehicles making a total of 12 vehicular trips will be used during this phase on a daily basis.

The closest existing residential properties to the proposed development are located east the Property. The distance to the residential area is approximately two hundred sixty-five (265') feet. The Applicant has provided a Noise Proximity Map (DEIS Plan) (see Figure 10) and Noise Proximity Map (Mitigation Plan) (see Figure 11) which facilitates an understanding of noise levels and its effects on nearby developments and residences. Specifically, the distances from the proposed development (DEIS Plan) to nearby developments and residences are as follows:

- Residential properties: approximately 265 feet.
- Offices: approximately 115 feet.
- Theatre in Rye Ridge Shopping Center: approximately 540 feet.
- Port Chester Middle School: approximately 875 feet.
- Ballfield: approximately 122 feet.

The distances from the proposed development (Mitigation Plan) to nearby developments and residences are as follows:

- Residential properties: approximately 837 feet.
- Offices: approximately 399 feet.
- Theatre in Rye Shopping Center: approximately 741 feet.
- Port Chester Middle School: approximately 1,052 feet.
- Ballfield: approximately 193 feet.

Construction noise will be temporary in nature and will not have a long term effect on the surrounding residences and developments.

The development proposed as the "Mitigation Plan" is to be comprised of ten (10) residential condominium dwelling units on the Peninsula portion of the Property. The Strip portion of the Property is proposed to remain undeveloped. A permanent conservation easement will be placed on the Strip. Therefore, construction noise will have a lesser impact than the original proposed action.

Although construction noise will be detectable at adjacent properties, it will be temporary in nature, and will not be at a maximum decibel level during the entire construction time. It is the Applicant's opinion that construction noise will generate only a short term impact on adjacent properties.

After completion of construction activities, the main source of noise generated by the proposed development will be from vehicles entering and leaving the Property. Based on existing and future traffic volumes, ambient noise levels due to vehicular traffic can be expected to imperceptibly increase above background levels along Bowman Avenue. The increase in noise level is not considered to be significant.

Unlike the proposed action, no construction will occur on the Strip. The construction is limited to the Peninsula portion of the Property.

Dust

Construction activities on the Property will have a potential impact on local air quality through generation of fugitive dust. Fugitive (airborne) dust is generated during Property clearing and grading operations. In addition, throughout the construction period, the movement of construction vehicles and delivery trucks over unpaved (dirt) roads within the Property may also generate dust. Although some airborne dust may be detectable at adjacent properties, it will be temporary in

nature, and will not be at perceptible levels during the entire construction time. Construction dust will generate only a short term impact on adjacent properties. Best construction management techniques will be employed to mitigate dust generation to the maximum extent practicable. It is the Applicant's opinion that construction activities will not generate adverse impacts.

Traffic

The number of vehicles, both construction and delivery destined to and from the Property during construction is relatively small.

10. PROPOSED DEVELOPMENT

The proposed development of the Property will result in the removal of the unsightly debris and a general cleaning up of the entire Property. It is the Applicant's opinion that the proposed development is environmentally sensitive and will improve the aesthetics of the Property considerably while being compatible in size, bulk, and scale with the surrounding development. The development will permit public access and enjoyment of the Property which includes a portion of the Lower Blind Brook Pond and a portion of the East Branch of the Blind Brook. The Applicant is proposing to place a permanent conservation easement on the Strip.

G. ALTERNATIVES TO THE PROPOSED ACTION

The impacts of alternatives have been analyzed in the DEIS, as follows:

Alternative designs analyze the development with consideration given to environmental concerns associated with development of the Property, which contains two (2) distinct dry land formations bisected by the East Branch of the Blind Brook and the Lower Blind Brook Pond.

Modified Retail/Restaurant Development This alternative development will consist of two (2) buildings, designated on the attached site plans as Building A and B. Building A will consist of 15,980 square foot of retail use to be located on the Peninsula and Building B will consist of a 2,400 square foot restaurant to be located on the Strip.

Residential Development Only. This alternative analyzes the development of the nine (9) residential units on the Strip, and no development on the Peninsula.

Office/Restaurant Alternative. This alternative analyzes the construction of a 4,000 square foot restaurant on the Peninsula and three (3) office buildings to be located on the Strip.

Restaurant Only on Peninsula. This alternative analyzes the construction of 4,000 square foot restaurant on the Peninsula. This action is expected to be consistent with the application regarding all issues.

The **No Action** alternative would leave the Property in its currently undeveloped state. The No Action alternative is required to be analyzed under State Law.