

**PLANNING BOARD  
TOWN OF HYDE PARK**

**Bellefield at Historic Hyde Park  
(formerly “St. Andrew's at Historic Hyde  
Park”)**

**Amended SEQR Findings Statement  
Adopted June 13, 2017 by Town Board, and  
proposed  
for Readoption by the Planning Board, as  
Amended, on  
December 8, 2021**

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## **State Environmental Quality Review Amended Findings Statement**

Pursuant to Article 8 (State Environmental Quality Review Act Environmental SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Planning Board of the Town of Hyde Park as the Lead Agency makes the following findings. This Findings Statement amends a Findings Statement adopted by the Town Board of the Town of Hyde Park on June 13, 2017, which amended SEQR Findings originally adopted by the Town Board on August 29, 2007.

### **Name of Action:**

Bellefield at Historic Hyde Park (f/k/a St. Andrew's at Historic Hyde Park)

### **Location:**

The Project Site is located in the southwestern portion of Town of Hyde Park, Dutchess County, New York. The parcel comprises 339.5 acres on the east side of US Route 9, bounded by St. Andrews Road to the north and West Dorsey Lane to the south. The CIA campus is located across the street on the west side of Route 9.

### **Description of Action:**

On August 29, 2007, the Town Board of Hyde Park granted Concept Plan/Comprehensive Development Plan approval to a development plan, known as St. Andrew's at Historic Hyde Park ("St. Andrew's"), for the above property (the "2007 Plan"). The Plan, proposed by Baker/Gagne LLC and all related entities ("Baker/Gagne"), was a proposed mixed-use planned unit development ("PUD") with residential, commercial and open space uses. The Comprehensive Development Plan proposed by Baker/Gagne included a residential area in the central portion of the Site, and a pedestrian-oriented mixed-use center in the western portion of the Site, designed with new urbanism principles. The 2007 Plan included over one million SF of commercial development, including destination retail and office uses served by substantial amounts of underground parking. The approved ratio of square footage was 53% residential to 47% nonresidential. The village-style center included a continuing education facility for the Culinary Institute of America ("CIA"). The 2007 Plan included a hotel, restaurants, shops, cafes, office and in-village housing, including multi-family housing above retail, all located in a walkable setting. A number of park areas were located in the village center, along with Market Square, a European-style plaza to be a focus for activity in the mixed-use center. A total of approximately 10 miles of trails and five miles of sidewalks linked various components of St. Andrew's and connect with the Town's trail system. The total area of open space was approximately 200 acres, or 58 percent of the Site.

On June 13, 2017, the Town Board amended the original August 29, 2007 SEQR Findings, to provide for alternate mitigation relating to sewer impacts, in the form of a \$1,250,000.00 payment of funds to the Town to be utilized in the Town's discretion to offset capital costs, capital improvements, and/or debt service for one or more sewer

systems to be created to service the (former) Town Center Historic District. This payment has been fully made.

In September 2020, T-REX Hyde Park Owner LLC and all related entities (“T-REX”), as Owner/Applicant, submitted to the Town Board a proposed Amended Concept Plan/Comprehensive Development Plan (hereafter, “Amended Concept Plan”) for the property subject to the 2007 approvals. The proposed Amended Concept Plan, now called “Bellefield,” was similar to the 2007 plan in many respects, including overall access and road system and areas of site disturbance. It retained the conceptual trail system from the 2007 plan without material change. The Amended Concept Plan continues to preserve the eastern lands and the lands near the Maritje Kill as dedicated open space, and allocates even more lands than the 2007 Plan as other vegetated open space (total 70% open space, as compared to 58% in the 2007 plan). The Amended Concept Plan changed the design of the core of the development from a European Plaza to a Village with a Main Street setting. It increased the number of hotels from one to two. The Amended Concept Plan proposes incorporation of biophilia and an agrihood as central elements of the design. Responding to market changes and a COVID environment, the Amended Concept Plan includes a wider variety of dwelling types, including free standing multi-family buildings, some buildings providing units in condominium ownership and other highly amenitized buildings providing rental apartments in the Village center, while reducing large destination retail elements and eliminating the underground parking from the 2007 Plan. Other housing types included single-family dwellings, cottage homes, and townhouses. The revised commercial elements emphasize food and wine production associated with the Hudson Valley (cideries, distilleries, food production demonstration) and convenience/experiential retail serving residents of Bellefield and Hyde Park.

The Amended Concept Plan was discussed informally with Town representatives during the next few months, from fall 2020 to fall of 2021. During these discussions, the Applicant reduced the square footage of the residential development, lowering the ratio of residential to commercial, and reduced the height of buildings. In June 2021, the Applicant submitted a formal application for Amended Concept Plan/Comprehensive Development Plan. During the review of that application, and in response to comments of the Planning Board during its SEQR review, the Applicant further reduced the requested residential density and height of buildings. The residential-commercial ratio has now been reduced to 60% residential/40% non-residential, which is nonetheless an increase in the ratio approved in 2007. During the review process, the Applicant also agreed to retain the treatment of the 150-foot Route 9 setback area as proposed in the 2007 Plan, withdrawing a request to incorporate an agrihood with open, planted fields along the Route 9 frontage. The Applicant seeks two modifications of the 2007 Plan relating to setbacks. First, the Applicant would like to place a barn-like structure within the 150-foot setback at the main entrance to Bellefield, to function as an entrance sign. Second, the Applicant would like to use a 150-foot setback from Route 9 along the frontage of the northwest corner of the property, styled as “The St. Andrews Neighborhood”, north of the Self-Storage business outparcel, and just south of the new Sake facility. The 2007 approvals imposed a 250-foot setback. The Planning Board has recommended that the

Town Board authorize the Planning Board to approve these changes if they are found appropriate based on the detailed analysis at Final Development Plan review.

Pursuant to §108-5.12 of the Town of Hyde Park Zoning Law, "The Bellefield Planned Development District is to be developed pursuant to a comprehensive development Plan for all or a portion of the property." Further, pursuant to §180.5-12.6(2), "The permitted bulk regulations and average density for subdivision of the Bellefield Planned Development District, if different from the underlying zone, shall be established by the Town Board." The Amended Concept Plan contains the list of proposed uses, proposed density, proposed bulk regulations, and Design Guidelines. This Concept Plan provides an overall framework for the detailed development plans ("Final Development Plans") for the Site. While the Site's Concept Plan/Comprehensive Development Plan deals with broad planning concepts, the subsequent Final Development Plans will focus on detailed layout, including engineering and architecture. Final Development Plan review applies the standards for Site Plan and Subdivision review under the Town Code (§108-7.4.B). These reviews will be conducted by the Planning Board, utilizing the Amended Concept Plan documents which are approved by the Town Board as a guide. The Planning Board has final approval authority for sign and architectural design, as well as final road layout and location of site plan elements, including building location, as part of Site Plan review, consistent with the environmental documents, these Findings, and the approved Amended Concept Plan documents approved by the Town Board. After approval of a Final Development Plan by the Planning Board, any change in that Plan will require approval by the Planning Board, in such form as the Planning Board requires, prior to implementation.

The Amended Concept Plan documents list the permitted residential, non-residential and accessory uses for the Project Site, by which the Site concept Plan program is designed. The program provides a mix of 105 single-family and duplex, and 240 townhouse units, 129 Condominium Flats in multifamily buildings, and 344 rental apartments (224 apartments in multi-family buildings, and 120 loft units above retail.) The program also provides 830,578 SF of non-residential uses as part of the mixed-use center in the western portion of the Site, of which approximately 700,578 SF will be taxable commercial uses. This square footage provides a mix of uses, including: a hotel/conference center; retail; restaurants; agriculture-related building; and offices. This non-residential square footage also includes 130,000 square feet of space for educational purposes, the same square footage as provided in the 2007 Plan. It is expressly understood in these Findings and the FEIS that tax exempt space shall not exceed the 130,000 SF of educational or other tax-exempt uses, and that each proposed use will have to establish qualifications for the tax exemption.

The Amended Concept Plan outlines the permitted densities for both residential and non-residential development. The maximum residential density for the entire Site is 2.45 dwelling units per acre including wetland acreage, or 2.81 dwelling units after deducting wetland acreage. The maximum number of dwelling units permitted on the Site is 801. The maximum amount of non-residential floor area is 0.25 times the gross Site area on

which these uses are to be developed. The Amended Concept Plan, like the original 2007 Plan, permits a variation of non-residential uses from the Site concept Plan (e.g., replacing office with retail or retail with office) of up to 10% without further amendments to the Plan. The final nonresidential mix will be determined by the Planning Board in Final Development Plan review.

Within the limits and restrictions set forth in the Application materials, these Findings and the PUD Concept Plan, the permitted uses for the Bellefield project are those described in the application materials and shown on the approved Amended Concept Plan, and, all uses are subject to Final Development Plan review and approval by the Planning Board prior to implementation. These uses include the following, as well as any undefined uses that are set forth on the plans:

- One-family dwelling,
- Two-family dwelling
- Multifamily dwellings in freestanding buildings, including condominium and rental units
- Residential over retail or office
- Townhouse
- Community facility
- Cultural facility
- Educational institution
- Health-care facility
- Hotel/Lodging facilities; hospitality uses
- Membership club
- Conference Center
- General commercial
- Retail
- Restaurant
- Office
- Tourist related uses,
- Government uses
- Community uses
- Tourism, commercial, and agricultural uses, including: craft brewery, winery, distillery and/or food manufacturing (production/manufacturing limited to demonstrating production, with an emphasis on retail sales), Tasting Room, Mixed use, Commercial recreation, Event barn, Agriculture, farm, Roadside stand, Animal husbandry, shed

The 2007 Plan required that at least 50% of the Site's gross area remain as open space, and no more than 10% building coverage. The Bellefield Amended Concept Plan includes approximately 70% open space, a higher percentage than the 58% shown in the 2007 plan. The Amended Concept Plan includes a Bulk Table that outlines additional dimensional requirements such as building heights, and setbacks. An Open Development Area ("ODA") plan sets forth road specifications, and is subject to amendment as roads are designed throughout the project. Minimum parking requirements are outlined per

use; however, the Planning Board has the authority to alter the number of required parking spaces through the provision of a shared parking plan. This would provide a tool to further reduce the amount of impervious surface on-Site. Another such technique provided for in the Amended Concept Plan is land banking. The Planning Board has the authority to consider a waiver of the paving of up to 10% of the required parking, with the condition that T-REX may be required to pave the spaces in the future if the Planning Board determines that such spaces are needed to meet actual demand.

The Amended Comprehensive Development Plan discusses the operation and maintenance issues of on-Site roads, utilities and stormwater management facilities. The proposed WWTP that serves the Property will be owned and operated by a Transportation Corporation - TR Sewer Works - and is also subject to a MOU with Dutchess County Water and Wastewater Authority and Town of Hyde Park. A homeowners' association, property owners' association, or master association shall be responsible for common property, including open space areas (outside designated conservation areas maintained by the Easement holder), the parking lots and parking structures in the mixed-use center, the 24-space parking lot in the residential area that services the proposed on-Site parks and trails, and the internal roads.

There will be one or more property owners' associations for the retail/commercial component of the Project. Every owner of one of these units will automatically become a member of the respective association and will be required to pay dues and/or common charges to fund the operation of the association. A master commercial association will consist of all the retail/commercial associations and will be responsible for operation and maintenance of the common areas and roads in the commercial portion of the development.

The residential portion of the Project will consist of one or more condominium or homeowners' associations, to maintain the properties, including the 160 townhouse units, the 88 single-family homes, the 80 duplex units; the 129 condo residential flats and the rental units including 224 in rental buildings and 120 as lofts over retail. Every owner of one of these units will automatically become a member of the respective association and will be required to pay dues and/or common charges to fund the operation of the respective associations. In addition, there will be a residential master homeowners association consisting of the condominium or other associations for all single-family homes, condominiums, townhouse, duplex units, condominium flats and rental apartments with various classes of membership per housing type. A residential master homeowners' association will be responsible for maintaining all of the roads in residential areas, together with the associated private utilities and improvements, such as pavement, curbing, sidewalks, signage, stormwater system, rubbish collection, lighting, etc. Should mail delivery into the project be denied by the US Postal Service, the locations and appearance of mail collector sites will be subject to site review during Final Development Plan review by the Planning Board.

The overall master association will be responsible for coordinating operation and maintenance of those portions of the development that affect both the residential components and the retail/commercial component, such as the entrance to the Project, open space, trails, etc. (All residential developments in the Project are Class A members of the Master Property Association, and all commercial/retail developments are Class C Advisory Members of the Master Property Association) This overall master association will also be responsible for coordinating the overall design precepts for the Project as a whole. Apportionment of the maintenance costs will be established in the declarations to be submitted to, and accepted for filing by the New York State Attorney General.

**Development Program:**

		2007	2021	Delta
Residential SF		1,123,062	1,242,840	119,778
Commercial SF		1,005,895	830,578	(175,317)
<b>Total SF</b>		<b>2,128,957</b>	<b>2,073,418</b>	<b>(55,539)</b>
<b>Ratio</b>				
Residential		53%	60%	
Commercial		47%	40%	

The

Proposed Amended Concept Plan consists of:

1,242,840 SF residential use, totaling 801 dwelling units:

- 88 single-family units
  - 30 Estate homes (3-4 bedrooms)
  - 58 Cottage homes (2-3 bedrooms)
- 129 multiple dwelling condominium units (3 bedrooms)
- 80 two-family (duplex units: Patio homes) (2-3 bedrooms)
- 160 townhouse-style condominium units (3-4 bedrooms)
- 344 apartment units multiple dwelling (apartment) units (mixture of 1, 2, and 3-bedrooms)
  - 120 units above retail
  - 224 units in stand-alone buildings.

46,250 SF of accessory non-residential spaces which serve the residential uses:

- 15,000 SF sales office/miscellaneous use
- 31,250 SF community building space for amenities: barn, fitness studio, pool(s), salon rooms, juice bar, clubhouse, children’s play areas,

game room, outdoor lounge area, courts, and cyclist services.

784,328 SF of non-residential commercial uses comprised of:

- 192,000 SF of stand-alone and in-line retail, including retail in mixed-use buildings
- 41,000 SF of restaurants
  - Craft Breweries with tasting room
  - Wineries with tasting room
  - Distilleries with tasting room
  - Artisanal food manufacturers
- 25,000 SF of office use
- 437 hotel (lodging facility) keys (340,728 SF)
  - Extended stay and all suite type hotels
  - This includes 106,328 SF for 137 rooms approved for the Inn at Bellefield on January 3, 2018
- 25,600 SF for 32 hotel villas (considered part of the second lodging facility)
- 15,000 SF spa
- 15,000 SF event barn
- 130,000 SF of community use/community facility (tax exempt uses)
  - Culinary and educational uses

244.73 acres of open space:

- 117.6 acres to be permanently preserved for conservation purposes
- 127.13 acres of parks, natural and cultural resources areas

Approximately 3,785 parking spaces comprised of the following:

- Surface parking lots
- On-street parking
- Two (2) parking garages

**History of SEQR Review:**

In accordance with the New York State Environmental Quality Review Act (6NYCRR Part 617), the following elements of the SEQRA process have been undertaken:

- After completion of a full SEQR review process including Scoping, preparation of a DEIS, public hearing on the DEIS, preparation of an FEIS, and consideration of the FEIS, the Town Board adopted SEQR Findings on August 29, 2007
- The Town Board issued Concept Plan/Comprehensive Development Plan Approval on August 29, 2007
- In early 2017, the Town Board, as Lead Agency, reviewed an application by T-REX for final development approval to construct a 133 room hotel in the southwest corner of the site, and to construct a wastewater treatment plan for the Bellefield property in a location close to the hotel, rather than a location near St. Andrews Road, and reviewed an application by T-REX to consider alternate sewer mitigation in the form of payment of a fee to offset capital costs, capital improvements and/or debt service for one or more sewer systems to serve the Town Center Historic District.
- On June 13, 2017, the Town Board, as Lead Agency, adopted a determination that neither the proposed hotel construction nor the proposed alternative sewer mitigation would result in any new, or potentially significant adverse environmental impacts on the Town Center Historic District which had not been previously addressed in the FEIS for the St. Andrew's Project or in the Town Board's SEQR Findings statement of August 29, 2007; and preparation of a Supplemental Environmental Impact Statement was not required; and that the appropriate method to address the modification in the sewer mitigation was the adoption of an amended SEQR Findings Statement relating to sewer, which Amended Findings Statement was adopted on June 13, 2017.
- In the fall of 2017, beginning with the circulation of Notice on September 8, 2017, a Lead Agency redesignation took place, and, with the consent of the Town Board, the Hyde Park Planning Board became Lead Agency for all purposes with respect to the continued review of the Bellefield Project (f/k/a St. Andrew's at Historic Hyde Park), and confirmed such Lead Agency designation on October 18, 2017. Throughout the fall, the Planning Board continued to address the potential impacts of the proposed Hotel and the relocation of the WWTP to a location to the western center of the Site.
- On January 3, 2018, the Planning Board, as Lead Agency, after completing its review and considering the entire SEQR record, adopted a SEQR Determination that: (1) the environmental record before the Planning Board was sufficient to assess the potential impacts of the proposed Hotel and WWTP relocation, and that a Supplemental Environmental Impact Statement (SEIS) was not required; (2) that the proposed development set forth on the proposed Site Plan/Final Development Plan including the proposed Hotel and WWTP relocation, would not create any significant adverse effect on the environment and adopted a Negative Declaration with respect to such action; (3) found that, in all other respects, the impacts of the proposed Site Plan/Final Development Plan for the proposed Hotel and WWTP relocation were in accordance with the amended SEQR Findings Statement adopted by the Town Board on June 13, 2017, and accordingly adopted

said Findings Statement as that of the Planning Board, and adopted the required SEQR Certifications; and (4) determined that the Site Plan/Final Development Plan for the hotel and the WWTP relocation were consistent with the approved Concept Plan for the Property as adopted by the Town Board on August 29, 2007.

- On June 14, 2021, the Applicant made a formal submission to amend the 2007 Plan. A pre-application conference, attended by the Town Board and Planning Board, was held in person at Town Hall on June 28, 2021. At the close of the pre-application conference, the Town Board passed a Resolution confirming its consent that the Planning Board assume Lead Agency status and continue to serve as Lead Agency with respect to the review of the Amended Concept Plan.
- On September 1, 2021, pursuant to the above Resolution, the Planning Board circulated Notice to all Involved and Interested Agencies of its intent to serve as Lead Agency to examine the potential impacts of the proposed action to amend the 2007 Concept Plan/Comprehensive Development Plan. No Agency objected to the Planning Board's assertion of Lead Agency status and the Planning Board became Lead Agency by operation of law on October 1, 2021.
- The Planning Board has reviewed extensive application materials from the Applicant, including a SEQR comparison of the impacts of the 2007 plan and the 2021 Plan.
- The Planning Board has consulted with its Engineer, Planner, Attorney and other consultants relating to their respective fields of expertise.
- The Planning Board and its consultants conducted an extensive site visit on the property on October 20, 2021 and observed the nature of the terrain, the location of the proposed buildings, the prospective heights of the buildings (through drone flights); and thereafter viewed at a public meeting the photographs taken by the drones at the height equivalent to the highest points of the buildings.

### **Agency Jurisdiction:**

The Planning Board of Hyde Park is the Lead Agency. With respect to approval of the Amended Concept Plan, the Planning Board is a reviewing Board, and makes findings and recommendations to the Town Board concerning the adoption of the Amended Concept Plan. The Planning Board also has continuing jurisdiction to review and approve Final Development Plans<sup>1</sup> for any proposed development within an approved PUD. Final Development Plan approval precedes construction.

### **Date Final Environmental Impact Statement Filed:**

August 15, 2007; SEQR Findings amended by Town Board 6/13/2017; SEQR Findings adopted by Planning Board 1/3/18.

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<sup>1</sup> Throughout this document "Final Development Plan" and "Site Plan" are used interchangeably.

## **Summary of Findings to Approve this Findings Statement and Recommend Town Board Approval of the Amended Concept Plan:**

The following outlines the ways in which Bellefield at Historic Hyde Park is consistent with and supports the intent and requirements of the BPDD zoning district, the PUD provisions, the Town's Comprehensive Plan, and Greenway Connections.

- *Promotes tourism related business and builds the Town's commercial tax base -*

Bellefield includes a mixed-use center with two hotels and a conference center, serving the CIA and other destination points within the Town, retail and other commercial uses, all of which will increase the Town's tax base, as discussed in the expanded fiscal analysis included in FEIS and as updated herein. It is the express assumption of these Findings and the FEIS that a 130,000 SF portion of the Site will be the only property taken off the tax rolls. To comply with the Town of Hyde Park Comprehensive Plan and Bellefield District standards, the retail component of the Project is designed to be predominantly tourist-oriented and specialty as well as convenience retail that will attract new visitors to the Town, will attract and service tourists, will not displace the stores and businesses in the former Town Center Historic District, and will create a unique regional shopping experience. The nature of the businesses and style of the center will be addressed in Final Development Plan review by the Planning Board to assure that the above goals are maintained, consistent with the FEIS, these Findings, and the Amended Concept Plan approved by the Town Board. The expanded retail component will act as a destination point for tourists in conjunction with the area's historic destinations, including the FDR and Vanderbilt estate Sites along Route 9 and Val Kill on Route 9G. The provision of two hotels will provide new overnight accommodation opportunities in the area. This retail center will draw inspiration from its neighbor, the CIA, and from its location in the heart of the Hudson Valley. The appeal of its shops and services is designed to be broad enough to attract visitors to the Culinary Institute and other Hudson Valley tourist attractions, while providing area residents with some of the merchandise and dining that they can purchase only in malls and storefronts outside of the Hyde Park area.

The Amended Concept Plan complements the Town's tourist and culinary industries with a new community that celebrates food, beverage, and agriculture. The non-residential uses in the Amended Concept Plan include facilities of interest to tourists, including wineries, distilleries, and other facilities associated with food and beverage. Accommodating more tourists will support existing businesses in the Town. Residents in Bellefield are also expected to support businesses in the Town, as well as increasing the Town tax base.

The Amended Concept Plan incorporates elements of biophilic design, agriculture, and food into the design of all aspects of the Project, resulting in strengths in culinary and

agricultural tourism and a greater interaction with nature and the native landscape. The Amended Concept Plan reduces the total proposed office space, provides more convenience retail, removes large-scale retail and increases hospitality uses within the development. Though the total commercial development is reduced from the previous 2007 Approved Plan, it remains consistent with the purposes of the Bellefield Planned Development District because it is focused on hospitality and culinary and agricultural themes, which resonates with nearby uses (e.g., CIA and Asahi Shuzo's Sake Facility) and provides services to support tourism. In addition to the two hotels (extended stay and all suite), the commercial uses are anticipated to include retail, restaurants, craft breweries, distilleries, and wineries with associated tasting rooms. A spa and event barn are proposed. As such, the proposed development provides a connection between the CIA and the sake facility to create a culinary corridor while at the same time providing a beautifully designed gateway into the Town from the south, maintaining a landscaped, vegetated, estate-type setting with stone-walled entrances. The Amended Concept Plan will also provide net benefits to all taxing jurisdictions and the additional residential density will ensure that proposed commercial uses are sustainable.

- *Maintain an estate like setting along Route 9, complementing the FDR and Val Kill Sites -*

The Site design complements the Culinary Institute of America (CIA) campus and local historic sites (Franklin D. Roosevelt, or FDR site, Val-kill) and is sensitive to the local landscape. The main entry is designed to evoke the estate entrances to the historical sites and includes a boulevard entrance with stone walls and majestic trees maintaining a 150-foot setback from Route 9. The setback area will be predominantly landscaped and vegetated, with select views into the site. A barn-like structure is proposed as a sign feature within the 150-foot setback, instead of more standard monument or directory signs.

- *Develop a trail corridor or other transportation link between the FDR and Val Kill Sites -*

The Amended Concept Plan continues to include approximately ten miles of trails, approximately five miles of sidewalks, and shared access for bicyclists along roadways providing safe and efficient access throughout the interior of the development. The trails are designed to connect to the properties located south of Val-kill and the FDR site, which provide connections to these resources. Included in the Plan will be an internal trail connection between the site's main entrance and the corner of Route 9 and St. Andrew's Road, facilitating connections to the Sake facility and businesses to the north, as well as to trail systems north of the site. If the National Park Service implements a formerly-proposed shuttle service to and from area historic sites, the CIA, and other key points of interest from a central location in Hyde Park, Bellefield will participate on an equitable and similar basis with other commercial sites along the route in such a service. The Applicant will establish an internal shuttle bus service to the Poughkeepsie railroad when demand for such service is made by the appropriate

homeowners' association. The commitment by the Applicant to participate in the historic sites shuttle service and to provide train station shuttle service will be set forth in the offering statement and declarations filed with the Attorney General's Office for the appropriate property owners' association. When the property owners' association demands the train station service, it shall be provided by the Applicant. When the National Park Service or Town states that it is ready to cooperate in a shuttle service, the Applicant shall cooperate in providing it.

- *Support the existing commercial activity in the Corridor Business District*

As provided in the Amended Town Board Findings in June 2017, the Owner/Applicant has paid \$1,250,000 in fees to the Town to be used at the Town's discretion to offset capital costs, capital improvements, and/or debt service for one or more sewer districts to serve the former Town Center Historic District. The Amended Concept Plan will provide pedestrian connections to the north of the site to facilitate support for those businesses in the Corridor Business District (formerly Town Center Historic District). The site (directly across St. Andrews Road) that was formerly occupied by Stop and Shop has been redeveloped as a sake facility, which will include visitor tours and a tasting room. As described above, the Bellefield trail system will provide a north/south connection to properties located to the north. Bellefield will provide a connection between the CIA complex and the sake facility, providing for a culinary-themed commercial corridor with hospitality provisions to support the Town's growing tourism industry. Remaining commercial uses will be of a convenience scale geared towards supporting the residential community. The culinary-themed and convenience style retail will encourage mutual support for existing local businesses and tourist venues.

- *Sensitively expand the existing mixed use Corridor Business District -*

The new residential community at Bellefield will be served by not only the on-Site mixed-use center, but will utilize existing community resources within the Town. Baker/Gagne's economic studies documented the depth of the market for both the Project and the former Town Center Historic District. Updated studies have been prepared by T-Rex confirming that there is demand for residential housing proposed in the Amended Concept Plan.

The properties in the former Town Center Historic District have had to rely on septic systems for sanitary waste disposal. As a consequence, there has been a substantial restriction on the ability of businesses in the district to utilize their properties to their full potential. For decades, the Town has attempted to find a way to finance a central sewer system so that the businesses could expand to the extent permitted by the Zoning Law.

- The September 2005 Zoning Law and subsequent rezoning significantly increased the permitted density in the central business core, for the purpose of allowing

businesses to compete effectively with businesses in neighboring towns. However, the lack of a central sewer system has continued to limit their ability to utilize the density permitted by the Zoning Law. The Sewer Mitigation Sums paid by T-Rex can be utilized in the Town's discretion to offset capital costs, capital improvements, and/or debt service for one or more sewer systems to be created to service the former Town Center Historic District.

The mixed-use center of the Site has been carefully designed as a pedestrian-friendly complex based upon traditional design concepts congruent with the Hudson Valley aesthetic. Its streets and open spaces will be well-landscaped, and will provide a trail network linking into the Town's trail system. The Amended Concept Plan provides for connectivity between important culinary related venues in the area, creating a culinary corridor. Bellefield also enhances the pedestrian scale of the northwest corner of the site. The proposed hospitality will support local culinary venues, the culinary- and agriculturally-focused commercial uses within Bellefield and the Town, and the rest of the Town's tourist sites, including the FDR site and Valkill, as well as regional outdoor/hiking trail systems.

- *Maintain and develop an attractive gateway entrance to the Corridor Business District at Teller Hill -*

Along with the CIA, the mixed-use center will create the gateway entrance that the Town has sought in its comprehensive planning efforts. The Bellefield project would effectively move the gateway south from St. Andrews Road (the top of Teller Hill) to the entrances to the Culinary Institute and the Project. Teller Hill at St. Andrews Road will continue to serve as a significant change in visual appearance, as the commercial uses north of St. Andrews Road will differ significantly from the estate-like setting and vegetated frontages south of St. Andrews Road. An extensive landscaping Plan is proposed both along Route 9 and within the Project Site. A landscaped and naturally vegetated setback 150 feet in depth will extend along Route 9 between St. Andrews Road and West Dorsey Lane. Significant landscaping located at the northwest corner of the site will preserve the character of the corner at Teller Hill. T-REX will work with the Hyde Park Chamber of Commerce to provide signage welcoming residents and visitors to the Town. Views along the St. Andrews Road frontage will be similarly vegetated and landscaped to assure the character of the designated Veteran's Memorial Highway and support connectivity to the trails and businesses to the north by means of a walkway along St. Andrews Road.

- *Preserve and protect important views and natural features of the landscape -*

The Amended Concept Plan sets back all buildings from the Route 9 frontage, except for the barn-type "signage" structure at the main entrance, and will maintain the setback as a predominantly vegetated area along the Route 9 frontage. Passing motorists will have select views into the site, inviting visitors to stop and experience

this new environment by walking through its tree-lined streets and patronizing its varied shops and restaurants. In addition, approximately 117 acres of the Project Site, including the lands to the east and the steep sloped areas around the Maritje Kill will be preserved by conservation easements. Additional lands on the site will remain as natural open space areas owned and maintained by the respective HOA's. The Planning Board, as part of Final Development Plan, will conduct physical inspections of the Site to ensure that disruption to the natural features of the land will be minimized, consistent with the environmental documents, these Amended Findings, and the Amended Concept Plan approved by the Town Board.

The Amended Concept Plan works in tandem with the natural landscape, incorporating the more sensitive areas (e.g. steep slopes, Maritje Kill, specimen trees) in the open space and trail network. It also includes elements of biophilic design, agriculture, and food into the design of all aspects of the project, resulting in strengths in culinary and agricultural tourism and a greater interaction with nature and the native landscape. The overall disturbance area is similar to the 2007 Plan, but the Bellefield design removes the underground parking area, substantially reducing impacts to the natural landscape.

- *Serve the Mid-Hudson region beyond the boundaries of the Town of Hyde Park-*

The proposed hotel and conference center, as well as the entire mixed-use center including its shops and restaurants, are designed to serve visitors from areas well beyond Town boundaries, helping to reinforce Hyde Park and Dutchess County as regional destinations.

The Amended Concept Plan enhances its tourism and hospitality base by providing for two hotels, which cater to varied elements of the tourism market. The Village Core includes “placemaking” design to support the center with access to a system of parks and open space, including a greater number, and a wider variety of housing types, such as highly-amenitized rental buildings, condominium buildings, as well as apartment lofts over retail. This proposed residential density and variety of unit types provides essential year-round economic support to the restaurant/winery/brewery/food businesses in the Village Center.

- *Support and enhance safe and efficient pedestrian circulation*

This is an essential element of the Bellefield plan. The Site design incorporates a significant sidewalk and trail system, accompanied by a variety of traffic calming measures. The Project Site's major entry includes a fully actuated traffic signal which will stop all vehicular traffic, allowing pedestrians to safely cross Route 9. In addition, the Applicant has agreed to install a formal pedestrian path leading from the mixed-use center to Teller Hill and the Corridor Business District's commercial properties to the north. The pathway will be the subject of Final Development Plan Review by the Planning Board and will be an internal path to be designed and reviewed as part of the Project's pedestrian trail/walkway network.

Subject to required approvals of NYSDOT and the Dutchess County Department of Public Works, T-REX will provide a pedestrian-activated, pedestrian-exclusive phase traffic light for the crossing of St. Andrews Road at or near the intersection with Route 9, thereby providing a safe pedestrian link between the Bellefield Project and the Corridor Business District. This pedestrian link will be the subject of Final Development Plan review by the Planning Board.

The Amended Concept Plan includes approximately ten miles of trails, approximately five miles of sidewalks, and shared access for bicyclists along roadways providing safe and efficient access throughout the interior of the development. The system will connect the residential areas, St. Andrews, The Village, and the conservation area. The trail system is designed to link to off-site Town-wide existing and future proposed trail systems leading to Val-kill.

### **Facts and Conclusions Relied on to Support the Decision:**

#### **Land Use and Zoning:**

The Land Use and Zoning analysis in the 2007 EIS documents concluded that the St. Andrew's Project met the intent of the Bellefield Planned Development District zoning of the Project Site.

The Planning Board has considered the relevant factors in light of the current zoning and land uses in the area. Since 2007, The Club at Hyde Park has become inactive but a sake brewing facility and tasting room is under construction just north of the Project Site. Properties north of the intersection of Route 9 and St. Andrews Road were rezoned to a new "Corridor Business" and "Town Core" Districts.

A SEQRA comparison document was provided which compared the 2007 Project and the Amended Concept Plan, which includes over 830,578 sq. ft. of non-residential commercial uses and 1,242,840 sq. ft. of residential uses, for a total of 801 dwelling units. This square footage provides a mix of uses, including: a hotel/conference center; retail; restaurants; agriculture related building and offices. This non-residential square footage also includes 130,000 square feet of space for educational purposes, similar to the 2007 Plan.

The Project has been designed to create a "culinary corridor" between important culinary leaders including the CIA and the new sake facility. The proposed hospitality uses will support these culinary uses, and the proposed culinary and agricultural-focused uses within the Project will support the Town's tourism, including the FDR site and Val-Kill. In addition to meeting the intent of the Bellefield PDD, it was determined that the Bellefield development will meet the goals of the Town's Comprehensive Plan, which are reflected in the intent of the Bellefield zoning.

### Albany Post Road Corridor Study

This Study recognizes the significance of the Route 9 corridor. The Bellefield development will provide significant landscaping and buffering, protecting existing vegetation as practicable. A minimum 150-foot setback for structures along Route 9 (except for the barn/sign) will help to provide this buffering, thereby protecting the overall viewshed of this stretch of Route 9. The main entry is designed to evoke estate entrances to the historic sites and includes boulevard entrance with stone walls and majestic trees, with limited views of the Village and St. Andrew's neighborhoods. In addition, the Site has several north-south roadways designed to take local traffic off of Route 9, as the study recommended throughout the Town.

### Regional Center at Hyde Park: Progress Report

The key concerns of this report were the ability to most effectively use historic properties and nearby parcels to build a sustainable economy and tax base, create a vibrant community identity, and enhance the historical integrity of this area. The Bellefield development will increase the Town's commercial and overall property tax base, while providing a unique local and regional destination. The Project's building designs will complement the Town's existing historic architecture and agricultural past. In a similar manner, the monetary contribution to the sewer system will allow a more flexible use of historic buildings by making possible additions and more intensive use of existing structures once the sewer system is constructed.

### Town Comprehensive Plan (1997)

Consistent with the goals of the 1997 Town Plan, the Bellefield development will highlight and guard the scenic resources that attract visitors and residents to the Town. Approximately 70% of the Site will remain as open space, with 117.6 acres of permanently conserved open space and additional acreage of parks, wooded areas, natural and other open space areas. Visitors will be able to park on-Site to utilize the on-Site parks and trail system.

The Bellefield development will serve the adjacent residential population, CIA students and staff, as well as the general influx of visitors to the Town. The two hotels will provide overnight accommodations for CIA visitors and other tourists.

### Town Comprehensive Plan (2005)

As previously discussed, the 2005 Plan outlines the need for planned development on-Site as part of the Bellefield Planned Development District.

**The Planning Board finds that the Amended Concept Plan is consistent with the intent and requirements of the Bellefield PDD, the former Town Center Historic District, the Corridor Business District, the 2005 Comprehensive Plan, and the goals of other area land use plans noted above.**

## **Community Character:**

The analysis of community character in 2007 included a narrative accompanied by photographs of the visual conditions of the Project Site, Route 9 and the surrounding area. In 2021, the visual conditions were assessed based on supplementary materials which have included map cross-sections; neighborhood, streetscape, and building renderings; and drone evaluations to comprehend the anticipated height of buildings, and the potential developed views of the Site from various vantage points.

The mostly vacant Project Site is located across from the CIA campus to the west, which includes attractive large-scale buildings, dormitories, and large grounds with extensive parking and parking garage, which is landscaped and buffered from Route 9. Surrounded by the Project Site is a self-storage facility. To the north of the Project Site and St. Andrews Road, the former Stop and Shop site is being repurposed for an approved Sake Brewery manufacturing/distribution facility and tasting room, and a new building for rice polishing – the building and associated parking is setback with a substantial landscaped buffer from Route 9 and St. Andrews Road, and a remnant stone wall lines the road. Across Route 9 from the Sake Brewery are highway commercial uses with small landscaped/vegetative front yards. South of the Project Site, on the southeast corner of Route 9 and West Dorsey Lane, is a two-story multi-family apartment complex, not buffered from Route 9. Also south of the Project Site along West Dorsey Lane are single-family detached dwellings. Pinebrook, a residential neighborhood of townhomes, as well as a single-family residential subdivision neighborhood are situated to the east. Nearer the east side of the Project Site and along West Dorsey Lane is a bed and breakfast. Any site-specific plan approved by the Planning Board will need to consider the effects of noise, traffic and light pollution on the bed and breakfast use, consistent with the FEIS, these findings, and the Amended Concept Plan approved by the Town Board. The Bellefield design is important visually as it is located at the southerly gateway into the Town of Hyde Park. It is also situated across from the Culinary Institute of America (St. Andrews Novitiate) which is listed on the National Register of Historic Places - this complex provides a design precedent for this section of the Route 9 corridor. Included as part of the Amended Concept Plan, the Bellefield application features Design Guidelines which impose development standards to be applied to the property. The Design Guidelines and the illustrative streetscapes and architectural styles for the Project will provide a basis for the future architectural design of the Site. The guidelines provide the design vision for Bellefield, and allow flexibility needed for the multiyear buildout of the Project. Photos within the Design Guidelines provide illustrative examples of the quality of design, proportion, articulation and materiality envisioned for Bellefield's public realm, buildings, landscape and signage.

The proposed project will mostly maintain a 150-foot landscaped buffer to screen views of the development from Route 9 and St. Andrews Road. A barn-like building with an identification sign painted on the barn's facade will be situated within the buffer at the southerly entrance to the site along Route 9. Along Route 9 and across from the CIA, a 150-foot vegetative buffer will be retained. The existing wooded buffer will be cleared of invasive species, dead trees and some trees limbed, with new plantings and trees added

to the space to supplement the existing vegetation consistent with the native plant materials set forth in the Bellefield Design Guidelines.

Two building locations are proposed near the intersection of St. Andrews Road and Route 9 and are collectively referred to as the St. Andrews neighborhood on the Amended Concept Plan. The first location is near the intersection, while the second location is farther east along St. Andrews Road, at the former location of the wastewater treatment plant (WWTP). Buildings and parking will be set back approximately 200 feet from the property line with the preservation of an existing vegetative buffer to provide a visible separation between the development and Route 9. Parking and buildings at the second location are within approximately 40 feet of St. Andrews Road, and would be screened from view - parking areas will be landscaped to the satisfaction of the Planning Board. The buildings within the St. Andrews locations are situated at least 150 feet from the property line. Limited views into the Site from Route 9 consist of the stormwater management areas, pedestrian trails, and the northerly entrance to the WWTP. Teller Hill at St. Andrews Road will continue to serve as a gateway with a significant change in streetscape, as the exposed commercial retail uses north of St. Andrews Road will differ significantly from the buffered development of the Project and signal the entrance to the historical business district.

Internally, the Project consists of a higher density mixed use center, with lower density residential neighborhoods to the east of the center. Development on the Project Site will be broken up visually by intervening natural lands, consisting of the Maritje Kill stream corridor, areas of steep slopes, wetlands, rock ridges, and woodland. Preservation of these natural spaces will ensure that the Project will be screened from scenic vantage points and primary transportation corridors in the Project's vicinity. The Project incorporates approximately 244.73 acres of primarily contiguous open space, and a series of on-site parks and trails.

The intent of the Project design is to create an interconnected, walkable mixed-use community. The architectural design of the buildings will utilize traditional styles, complementing existing historic architecture in the Town of Hyde Park and the Hudson Valley as set forth in the Design Guidelines. The massing of buildings will be broken up, with heights of two to three stories in the Crescent and St. Andrews Neighborhoods, except for the hotel of five stories. The residential area will have a mix of unit types and sizes, and will not exceed 3 stories in height, except for the hotels.

Renderings have been provided to illustrate typical streetscapes and architectural styles within the mixed-use center and residential community. The Design Guidelines are included as part of the Project and will provide a basis for the future architectural design of the Site. Design issues were addressed throughout the DEIS, FEIS, and subsequent SEQRA review processes in support of the amended application, and will be further examined by the Planning Board as part of the subsequent Site Plan/Subdivision approval processes.

**The Planning Board finds, based on the maps and plans presented, that the site design of the Project is conceptually sensitive to the on-site natural features, and incorporates a significant amount of open space and conservation easements. Development along Route 9 will meet, and in some locations exceed, the minimum 150 setback from the roadway, except for the proposed barn/sign. The Project includes a set of Design Guidelines, which the Planning Board will reference during subsequent site-specific Site Plan/Subdivision review. Existing community character will not be adversely impacted by the Project. However, as indicated above, the Planning Board is authorized to alter locations of structures, roads and other development if it determines after site visits and review of detailed engineering drawings that such changes are necessary to achieve the goal of minimizing visual impacts, blasting, preserving existing topography, and minimizing adverse impacts on neighboring properties and the transportation corridors, consistent with the FEIS, these findings, and the Amended Concept Plan approved by the Town Board.**

#### **Natural Resources - Geology, Topography, Soils:**

The SEQR Evaluation of the 2007 Plan included detailed evaluation of the Site for depth to bedrock, slopes, and soil types. These characteristics are the same for the Amended Concept Plan. Rock was encountered at depths ranging from one to 14 feet in 37 of the 51 test pits. On-Site soil types were outlined and analyzed, with the predominant soil type being Nassau-Cardigan complex. Site topography is undulating with elevations ranging from 90 to 200 feet. A slope analysis identified that 50.9% of the Site contains slopes of less than 10%, 15.6% contains slopes of 10% to 15%, and approximately 33.5% contains slopes greater than 15%.

As with the 2007 Plan, site disturbance will consist of grading and re-contouring the land in preparation for roads, driveways, parking lots and buildings. Stabilization of excavated areas will be a priority of the construction process to minimize erosion potential. Total Site disturbance is estimated to be approximately 140 acres. It is estimated that on-Site cuts and fills will balance at approximately 725,000 cubic yards. These calculations take into account topsoil, roadway sections, compaction factors for earth, and expansion factors for rock. Therefore, there will be no need to import/export material as part of the mass grading for the Project.

Excavation will utilize mechanical processes to the greatest extent practicable, including the utilization of rippers and hydraulic hammers for rock excavation. Rock excavation by blasting will be implemented only where the integrity of the rock is such that mechanical methods would be impractical. If rock blasting is to be used, it will be specified as controlled blasting, which requires the use of special blasting techniques to control blast-induced ground vibration, flyrock, and airblast overpressure. Monitoring of rock blasting operations will be performed by a qualified New York State registered Professional Engineer.

Where blasting is required, it will be controlled in order to minimize off-Site impacts. Blasting operations will be conducted on Mondays through Fridays between the hours of 9:00 AM and 5:00 PM and will not be conducted on Saturdays, Sundays or legal holidays and will adhere to the following guidelines:

- Blasting will comply with all applicable State and Federal and Local health and safety standards.
- A pre-blast survey showing all adjacent buildings, structures and public utilities within five hundred (500) feet of the blast Site will be performed prior to any blasting operations, A licensed professional engineer experienced in such surveys will perform the pre-blast survey.
- A pre-blast meeting with the Town Building Inspector will be scheduled at least five (5) business days prior to the scheduled start of blasting, A notice of intent to blast will be served at least three (3) days, but not more than twenty (20) days, before a scheduled blasting event.
- The Building Inspector and Police Department will be notified at least two (2) hours, but not exceeding twelve (12) hours, prior to impending blast.
- A recognized whistle, siren or horn will be sounded prior to each blasting event, in accordance with Federal, State and Local regulations.
- Blast zone will be clearly marked and adequate precautions implemented to prevent unauthorized entry into the area.
- Monitoring of all blasting operations will be provided by seismic monitors and transducers located at the property line near the blast Site and any significant structures identified. The monitoring equipment shall measure motion in three components.
- The Building Inspector or his representative shall be permitted access to observe all aspects of the blasting operation. The blast Site will be properly covered with protective mats to prevent the ejection of any material. The quantity of explosives used will not be greater than necessary to break or move the target material.
- All holes drilled or otherwise excavated for holding an explosive charge will be at least six (6) feet deep.
- A record of each blast, including seismic information, will be kept by the blaster on a form approved by the Town Building Inspector.
- Concussion or air blast resulting from blasting operations will be maintained within Federal, State or Local, limits.

The Planning Board may incorporate additional site specific conditions relating to rock excavation and blasting at the time of Final Development Approvals. In order to minimize the need for blasting and mechanical means of rock excavation and, in general, to ensure that important natural features of the land remain intact at the Bellefield Site, the Hyde Park Planning Board, with the assistance of the Town Engineer, is authorized during Final

Development Plan to review site specific analysis of impact on soils and to assess whether alterations to the Site layout can be made which would avoid or lessen the need for blasting and rock excavation, and if so to require them, once proposed roads have been staked and walked, and detailed road profiles and other engineering drawings are made available to the Planning Board as part of the normal final development plan review process. It shall be the goal of the Site development and the Site Plan review to fit the Site layout to existing topography and geological features and to minimize blasting and rock and excavation and crushing to the greatest extent practicable.

The Town of Hyde Park is an MS-4 community. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and submitted to the Town during Final Development Plan for any portion of the project, for review and subsequent issuance by DEC in accordance with GP-02-01, as may be revised. After Town approval, the SWPPP will be submitted to DEC for the issuance of a general permit for discharges associated with construction activities. Since more than five (5) acres of exposed soils is anticipated in many of the construction phases, the submitted SWPPP will be subject to a 60 day review. However, with prior DEC approval, and assuming the use of Standard Practices, the 60-day review period could be waived to the standard five day review. Additionally, the general permit will require that a Notice of Intent (NOI) be filed prior to commencement of construction, that erosion and sediment control inspections be performed weekly and within 24 hours of a significant rainfall event of 0.5 inches within 24 hours, or greater and that a Notice of Termination (NOT) be filed once the Site has been substantially stabilized.

An erosion and sediment control Plan will also be prepared and updated as needed, for each successive proposed final development plan for review by the Planning Board.

**The Planning Board finds that potential impacts on geology, topography and soils will be mitigated to the maximum extent practicable.**

#### **Natural Resources - Vegetation, Wildlife:**

Except for the Maritje Kill floodplain, which for the most part has remained intact for over several centuries, the western two-thirds of the Project Site shows evidence of advanced mixed successional communities of shrub land and southern hardwood complex types. The analysis of existing on-Site vegetation outlined the distinguishing shrubs and trees found on-Site.

The 2007 Plan included 58% (approximately 200 acres) of the Site to remain as open space, including 117.6 acres of conservation easements in the easternmost portion of the Site and around the Maritje Kill. It was determined that the projected environmental impacts to the quality of the Site's forest cover would be negligible. The Amended Concept Plan includes more land as open space, approximately 244.73 acres, which also includes the 117.6 acres of conserved land noted above.

The existing on-site wildlife was also studied. Animal species that are part of the Project Site's ecological communities include mammals, reptiles and birds common to the mid-

Hudson Valley region. Although a very limited number of wildlife species were observed during field studies, the Project Site provides suitable habitat for a diversity of mammals, birds, reptiles and amphibians. The majority of fauna include those species commonly observed in upland forest, successional, wetland and open water habitats in Dutchess County. Bog Turtle habitat was not encountered and no direct or indirect impacts to this species are anticipated. One wetland (Wetland F) contains suitable Blanding's Turtle habitat, however, development is not proposed in this location. Potential Indiana Bat habitat exists on the Project Site, however, direct impacts to this species will be avoided by limiting tree removal activities for construction activities on a seasonal basis in accordance with NYSDEC protocols.

The easternmost one-third of the Project Site continues to be protected as conservation land, in the Amended Concept Plan, as will an approximately 25-acre area around the Maritje Kill. With the exception of possible maintenance of the existing fire/security access roads, historic trails and walking paths, the NYSDEC-eligible wetland (Wetland F) will be preserved in perpetuity by a conservation easement, continuing to support a regionally important, and biodiverse, wildlife ecosystem. Proposed new trail locations are subject to site-specific Final Development Plan review by the Planning Board, which shall evaluate potential impacts on vegetation and wildlife, and the Planning Board may adjust locations of trails as shown on any approved Concept Plan in order to enhance protection of wildlife and species.

To minimize potential impacts, the following mitigation measures, initially imposed at the time of the 2007 SEQR Findings, will be applied:

- Creation of buffer-zones of varying distances around regulated wetlands as dictated by State and local conservation goals.
- Utilization of temporary "orange plastic" or wood fencing, or a suitable alternative, to avoid, and/or minimize, construction equipment damage to, specimen trees and/or sensitive vegetation/open water habitats, such as wetlands, vernal pools and stream banks.
- In areas outside of the conservation easement, institute a long-term selective logging plan to remove dead and diseased trees. In limited situations, relocate specimen trees under the supervision of a professional arborist. Standing dead trees in the eastern-most open space area will be left undisturbed.

In terms of water quality, site improvements will be designed in accordance with NYSDEC stormwater management policy and water quality standards and local and County standards. The design and implementation of stormwater basins and infrastructure will mitigate both short- and long-term water quality impacts to the aquatic ecosystem.

A series of steps will be taken to minimize impact to potential Blanding's Turtle habitat, including: the provision of a significant buffer between the potential Blanding's Turtle habitat in the wetland located in the easternmost portion of the Project Site and the nearest disturbance area, and the protection of wetland habitat. To avoid direct impacts

to Indiana Bats, removal of trees that exhibit potential Indiana Bat roost or maternal colony potential or within building envelopes will occur during the time period from November 1 to March 30. Trees that exhibit potential roosting or maternal colony habitat will be marked in the field prior to tree removal activities. These steps will be implemented by the Planning Board, based on site-specific consideration at the time of Final Development Plan review.

**The Planning Board finds that the Project is sensitive to existing environmental conditions, and potential impacts to vegetation and wildlife will be mitigated to the maximum extent practicable.**

### **Wetlands and Waterbodies:**

The wetland maps have been reviewed and updated since the time of the 2007 SEQF Findings. The US Army Corps of Engineers made a site visit on Wednesday October 27, 2021 for the purpose of updating their Jurisdiction Determination (JD) wetland map (MAP). An updated wetland map was prepared identifying a total of 10 wetlands. The number of wetlands decreased from the previous map reviewed as part of the 2007 Plan since some wetlands have been combined. The MAP identified USACOE wetlands as 1-8 and the NYS DEC wetlands as 9 and 10.

The two NYSDEC designated wetlands, wetlands 9 and 10, total 23.346 acres and primarily receive water through ground water seepage, surface sheet flow, and adjacent off-Site wetlands. These wetland are located in the easternmost portion of the Project Site and will not be impacted from the proposed development. There are eight Army Corps of Engineers jurisdictional wetlands on-Site, Wetlands 1-8. The remaining wetlands are isolated (non-jurisdictional) wetlands. The DEIS analysis conducted in 2006 included a discussion of the hydric and non-hydric soils. The dominant hydric mapping unit on-Site is the Su (Sun silt loam) soil series. All of the wetlands identified on the Site occur upon the Sun series.

As part of that review, NYSDEC identified two "Protected" streams, as follows:

- The Maritje Kill is classified as a Class B, NYSDEC protected watercourse and has a DEC water index number of H-120. The Maritje Kill enters the Site from the north, and traverses through the northwest corner of the Site, and exits the Site to the west, through a 10-foot culvert under NYS Route 9.
- An unnamed tributary is classified as a Class B, NYSDEC protected watercourse and has a DEC Water Index Number of H-1 19. The unnamed tributary traverses through a small portion of the southeast corner of the Site, adjacent to West Dorsey Lane.

A Protection of Waters permit is required if development physically disturbs the bed and banks (up to 50 feet from the stream) of any stream identified as "Protected".

Certain wetland areas are within close proximity to development areas, driveways and roads. A US Army Corps of Engineers (USACE) Nationwide permit is available for wetland impacts on the property and will be obtained prior to the initiation of affected development on the Site. The Planning Board will review any site specific impacts relating to wetland during the Final Development Plan review. The effects of the proposed development on wetlands will also be evaluated by the USACE during the permit review process, which by definition includes avoidance of wetland impacts where possible, minimization of unavoidable wetland impacts, and finally, mitigation of all impacts.

**The Planning Board finds that the development will not impact the on-Site DEC-designated wetlands 9 and 10 or their regulated adjacent areas or the ACOE-regulated wetlands designated as wetlands 1 through 8.**

### **Stormwater Management:**

Review of the 2007 Plan included review of a Stormwater Management Plan designed to assure that post-development runoff rates will be equal to or less than pre-development runoff rates for the required design storms. In accordance with NYSDEC requirements, the design storms analyzed as part of the work effort included the 1-, 2-, 10- and 100-year storms. The Stormwater Management Plan has been updated for the Amended Concept Plan and includes a series of stormwater management basins sufficient in capacity to store excess water and to meter it out in a manner that renders the peak discharge rate from the Project at or below pre-development conditions for each storm.

The reduction in post-development stormwater pollutants will be accomplished using a combination of the following stormwater management facilities, including:

- The use and maintenance of catch basin sumps;
- The use of grassed swales;
- The use of bioretention basins;
- Mechanical water quality treatment practices per approved NYSDEC manufacturers; and
- Other "water quality only" stormwater management basins located as part of the Site Plan.

The final design of the Project Site will comply with water quality volumes and stream channel protection technical standards specified in the NYSDEC Design Manual. Additionally, the design will utilize existing features, such as lowland areas and swales for capturing the required volumes to the greatest extent practical in order to minimize Site impacts.

Stormwater runoff from the Project Site will be directed to the stormwater detention facilities by way of on-Site/off-Site storm drainage systems. The storm drainage system(s) will be designed using the rational method and are sized for a 10-year design storm.

An Erosion and Sediment Control Plan was submitted as part of the DEIS and will be updated in accordance with the current 2016 New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), as may be amended, and finalized as part of Site Plan/Subdivision Approvals for each phase of development.

A Stormwater Pollution Prevention Plan (SWPPP) will be submitted to the Town of Hyde Park as an MS4 municipality in accordance with requirements for a SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001, as may be amended), for the issuance of a general permit for discharges associated with construction activities. The SWPPP will be updated for each phase of development during site plan review. Since more than five (5) acres of exposed soils is anticipated in many of the construction phases, the submitted SWPPP will address T-REX's need to request a 5-acre waiver. Additionally, the SPDES permit will require that a Notice of Intent (NOI) be filed prior to commencement of construction, that erosion and sediment control inspections be performed weekly and within 24 hours of a significant rainfall event of 0.5 inches of rainfall within 24 hours, or greater and that a Notice of Termination (NOT) be filed once the Site has been substantially stabilized.

**The Planning Board finds that the Amended Concept Plan results in a somewhat negligible 2% increase in impervious areas from the 2007 Plan and that T-REX will prepare a Stormwater Pollution Prevention Plan for each phase of development submitted in a Final Development Plan that has all the elements necessary to mitigate stormwater management impacts in accordance with The SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001).**

### **Water Supply:**

The Project Site is located within the Hyde Park Water District, which is owned and operated by the Dutchess County Water and Wastewater Authority (DCWWA). The Hyde Park Water District is fed from the Hudson River. Raw water is treated at the South Drive water treatment plant, located in Hyde Park, which has a capacity of 3 million gallons per day (mgd), and treated water is pumped directly into the existing distribution system. Existing average daily demand ranges from approximately 800,000 gallons per day (gpd) in the winter months to 1.2 mgd during the summer months. Water storage and pressure is provided by a series of two tanks, the first of which is a one-million gallon tank (1 MG) located on the north side of St. Andrews Road and the second of which is a 700,000 gallon tank (0.7 MG) that is located at Vanderbilt Acres, on the north side of town.

The Site is serviced by a 16" water main which runs along St. Andrews Road, then south along the west side of Route 9 crossing to the east side of Route 9 just north of the existing CIA northern entrance. The hydrant located on the east side of Route 9, adjacent to the Site, is at the end of the 16" water main. An existing 10" water main is located on the east side Route 9, which runs from approximately the existing self-storage facility to St. Andrews Road. The 10" main is part of the "old" Hyde Park water system. Hydrant flow data revealed that the static pressure at the intersection of Route 9 with Saint Andrew's

Road is 79 psi and the residual pressure at a flow rate of 2,122 gpm is 72 psi. Since the Project fire demand will be no more than 1,500 gallons per minute for a required 90-minute fire, the existing system has the capacity to serve the fire demand for the Project.

The Site water main will be connected to the existing 16-inch main in St. Andrews Road at a location approximately 2,000 feet east of Route 9 where the proposed access drive connects to St. Andrews Road. A second connection will be made to the existing 16-inch and 10-inch water mains within Route 9. Doing so will eliminate the dead ends of the existing municipal system and will form a complete loop system, greatly improving the municipal water supply in the vicinity of the Site. The on-Site water mains will also be looped except for short dead ends within the Site. A closed loop system typically provides desirable hydraulic characteristics by reducing friction loss within the water system and by providing a dual source feed for redundancy. The proposed water system would eliminate an existing "dead end" water main condition within the 16" water main within Route 9 by looping it to the St. Andrews Road water main. A water main stub has been installed up to West Dorsey Lane to allow DCWWA to extend the water main along West Dorsey Lane in the future. The stub is located approximately 425 feet east of the Route 9 intersection. A hydrant is located at the end of the stub to allow the water main stub to be flushed.

The proposed water mains will be constructed of Class 52 cement-lined ductile iron pipe and will be designed to provide both fire and domestic service to the Site. The water mains will primarily follow the Site roadways and will be coordinated with other Site utilities to assure that adequate vertical and horizontal separations are maintained. The water main design, installation, testing and disinfection will be in accordance with AWWA standards. The water main system will be dedicated to the Dutchess County Water and Wastewater Authority.

Each proposed building will be provided with a domestic water service adequately sized to accommodate the projected water demands, Domestic water flows for the Project Site have been estimated based on the NYS DEC Design Standards for Wastewater Treatment, 1988. The average daily domestic water flow is estimated to be 275,000 gpd.

The on-Site water main will be sized to convey the required fire flows. Hydrants will be provided throughout the Site at locations where appropriate and at a maximum spacing of six hundred (600) foot intervals. The final hydrant placement will be coordinated with the respective Fire Districts.

**The Planning Board finds that T-REX has properly addressed water supply needs, and will mitigate potential impacts on water supply to the maximum extent practicable.**

### **Sanitary Sewerage:**

The 2007 Approvals proposed that the (then) St. Andrew's property would be part of a sewer district that extended service along Route 9. This sewer district was never formed,

although the Town continues to seek funding for development of a central municipal sewer system.

In 1993, the Hyde Park Revitalization Committee identified the need for a sewer district to serve primarily the business district along Route 9. The district was proposed to cover Route 9 from St. Andrews Road to just north of Market Street. In 1994, the Committee obtained financing and hired D. F. Wheeler Engineers to evaluate the feasibility of creating a sewer district. The report was updated again in August 1998 to include costs for connection to the City of Poughkeepsie Sewage Treatment Plant. Due to concerns of the high cost per benefit unit no action was taken by the Town.

In 2000, the Town Board created the Economic Development Committee (EDC), and one of the goals was to review the sewer district proposal, review grant funding, and determine whether a more reasonable cost per benefit unit could be realized. The Town Board and the EDC desired to expand the district south along Route 9 to basically the Town of Poughkeepsie boundary. Morris Associates was retained to prepare a new report for the expanded area. The expanded area included the Project Site. It did not include the CIA's campus, as it was considered to be cost prohibitive for the CIA to redirect their collection lines to discharge to Route 9. Morris Associates presented the findings of their study to the Town Board in the Fall of 2000. The consensus was that the costs were still too high, and additional funding sources would need to be found to lower the costs. No action was taken by the Town Board.

After the approval of the 2007 Plan and issuance of a Findings Statement by the Town Board, the Town proceeded with the formation of the sewer district in accordance with the provisions of Article 12 of the Town Law, but due to the failure of Baker/Gagne to execute the sewer system agreement, and various factors affecting the market in the years immediately following the project approvals, construction of the system and the Project never began, and on or about February 21, 2012, title to the St. Andrews Property was transferred by Baker/Gagne to T-REX Capital Group, LLC.

In recent years the Town has been exploring alternative concepts for providing sewer service to parts of the former Town Center Historic District. In furtherance of that goal, the Town was awarded a grant pursuant to the NYSERDA Cleaner, Greener Communities Program, Category II, which includes the development of a Wastewater Treatment Feasibility Study, which has been executed, though no formal action to form a district has been taken by the Town Board.

In 2017, T-REX Hyde Park Owner, LLC proposed to the Town Board alternative mitigation in the form of the payment of \$1,250,000.00, to be used in the Town Board's discretion for development and administration of such sewer system or systems to service the former Town Center Historic District so as to support and further economic development of such area. The Town Board adopted amended SEQR Findings on June 13, 2017 authorizing this alternative mitigation. All payments to the Town have been made by T-REX.

In the fall of 2017, Bellefield proposed to relocate the WWTP for the Bellefield property to its present location, near the center of the site. The Town Planning Board, as lead agency reviewed the potential impacts of the proposed relocation of the WWTP, as well as the impacts of the Hotel at the southwest corner of the site.

On January 3, 2018, the Planning Board, as Lead Agency, after completing its review and considering the entire SEQR record, adopted a SEQR Determination that: (1) the environmental record before the Planning Board was sufficient to assess the potential impacts of the proposed Hotel and WWTP relocation, and that a Supplemental Environmental Impact Statement (SEIS) was not required; (2) that the proposed development set forth on the proposed Site Plan/Final Development Plan including the proposed Hotel and WWTP relocation, will not create any significant adverse effect on the environment and adopted a Negative Declaration with respect to such action; (3) found that, in all other respects, the impacts of the proposed Site Plan/Final Development Plan for the proposed Hotel and WWTP relocation are in accordance with the amended SEQR Findings Statement adopted by the Town Board on June 13, 2017, and accordingly adopted said Findings Statement as that of the Planning Board, and adopted the required SEQR Certifications; and (4) determined that the Site Plan/Final Development Plan for the hotel and the WWTP relocation were consistent with the approved Concept Plan for the Property as adopted by the Town Board on August 29, 2007.

**The Planning Board finds that the Alternate Sewer Mitigation in the form of the Sewer Mitigation Sums described herein, to be used in the Town Board's discretion for development and administration of such sewer system or systems to service the former Town Center Historic District so as to support and further economic development of such area, as set forth herein, and in the Environmental Impact Mitigation Agreement, appropriately mitigates the adverse impacts on the former Town Center Historic District as identified in the SEQR process, and is in the best interest of the Town of Hyde Park and its residents.**

#### **Traffic and Transportation:**

A full traffic study was performed for the 2007 Plan. The DEIS provided an initial traffic impact study associated with the St. Andrew's concept plan. An updated traffic impact study was submitted as part of the FEIS, addressing the revisions made in the Site Plan and program. (See the Alternatives discussion of these finding for an outline of specific Plan revisions.)

The traffic analysis provided a detailed description of Routes 9 and 9G, St. Andrews Road and West Dorsey Lane. Capacity analyses were performed in order to determine existing and future traffic operating conditions at the studied intersections, which included:

- Route 9 and St. Andrews Road
- Route 9 and Culinary Institute of America

- Route 9 and West Dorsey Lane
- Route 9 and Hyde Park Mall
- Route 9 and Farm Lane/Kessler Road
- Route 9G and St. Andrews Road
- Route 9G and West Dorsey Lane

The Traffic Impact Study looked at existing traffic volumes, no-build traffic volumes, arrival and departure distributions and site-generated traffic volumes. Counts were estimated for Weekday Peak AM Highway Hour, Weekday Peak PM Highway Hour, and Saturday Peak Highway Hour. It was determined that similar Levels of Service will be experienced for future build and no-build conditions. The EIS also fully evaluated pedestrian crossings between the CIA and the Site and a formalized crossing has been installed as part of the construction of the Bellefield main entrance.

In 2007, the Town Board also addressed the issue of the crossing of St. Andrews Road between the St. Andrew's Project and the proposed Club at Hyde Park. The 2007 Plan had two intersections on St. Andrews Road: the driveway to the corner mixed-use building; and the main north-south road in the residential area east of the mixed-use center. It was concluded that the proposed intersections at grade had sufficient capacity to process the projected volumes and that a grade separated interchange was not warranted. With particular reference to a possible bridge connecting the two projects on either side of St. Andrews Road, it was also concluded that the amount of disturbance of the natural topography and the increase in impervious surface area could not be justified. However, any project entrance onto St. Andrews Road (CR-40A) will require a County DPW permit, and DPW will determine the terms upon which it will be issued. The Planning Board would coordinate review with County DPW on any Bellefield Final Development Plan that proposes access to St. Andrews Road.

As in the 2007 Plan, all roads in the Bellefield project will be open to the public but will be owned and maintained by the appropriate homeowners' association, property owners' association and Master Association. None of the roads are being offered for dedication to the Town; however, all roads will be constructed to town specifications, including those for ODA roads. The width in the mixed-use retail/residential area may be reduced from 24 feet to 20 feet. Final road width and street parking layout shall be determined by the Planning Board in Site Plan review. If school buses will not pick up children on the privately-owned interior roads, a location will be designated during Final Development Plan review to establish the areas where parents can wait in cars and drop off or pick up children.

The Planning Board has studied the potential impacts on traffic of the Amended Concept Plan. The Amended Concept Plan removes a significant amount of retail and office space and adds a substantial number of residential units. In general, retail and office space generate trips at a higher rate than the residential uses. Therefore, it is expected that the total trips for the Amended Concept Plan will be less than the 2007 Plan. The comparison of trip generation estimates from the 2007 Master Plan, the 2017 Master Plan and the

2021 Amended Concept Plan, shows that the total trips at build-out for the Amended Concept Plan are about 60-100 trips less in the AM peak hour and about 470 trips less in the PM peak hour.

At the Planning Board's request, T-REX and its consultants provided a supplemental analysis dated June 21, 2021 and updated thereafter on September 21, 2021 to address use of the common areas in the Bellefield Development including the Amphitheater and Village Green, where performances, festivals and other public events would be held. They concluded that both the AM and PM Peak Hour trips for the Amended Concept Plan remain less than the 2007 Plan. As per a memo dated September 21, 2021 prepared by the Chazen Companies, the total trips at build-out for the Amended Concept Plan are about 60–100 trips less than the previous plan in the AM peak hour and about 270 trips less than the previous plan in the PM peak hour. The roadway improvements identified as mitigation in the 2007 Plan continue to be sufficient and no further improvements are needed.

The 2007 and 2017 Findings Statements identify the following intersection improvements as traffic mitigation measures:

1. Primary Route 9 access to be located opposite CIA with roadway widening and traffic signal improvements. This work has been completed.
2. Possible pedestrian signal phase and crosswalk at Route 9 and St. Andrews Road.
3. Pedestrian signal phase and crosswalk between the Project and CIA at the Route 9 primary access intersection. This work has been completed.
4. Installation of a landscaped island in the southeast quadrant of the Route 9 and St. Andrews intersection to force a right turn from a right-turn only northbound from Route 9 onto St. Andrews Road.

The improvement in item 4 (to force a right turn from the right turn northbound lane) may not be needed as a capacity improvement, but to delineate the right turn lane and prevent northbound through traffic on Route 9 from using the right turn lane as a second through-lane. The reduction in traffic for the Amended Concept Plan has no bearing on this improvement. However, with an increase in pedestrians expected at this intersection, the installation of the island could represent a detriment to pedestrians, since it would allow the northbound right-turn traffic to make the turn at a higher speed. It is also expected that extensive utility relocations would be necessary to install this island. However, this will be addressed by the Planning Board when Final Development Plans are proposed for the northwest corner of the Site.

An improvement identified in the 2007 Findings Statement that is unrelated to traffic mitigation is the installation of a median on St. Andrews Road from Route 9 to the driveway of the former Stop 'n Shop parcel. To install this median and maintain the same number of lanes on St. Andrews Road will require the road to be widened.

As the Bellefield Project develops, the Traffic Analysis will be correspondingly updated. As sections of the Site are developed, the Traffic Analysis can be updated with actual traffic generation trips to determine if any additional off-site mitigation is required.

Any proposed improvements within the NYS Route 9 Corridor or CR-40(A) Corridor will require permits from, respectively, NYSDOT or DCDPW. All site entrances onto St. Andrews Road will require approval of the Dutchess County DPW, and DPW may request consideration of measures to limit the number of entrances by means of parallel service roads. Entrances to St. Andrews may also be subject to County Legislative authorization. Those agencies will ultimately decide the conditions under which permits will be issued. The Planning Board will coordinate with these agencies during Final Development Plan review.

**The Planning Board finds that transportation impacts will be mitigated to the maximum extent practicable.**

### **Air Quality and Noise:**

#### Air Quality

The Project Site is located in Dutchess County, NYSDEC Region 3. The NYSDEC Division of Air Resources operates various air quality monitoring programs for NAAQS pollutants which include SO<sub>2</sub>, PM-10, PM<sub>2.5</sub>, NO<sub>2</sub>, CO, O<sub>3</sub>, and Pb. As per the NYSDEC publication NYS Ambient Air Monitoring Program (June 10, 2020), there has been no contravention of the NAAQS for all criteria pollutants in the entire state except for ozone in the New York City metropolitan area and SO<sub>2</sub> in a small portion of northern St. Lawrence County. Thus, air quality in the region that includes Dutchess County is in attainment of the NAAQS. Without the proposed development, future potential projects could contribute additional traffic volumes, which could result in decreases in ambient air quality in the area (i.e., the ambient air quality concentrations would increase).

Microscale traffic air quality analyses are used by regulatory agencies to determine the air quality impact of proposed projects for comparison to the state and federal ambient air quality standards. According to the 2017 traffic analysis, which was conducted using the 2000 Highway Capacity System, one signalized intersection and one unsignalized intersection had a LOS of D or worse for the build year. The unsignalized intersection is Route 9 at Farm Lane/Kessler Road and the signalized intersection is Route 9 at St. Andrews Road. The unsignalized intersection had a LOS of D or worse for the build year for all three peak study hours while the intersection of Route 9 at St. Andrew's Road had a LOS of D or worse for the Peak PM Hour.

There are eleven intersections that were determined to have a LOS of C or better; therefore, no further screening or refined analyses were necessary for these intersections, as the proposed Project will not threaten the 1-hour and 8-hour CO NAAQS at these locations for the build year. The intersections determined to have a LOS of D, E, or F were further analyzed using the capture criteria screening.

The capture criteria screening has five criteria that must be met to avoid proceeding to the volume threshold screening or potentially conducting a refined air quality modeling analysis. If one of the criteria is not met, then a volume threshold screening analysis is necessary. Only those build year peak hour intersections that failed the LOS screening were examined using the capture criteria. The no-build volumes were compared to the build traffic volumes to determine if there was a volume increase in traffic of more than 10%. Both of the intersections with a LOS of D, E, or F have traffic volume increases of more than 10% when comparing no-build and build traffic volumes. Thus, volume threshold screening analyses were required for the intersection of Route 9 at St. Andrews Road and for Route 9 at Farm Lane/Kessler Road.

A screening level air quality analysis for the intersections directly affected by the proposed Project was conducted and showed that a refined air quality modeling analysis is not required. Thus, using the methodology presented in the NYSDOT EPM (NYSDOT, 2001) it is highly unlikely that the Project will violate the CO NAAQS.

As part of the review of the Amended Concept Plan, changes in vehicular trips were analyzed and compared between the 2007 Plan and the current Amended Concept Plan. As per a memo dated September 21, 2021 prepared by Chazen Companies, total trips at build-out for the 2021 Concept Plan are about 60 – 100 trips less than the previous plan in the AM peak hour and about 270 trips less than the previous plan in the PM peak hour. Therefore, roadway improvements originally identified continue to be adequate and no further improvements are needed. The reduction in trips would result in a reduction in vehicular air pollutant emissions.

There are mitigation measures for short-term construction-related impacts, such as temporary construction related emissions. To limit pollutant emission impacts: proper maintenance of construction equipment will be required; unnecessary idling of equipment will be controlled; and sufficient parking for construction workers will be provided on-Site.

**The Planning Board finds that air quality impacts were analyzed and that the Project mitigates potential construction-related impacts on air quality to the maximum extent practicable.**

## **Noise**

The area surrounding the Project Site consists of a mix of residential, institutional (CIA) and commercial uses and undeveloped land. Ambient noise levels in these areas are relatively low, with some sounds from traffic on Routes 9 and 9G, St. Andrews Road and West Dorsey Lane. Higher ambient sound levels exist during warm weather months, due to insect noise during the day and at night. There are no major industrial or other noise generating sources in the area.

There are potential noise impacts resulting from the proposed development in association with construction noise.

The potential sound levels, when evaluated against typical sound levels are relatively low. The noise levels will be attenuated by a variety of mechanisms. The most significant of these is the attenuation of the sound waves with distance. In general, this mechanism will result in a 6 dBA decrease in the sound level with every doubling of distance from the source. Additional reductions in noise are achieved through absorption by the atmosphere.

The Project Site covers a large area. The actual sound levels that will be experienced by residential uses surrounding the Site will be a function of distance. As such, no one existing residential use will be exposed to the same sound levels over an extended period of time, as construction progresses through the Site.

It is important to note that the different types of construction equipment are not used in each phase of construction. Further, equipment used is not generally operated continuously, nor is the equipment always operated simultaneously. There will therefore be times when no equipment is operating and noise will be at ambient levels.

The construction noise levels discussed in the DEIS are those which would be experienced for people outdoors. A building (e.g., dwelling) will provide significant attenuation for those who are indoors. Sound levels can be expected to be up to 27 dBA lower indoors with the windows closed. Even in homes with the windows open, indoor sound levels can be reduced by up to 17 dBA (USEPA, 1978).

As a general good construction practice to reduce construction noise to the greatest extent possible and practicable, and to be in compliance with the Town of Hyde Park noise ordinance, functional mufflers will be maintained on all construction equipment. The Town noise ordinance is designed to minimize construction noise impacts by limiting noise generating construction activities to between the hours of 6:00am to 9:00pm during weekdays, and 7:00am to 9:00pm on weekends. Because of the sensitivity of certain surrounding receptors, noise generating construction activities on the Project Site will be limited to the hours of 6:00 am to 5:00 pm during weekdays, and 7:00 am to 5:00 pm on Saturdays. There shall be no noise generating construction activities on Sundays.

Specific concern was raised in 2007 during the comment period by the owner of the Bed & Breakfast (B&B) adjacent to the southeast corner of the Project Site. In order to mitigate potential noise impacts , the following mitigation measures were required for construction at the south and southeastern portion of the site:

- a) The rock crusher will be located as far as practicable from the southeast corner of the Site. The specific location of the crusher will be subject to Site Plan review by the Hyde Park Planning Board. If the location of the crusher is to be moved during construction, the Planning Board may approve all locations as part of the initial review. The Applicant may request a different location after the initial Final Development Plan, and the Planning Board may grant such approval with a waiver of Site Plan procedures.

- b) As part of site plan/final development plan approval, and prior to commencement of construction activity, the Applicant will at a minimum measure four (4) baseline ambient sound levels at sensitive locations at the boundary of the Project Site, as determined by the Planning Board. The measurements taken will be 30 minute Leq samples taken at 9 am and 2 pm on two days one day apart. The assumed baseline ambient noise levels shall be the arithmetic average of the four samples. The analysis method will be coordinated with the Town Engineer's office. The Town Engineer will review and approve the analysis.
- c) Once construction at the Site has commenced, an additional four samples shall be taken as set forth in "b" above, while the rock crusher or rock hammer is in operation. The sound level during construction and operation of the crusher will be assumed to be the arithmetic average of the four samples. If the samples do not exceed the baseline by 10 dB(A) or more, then no further action is required. If, however, the sound levels during construction do exceed the baseline by 10 dB(A), then further mitigation measures may be required by the Planning Board as part of Site Plan modification, and additional testing required.
- d) Rock crushing and rock hammer operations shall be limited to weekdays, between 8 am and 3 pm. The duration of rock crushing shall be minimized to the extent practicable. The Planning Board is authorized to include additional durational restrictions should field conditions so warrant.
- e) Sound baffles and natural vegetation and topography shall be used to muffle the sound generated by the general construction, rock crushing and rock hammer operations. Such noise mitigation measures shall be described in a written Noise Mitigation Plan to be submitted to the Planning Board and shall be subject to review by the Planning Board as part of Site Plan/Subdivision Review.
- e) On all construction vehicles, backup sounding devices shall be replaced by laser and other safety devices, or subjected to directional suppression, to the extent permitted by the NYS Department of Labor and the Occupational Health and Safety Administration. Such measures shall be included in the Noise Mitigation Plan.

The Planning Board, in 2017, issued a Negative Declaration for the application for approval of the Final Development Plan for Sub-Phase 1-A, which involved an 11.93 acre area of disturbance for construction of a hotel near West Dorsey Lane, and related access and utilities, including the first phase of a Wastewater Treatment Plant (WWTP), and stormwater management. The findings of the Negative Declaration are incorporated herein.

*“The Applicant has prepared a Noise Mitigation Plan dated December 22, 2017. The relevant provisions of the Noise Mitigation Plan reviewed by the Planning Board as they relate to the Town Board Findings Statement are set forth below.*

- a) *Town Board Findings Statement: The rock crusher will be located as far as practicable from the southeast corner of the Site. The specific location of the crusher will be subject to Site Plan review by the Hyde Park Planning Board. If the location of the crusher is to be moved during construction, the Planning Board may approve all locations as part of the initial review. The Developer may request a different location after the initial Site Plan approval, and the Planning Board may grant such approval with a waiver of Site Plan procedures.*

*Noise Mitigation Plan: The location of the rock crusher is shown on the Final Development Plan for the Project at Site Plan drawing C130A in Attachment 1. It is to be located in the northeast corner of the proposed Hotel parking lot, which is approximately 470’ from the western property line on Route 9 and 830’ from the southern property line on West Dorsey Lane. If the sound exceeds the levels at the monitoring locations set forth below while the rock crusher is in operation, the first mitigation measure to be implemented by the applicant will be to determine if relocating the rock crusher will reduce the sound levels below the threshold at the property lines closest to the impacted receptors, without simultaneously increasing the sound levels for the other sensitive receptors. This determination will be made through application of sound attenuation calculations. If such calculations indicate that sufficient reduction can be achieved by relocation, the equipment will be relocated. After moving the rock crusher, sound measurements shall be re-taken.*

*If the rock crusher relocation will not reduce sound levels below the threshold, then the applicant shall meet with the Planning Board’s consulting engineer and Planning Board chair to discuss further measures including further limitation of hours of construction or provision of temporary sound baffling or barriers. During these discussions, the Planning Board Chair, in consultation with the Town’s engineering consultant, shall determine any interim measures to be taken with respect to construction during evaluation of further mitigation. After discussing the options, the Planning Board, or its designee, shall determine whether any further measures are likely to materially reduce the sound levels and whether such measures are practicable in light of the anticipated period of continued operation of the rock crusher for the construction covered by the approved site plan. Any reduction of hours of operation shall be implemented immediately. Any measure requiring additional construction of sound baffling or barriers shall be implemented as soon as practicable. After additional mitigation measures are implemented, noise measurements shall be re-taken.*

- b) *Town Board Findings Statement: Prior to commencement of construction activity, the Developer will measure four baseline ambient sound levels at the northernmost point on the property line of the B&B adjacent to the Project Site. The measurements taken will be 30-minute Leq samples taken at 9 am and 2 pm on two days one day apart. The assumed baseline ambient noise levels shall be the arithmetic average of the four samples.*

*Noise Mitigation Plan: Prior to commencement of construction activity, the project sponsor will measure four baseline ambient sound levels at each of the following 3 locations to arrive at 3 average baseline ambient sound levels, 1 for each location listed below:*

- *At the Culinary Institute of America property frontage at a point 1/2 way between Dorsey Lane and the Bellefield site's southern entrance;*
- *At a point near the bed and breakfast (B&B) at the northernmost point of the property line of the B&B adjacent to the Project Site; and*
- *On West Dorsey Lane at a point where the proposed emergency access intersects with Dorsey Lane.*

*The four baseline measurements for each of the 3 sites will consist of 30 minute Leq samples taken at 9:00 am and 2:00 pm on two days, one day apart. The assumed baseline ambient noise level for each location shall be the arithmetic average of the four samples. The results of these measurements shall be provided to the town of Hyde Park Planning Board and the Town Consulting Engineer's noise specialist.*

- c) *Town Board Findings Statement: Once construction at the Site has commenced, the Developer shall take an additional four samples as set forth in "b" above, while the rock crusher or rock hammer is in operation. The assumed sound level during construction and operation of the crusher will be assumed to be the arithmetic average of the four samples. If the samples do not exceed the baseline by 10 dB(A) or more, then no further action is required. If, however, the sound levels during construction do exceed the baseline by 10 dB(A), then further mitigation measures may be required by the Planning Board as part of Site Plan modification, and additional testing required.*

*Noise Mitigation Plan: Once construction at the site has commenced, in order to quantify the noise levels at peak operation of the construction site, the project sponsor shall take an additional four samples at the same 3 locations. Testing shall be performed on days representing "full operation" of construction equipment and must include operation of the rock crusher or rock hammer in addition to other construction equipment. The assumed sound level for full operations at each of the 3 locations will be the arithmetic average of the four samples. There will be 3 separate Leq values, one for each*

*of the 3 receptor locations. If the samples do not exceed the baseline by 10 dB(A) or more, then no further action is required. It is anticipated that the noise levels relating to “full operation” as defined above will be below the 10 dB(A) threshold. If, however, the sound levels during “full operation” construction do exceed the baseline by 10 dB(A), then the noise mitigation measures as further described above shall be implemented.*

- d) Town Board Findings Statement: Rock crushing and rock hammer operations shall be limited to weekdays, between 8 am and 3 pm. The Developer shall minimize the duration of rock crushing to the extent practical. The Planning Board is authorized to include additional durational restrictions should field conditions so warrant.*

*Noise Mitigation Plan: The Applicant has committed to these hour limitations in its Noise Mitigation Plan, Section 4.2. The Planning Board reserves continuing jurisdiction over this matter during construction, including its rights to impose additional durational restrictions should field conditions so warrant.*

- e) Town Board Findings Statement: Sound baffles and natural vegetation and topography shall be used by the Developer to muffle the sound generated by the general construction, rock crushing and rock hammer operations. Such noise mitigation measures shall be described in a written Noise Mitigation Plan to be submitted to the Planning Board and shall be subject to Site Plan review by the Planning Board.*

*Noise Mitigation Plan: The Applicant’s Noise Mitigation Plan provides that if further measures are necessary, they shall be implemented as set forth in section 4.5, which provides that additional measures may be required by the Planning Board chair in consultation with the Planning Board’s consulting engineer.*

- f) Town Board Findings Statement: On all construction vehicles, backup sounding devices shall be replaced by laser and other safety devices, or subjected to directional suppression, to the extent permitted by the NYS Department of Labor and the Occupational Health and Safety Administration.*

- g) Noise Mitigation Plan: The commitment to these measures is included in the Noise Mitigation Plan, section 4.1.*

#### *Blasting Provisions of Noise Mitigation Plan*

*Any rock encountered will be removed by mechanical methods (ripping, hammering) when possible. If determined to be necessary, the blasting contractor will comply with pertinent laws, rules, regulations, and contract documents. The*

*Contractor will prepare a Blasting Plan to include all information necessary to evaluate the effectiveness of the proposed blasting operations. The Blasting Plan will include all steps necessary to ensure that the proposed blasting activity does not cause injury, damage property, adversely affect traffic, or cause the migration/accumulation of noxious gases. The Blasting Plan will show the details for a typical blast, with the understanding that minor modifications in the field will be allowed.*

*Blasting will be limited to 2 occurrences per day between the hours of 10 am and 3 pm on weekdays. Proper program guidelines will be established between the State and the blasting contractor prior to undertaking this activity. In addition to obtaining applicable blasting certifications and complying with all blast safety requirements, a Blasting Plan that meets all regulatory requirements will be developed by the blasting contractor, and filed with the Town of Hyde Park Town Clerk if required by New York State protocol, during the construction phase of the proposed Hotel project. Public notification will be made at least 48 hours in advance via email or text/telephone to CIA administrators and nearby residents with ¼ mile of the Project site prior to any planned blasting activities. Contact information is part of the Applicant's Noise Mitigation Plan.*

*Based on the above analysis, the Noise Mitigation Plan is in conformance with the approved SEQRA Findings and ensures that there will not be any new short- or long-term or cumulative impacts. The impact of the refinements in the site-specific layout of the proposed Project is small in magnitude and will not result in any significant adverse impacts related to soils, rock crushing, or blasting.*

*Several other matters are noted concerning impacts on land, which confirm that the Final Development Plan for the proposed Project does not create the potential for a significant adverse impact beyond those already assessed and mitigated through the initial EIS review.”*

**The Planning Board finds, based on all the information before it, that the Project will mitigate potential construction-related impacts on noise to the maximum extent practicable. As set forth herein, the Planning Board retains jurisdiction over the Project following any Site Plan approval in the event that the proposed mitigation measures do not prove to be adequate in the field and additional sound level controls are needed.**

### **Economic and Fiscal:**

The original DEIS estimated the property tax generation per taxing jurisdiction, as well as sales tax and job generation. Studies have addressed the ability of the market to support the proposed Project. In 2021, the Planning Board reviewed a market study (Weitzman) and fiscal impact analysis (Camoin) to assess the change in economic and fiscal impacts associated with the 2021 proposed development program. Specifically, Camoin Associates prepared an Economic and Fiscal Impact Report (February 15, 2021), supplemented by

additional data submitted by Storrs Associates. In addition, Weitzman Associates, LLC, prepared a Residential Marketability Study of the Proposed Development of Bellefield report (April 20 2021), which served as input to the market values for the proposed residential component of the Project. Lastly, the Town retained CGR to review the fiscal and market report.

In 2007, the SEQRA process relied on submissions made by Economics Research Associates (ERA) which conducted a market analysis and demand study for the subject property (*Retail Market Analysis for St. Andrew Village at Hyde Park*, September 12, 2006). ERA examined the current and planned supply of retail space in the marketplace, current and future demand for retail goods and services, and the potential for additional retail space within the market in 2010. ERA's market analysis examined expenditure and sales patterns in and around Hyde Park, and estimated the potential for new retail space. In addition, this report provided an overview of the existing lodging market in Dutchess County. In 2021, this was supplemented by market data provided in the Weitzman report.

For their analysis, ERA looked at a Primary Trade Area (PTA) and a Secondary Trade Area (STA), which were determined by the size and nature of the proposed development. The PTA is defined as the Rhinebeck and Poughkeepsie corridor, which stretches approximately 15.8 miles to the north and 10.6 miles to the south of the Project Site. The STA is defined as the remainder of Dutchess County. The STA communities are located further from the Project Site, but are expected to contribute to consumer demand in the PTA, though to a lesser degree than PTA communities.

ERA's analysis determined that the potential for retail development in the Hyde Park market area exceeds the combined total of retail space in the Proposed Project and other planned retail projects in the area. The proposed village-style center's retail format was unlike existing retail centers in Hyde Park. Retail offerings are expected to provide goods and services that are currently undersupplied in Hyde Park, including retail intended to increase tourism. ERA determined that the Project was well positioned to capture the expenditure potential of visitors to Dutchess County and the FDR National Historic Site, Vanderbilt Mansion National Historic Site, and the CIA, in particular, those sites being located in the Town of Hyde Park along the same transportation corridor as the Project.

ERA also prepared an Addendum, supplementing the initial market analysis. The primary issues of concern of the Planning Board were the identification of the spending potential of consumers within the project, as well as their impact on existing retail uses in the Historic Town Center.

The Addendum analysis found that, assuming no increase from current spending levels, estimated sales leakage from the Hyde Park market area to approximately 1.4 million to 2.0 million square feet of retail 2010, and approximately 2.1 million to 3.0 million square feet of retail in 2020. The expenditure potential of St. Andrew's employees in the Hyde Park market area is projected to be \$364,000 in 2010, and \$7.3 million in 2020 (in 2005 dollars). Resident, visitor and employee expenditure potential in the Hyde Park market

area is projected to total between \$1.56 and \$1.63 billion in 2010 and between \$1.82 and \$1.92 billion in 2020 (in 2005 dollars).

The 2021 Weitzman report highlighted economic and demographic profiles of the markets relevant to understanding residential demand at Bellefield, including the Town of Hyde Park, Dutchess County, the Hudson Valley, and the New York Metropolitan Area. The key points are as follows:

- **A Growing and Improving Region.** The New York Metropolitan Area economy is in excellent condition from an economic standpoint, despite the ongoing COVID-19 pandemic. The fundamentals that have been driving New York's growth are resilient, though the economy must be closely monitored over the next several years. New York City is considered one of the top cities for technology companies and has a robust overall employment base, which is growing. Furthermore, local governments have deployed significant capital for infrastructure projects around the metropolitan area. Dutchess County benefits from convenient access to New York City and may become an even greater "spillover" location for companies considering locations outside of the five boroughs.
- **An Affluent Population.** Median and average household income in the New York Metropolitan Area, the Hudson Valley, Dutchess County, and Hyde Park have grown moderately since 2010 and are projected to continue to grow through 2025. Income growth will support greater residential purchasing power and consumer spending potential.
- **An Expanding Healthcare Industry.** The second fastest growing employment sector over the last five years in the New York Metropolitan Area was Education and Health Services, which grew by 3.3% annually from between 2014 and 2019. Healthcare remains an essential service that will likely continue its growth trajectory, despite strains caused by the COVID-19 pandemic.
- **A Growing Tourism Market.** Tourism in the Hudson Valley and Dutchess County is robust. Over 20 million people visited the Hudson Valley in 2018, and spending trends indicate healthy growth. Furthermore, the COVID-19 pandemic drove many households out of New York City in seek of respite, which likely benefited the Hudson Valley in some ways, despite an overall reported drop in tourism in 2020. The Bellefield site's location adjacent to the Culinary Institute of America is highly advantageous, as it is the most visited attraction in Dutchess County.

In general, market conditions continue to be favorable for the Project's mixed use development.

In the 2021 Amended Concept Plan, the retail offerings at Bellefield will be chosen to position the development as regional retail destination. As such, the majority of retailers and restaurateurs will draw consumers from throughout Dutchess County as well as from the immediate Hyde Park vicinity. Unlike a community center (which is defined by the Urban Land Institute as being "oriented toward personal services such as food stores,

food service, drugstores/pharmacies, flower shops, beauty shops, unisex hair shops and cleaners") or a neighborhood center (which is defined by the Urban Land Institute as providing "merchandise for daily living needs - convenience goods like food, drugs, hardware, and personal services) it is anticipated that specialty retailers and restaurateurs that are capable of drawing consumers from a wider area will be the majority of tenants in Bellefield.

According to the Applicant, the retail component of Bellefield will be designed and marketed to bring a new dimension to Hyde Park's retail. It will draw inspiration from its neighbor, the Culinary Institute of America, and from its location in the Hudson Valley. To comply with the Town of Hyde Park Comprehensive Plan and Bellefield District standards, the retail component of the project is designed to be predominantly tourist-oriented and specialty/experiential retail that will attract new visitors to the Town. During Final Design Plan review, the Planning Board shall require that the design and proposed uses of the mixed-use center include a substantial proportion of tourism related uses, consistent with the intent expressed throughout the review process.

Bellefield will continue to celebrate the tradition of food, wine, and entertaining by bringing together uses that feature locally-grown and produced offerings. The Amended Concept Plan proposes certain features that are different than the 2007 Plan that are related to the commercial intent of the Project:

- The amended Project enhances its tourism and hospitality base by providing for two hotels which cater to varied elements of the tourism market. The first hotel (already approved) is an extended stay and all-suite hotel with 137 keys. The second hotel (300 keys) is a larger hotel and conference center with related amenities which will support and expand the existing commercial and tourism industry within the Town.
- The Amended Concept Plan incorporates elements of biophilic design, agriculture, and food into the design of all aspects of the project, resulting in strengths in culinary and agricultural tourism and a greater interaction with nature and the native landscape.
- The Village Core has become a stronger mixed-use center for the project, and the Amended Concept Plan includes "placemaking" design to support the center, including a greater number, and a wider variety of housing types, including highly-amenitized rental buildings, condominium buildings, as well as apartment lofts over retail. This proposed residential density and variety of unit types within the central core of the project will provide year-round economic support of restaurant/winery/brewery/food businesses in the Village Center.
- Increased housing will bring a critical mass of residents to support Bellefield's commercial program. The 2021 Amended Concept Plan includes a non-residential program that includes retail (stand-alone and in-line), service, and office uses, hospitality use (approximately 469 keys), and educational/culinary/agricultural space. The type of commercial uses proposed are more oriented towards tourism and 137 keys/106,328 SF have already been approved. Hospitality uses grounded in food

and beverage and have moved away from the large, destination retail uses in the 2007 Plan.

- The Amended Concept Plan incorporates a more traditional street layout in the Village neighborhood. The design ethos of the Amended Concept Plan design is now more authentically Hudson Valley, and less European/Mediterranean than the 2007 Plan which may be more appealing from a market perspective.

It is anticipated that the new residents, visitors and workers will seek a variety of shopping and dining experiences (rather than going to the same shops and restaurants every time) and it is therefore anticipated that the other commercial uses including retailers and dining establishments in the Town will benefit from this new spending power.

At the request of the Town Board, an updated residential marketability study (Weitzman Report, 2021) was submitted to demonstrate that demand exists for the revised residential housing mix. The Study concludes as follows:

- The most expensive residential developments in the market area analyzed are Silo Ridge and Hudson Harbor. Silo Ridge is an ultra-exclusive field club with a world class golf course and amenities to satisfy the most discerning residents, which include celebrities like Tom Brady. Hudson Harbor in Tarrytown achieves a pricing premium due to its location 35-minutes outside of Manhattan and its high-quality finishes, which include wide white oak flooring, floor-to-ceiling windows, and Wolf and Subzero appliances.
- There are no agrihoods in the Hudson Valley. Bellefield will be the first agrihood development in the Hudson Valley which should help it attract residents from throughout the region, especially residents of New York City looking for a second home. Additionally, the unique product offering of Bellefield means it should not face much competition from nearby developments.
- Comparable for-sale developments. The majority of for-sale developments reviewed by Weitzman Associates have limited amenity offerings that do not compete with what Bellefield will offer its residents. Therefore, Bellefield will be well positioned to compete in the marketplace for buyers in search of developments with a robust amenity package.
- Comparable multi-family developments. The recently completed and under construction comparable rental developments suggest residents are looking for more luxurious finishes and larger amenity offerings. This should position Bellefield as a highly competitive development for residents looking for higher-end homes and amenities.
- The Hudson Valley housing market. The multi-family apartment market has experienced rent growth at a compound annual rate of 1.4% over the last ten years. Over the next five years, rents are expected to grow at a compound rate of 2.2% according to CoStar. Over the last five years, the median sale prices for single-family homes and condominiums have grown at compound annual rates of 1.3% and 2.2%, respectively. The median sale price for townhomes has decreased at a compound annual rate of -3.5% over the same period.

- A residential demand analysis was conducted to assess the demographic-based depth of demand for both the rental and for-sale components proposed for Bellefield. Our analyses demonstrate that Bellefield is extremely well-positioned to capitalize on the demand for second homes stemming from the Hudson Valley, New York City, and the New York Metropolitan Area. While there is notable extant, local demand for rental housing, the majority of the demand that Bellefield will likely capture will come from those households seeking second homes, rather than renters seeking a primary residence.

In 2007, a revenue-versus-cost analysis was conducted in a Fiscal Impact Analysis completed by the Dutchess County Economic Development Corporation (DCEDC). DCEDC conducted a cost/benefit analysis to evaluate the local economic impact related to the Project for the period 2009-2018. For purposes of the analysis, "operational" revenues and expenditures were analyzed year by year from 2009-2018 according to the then build-out plans. Over the 10 years of the build out, the total commercial and residential construction had a total projected investment estimated to exceed \$300 million.

The AEDC/Arthur Andersen Economic Analysis Insight model was used to conduct the analysis in 2007.

The analysis specifically addressed the direct revenues to Dutchess County, Town of Hyde Park and the Hyde Park CSD over 10 years. The direct fiscal impacts on the jurisdictions were estimated, including the taxes generated from the commercial and residential build out of the project and the estimated expenditures from new residents and visitors. On the cost side, added costs from new employees, residents and public school children were projected. The summary fiscal impact tables show the sources and results of the costs and benefits of the commercial and residential components of St. Andrew's project during construction, and for Year 1, Year 5, Year 10 and total over the 10-year period, by jurisdiction.

Overall, the analysis had demonstrated that the expected direct revenues associated with the Project outweighed the expected costs, for all taxing jurisdictions. The direct activity generated in the local economy from the Project's construction, operations off-Site employee residents and visitors is projected to be positive at the County, municipal and school district level, in terms of both tax revenues and direct economic impact. Positive, although smaller fiscal net benefits are shown for the residential component of the project for all taxing jurisdictions.

The analysis estimated a total annual surplus for the Town, County and School Districts of \$8,197,789 at full build-out. Of this total surplus, \$595,295 would be available to the Town, \$876,208 to the County, and \$6,726,286 to the Hyde Park Central School District. Also, expanding on the DEIS fiscal analysis, a marginal cost analysis was completed, utilizing a per capita examination of each appropriate budget line in the 2007 Town of Hyde Park Budget. On a line by line basis, the analysis examined the possible per capita cost that could reasonably be assigned to the development.

This analysis outlined each budget category, the 2007 appropriation to each category, and the amount to be raised by taxes. Then, the per capita cost per line item was determined. If it was anticipated that the project would have an impact on this budget item [indicated as Y (yes) or N (no)], the cost to the Town, or amount required for the project was calculated based on the project population of the project. The result of this analysis was a total administrative cost for St. Andrew's of approximately \$69,500 per year (in 2007 dollars).

As addressed in the Dutchess County Economic Development Corporation analysis discussed below, the total revenues distributed to the Town, taking into account the total costs to the Town, will result in an approximate annual \$674,275 surplus (in 2007 dollars) in tax revenues at build-out. This surplus would have been more than sufficient to cover any extraordinary costs, beyond those of a marginal nature, including costs associated with the building and tax assessment that are not covered by the fees that the project will be required to pay.

In 2021, Camoin Associates updated the analyses prepared previously. A summary report was prepared which amended the total housing units from the originally proposed 844 to 801 housing units for the Bellefield development. Although the specific unit mix has been updated, the “bringdown” does not analyze the specific reduction by housing unit type, although it is represented that fewer households would generate fewer services. Although the analysis was conducted based on the same assumptions as the prior methodology of the 2007 fiscal analysis, it is noted that the Town does not concur that the net fiscal impact to the Town is based on a net 50 percent of households coming from outside the Town. Ultimately, if 50 percent of households move to the development, 50 percent of those dwelling units will become available to other households. Unless the development were to result in vacant housing units in the Town, the fiscal impact is ultimately associated with the introduction of 801 households to Hyde Park and all taxing jurisdictions. Based on 801 households, Camoin Associates calculated as follows:

**801 Residential Units: December 2021 Estimated Fiscal Benefits, New Costs, and Benefits / Costs Ratio over 10 Years of Project Activity**

	Total Project (1)	Dutchess County	Town of Hyde			Roosevelt FD	
			Park	Hyde Park CSD	Fairview FD	with Debt Service	Hyde Park Library
New Revenue from Project Construction, Operations, and New Households	\$ 160,594,557	\$ 32,063,673	\$ 17,559,925	\$ 105,687,303	\$ 1,640,082	\$ 352,777	\$ 72,517
Costs to Municipal Government, School, and Special Districts	\$ (45,322,897)	\$ (3,639,299)	\$ (3,060,979)	\$ (38,622,619)	\$ -	\$ -	\$ -
Net Fiscal Benefit before any Financial Assistance	\$ 115,271,660	\$ 28,424,374	\$ 14,498,946	\$ 67,064,684	\$ 1,640,082	\$ 352,777	\$ 72,517
<b>Benefit/Cost Ratio before Potential Financial Assistance</b>	<b>\$ 3.54</b>	<b>\$ 8.81</b>	<b>\$ 5.74</b>	<b>\$ 2.74</b>			
Net Fiscal Benefit before any Financial Assistance	\$ 115,271,660	\$ 28,424,374	\$ 14,498,946	\$ 67,064,684	\$ 1,640,082	\$ 352,777	\$ 72,517
Potential Financial Assistance Package Costs, or Foregone Revenue	\$ (67,365,664)	\$ (17,213,089)	\$ (4,947,219)	\$ (29,319,878)	\$ (454,993)	\$ (97,868)	\$ (20,118)
Net Fiscal Benefit after Financial Assistance and New Incremental Costs	\$ 47,905,996	\$ 11,211,285	\$ 9,551,727	\$ 37,744,806	\$ 1,185,088	\$ 254,909	\$ 52,399
<b>Benefits to Costs Ratio after Potential Financial Assistance</b>	<b>1.43</b>	<b>1.54</b>	<b>2.19</b>	<b>1.56</b>	<b>3.60</b>	<b>3.60</b>	<b>3.60</b>

Note: Revenue from operations and new household spending, and the value of financial assistance, are present value at a discount rate of 2%.

(1) Foregone NYS sales tax outside of Dutchess County is included in Total Project column only. Values over a 10-year period are discounted present value at 2%.

As per the chart above, if the costs to municipal government, school and special districts were doubled to reflect 100 percent new households being introduced to the Town, it would still result in a net positive fiscal benefit, when considering all revenue from project construction, operations and new households.

The previous cited revenues do not include the building permit fees for the development that will cover some of the costs for the Town Building Department as part of the construction phase of the development. Similarly, site plan and subdivision application fees are not included in this analysis.

As per prior analyses, the only specific Town service likely to be increased as a result of the Project is the need for one additional police officer, as cited in the correspondence from the Police Department in the DEIS. The surplus in revenues would be sufficient to cover this cost.

The Applicant is requesting a PILOT from the Dutchess County IDA. No such approval has been granted at the time of this Findings Statement.

**The Planning Board finds that the St. Andrew's Project has addressed relevant economic issues and that the Project will result in economic benefits to the Town and other taxing jurisdictions.**

### **Community Facilities and Services:**

The DEIS analyzed the potential impacts on community facilities, including emergency services, solid waste, the Hyde Park Central School District and Town recreation. The Planning Board, as part of a SEQRA Lead Agency circulation regarding the Amended Concept Plan, circulated the plan to community service providers and did not receive any comments from the agencies nor did any agency express concerns regarding the Amendments to the 2007 Plan.

#### Emergency Services

As previously noted, based on correspondence received from the Police Department it is anticipated that one additional police officer would be necessary to service the Site. In addition, the Project will have a private security force or service to ease the impact on police service demand. The Applicant will coordinate with the Chief of Police of the Town and will provide whatever level of private security deemed necessary and appropriate to allow the Town to maintain the proper level of public safety while increasing its staff by only one officer to address the security needs of the Site. The Planning Board shall include the private security system in its Site Plan review and approval.

The three fire departments that service the St. Andrew's Site raised a number of concerns related to Project Site design, the details of which will be addressed as part of Site Plan review and approval. The Project Site will be served with public water in the Hyde Park Water District operated by the Dutchess County Water and Wastewater Authority.

The Fairview Fire District will service no more than seven of the single-family homes located to the north of West Dorsey Lane. The Hyde Park Fire District will service 12 of the single-family homes located to the south of St. Andrews Road, the Wastewater Treatment Plant, and the 75,000 square feet of development to be located on the northwest corner of the Project Site. The remaining development will be serviced by the Roosevelt Fire District. At present, the Roosevelt Fire District primarily services residences, with some commercial uses (especially along Route 9G), and the Culinary Institute of America campus, across from the Project Site.

It was requested by the Roosevelt Fire District that the potential call volume resulting from the Project be estimated. The Roosevelt Fire District will be servicing 539 of the proposed residential units on-Site. This represents an 18 percent increase of units over the 3,000 families that the District currently serves. The District reports that they received 1,043 total calls in 2006, including responses to downed wires, false alarms, miscellaneous rescues, etc. Of the total calls, 90 were response to fires and 616 were ambulance calls. Applying the 18 percent figure to the total calls, 188 new calls are estimated from the increase in residential units; including 16 fire related calls and 111 ambulance related calls. These figures do not include the additional calls to the mixed-use center's commercial buildings. All commercial buildings will be sprinklered, as will the educational facility, the apartment units within the mixed-use center, and all of the townhouse units in the residential area. The commercial buildings will be mostly two to three stories in height. Only the hotel will be a five-story structure.

In addition to projected call volumes, the Roosevelt Fire District requested that a general cost vs. revenue estimate be prepared. Utilizing the Fire District's 2007 budget figure of \$899,498, it was estimated that the 3,000 serviced families pay \$299.83 per family (or  $\$899,498/3,000$ ) to the District. As such, it can be estimated that the cost to service the 539 new residences would be \$161,608 (or  $\$299.83 \times 539$ ). The proposed development will generate over \$8 million in total property tax revenue at full build-out, including nearly \$393,000 in revenues for the Roosevelt Fire District. These revenues would more than cover the estimated cost to the Fire District, The Fire District raised concern for the 10 acre CIA parcel being tax exempt. As illustrated above, sufficient tax generation is projected, even without these additional 10 acres on the tax rolls.

Although it is exempt from real estate taxes, the CIA provides support to the local fire department in the following ways:

- The CIA developed a program that encourages its students to volunteer for membership in local fire departments;
- The CIA provides an annual Banquet for Roosevelt Fire Department valued at over \$25,000 as a thank you for their dedication;
- The CIA provided a grant of approximately \$4,000 for the purchase of a trailer to be used as a training tool by Roosevelt Fire Department in local schools;

- During the summer break, when the College is closed, the CIA allows local Fire and Police Departments to use their facilities for practice disaster training sessions;
- In July 2006, with the help of the Roosevelt Fire Department, the CIA's Resident Assistants (RAs) conducted a one-day Fire Safety Seminar, which was well received by both the RAs and the firefighters;
- The CIA levies \$1,000 in fines to students who have made malicious/false fire alarms; when the fines are collected, the Institute turns these funds over to the Roosevelt Fire Department; and
- Between 2001 and 2005, several activities/donations were made by the CIA to the fire department, including, but not limited to: an annual dinner; fire prevention trailer; helped write/proofread a NYS grant application letter; surplus bunk beds; surplus mattresses; pots and pans; stove; cakes, pies and cookies for miscellaneous activities; and a food donation for Paul Tegtmeirer memorial service held at Marist College.

Baker/Gagne met previously with the Fire Departments in April and May 2007, and the current Applicant will continue to meet with the departments as part of the Site Plan/Subdivision review process.

### Solid Waste

The anticipated Municipal Solid Waste (MSW) generated for the Site was calculated utilizing the NYSDEC approximation of 4.5 pounds of waste per person/per day. The DEC approximation accounts for the total MSW generated including waste from businesses and institutions and not just residential waste. Since the Project is a mixed-use development, the DEC approximation was utilized for estimating the anticipated solid waste for the entire project facility. The proposed development for the Project Site increases the number of residential dwellings from 558 to 801 dwellings, or a total population change from approximately 1,371 persons to 1,924 persons, using 2019 Census estimates of average owner-occupied and renter-occupied households. The resulting total MSW generated for the entire Site increases to 1,580 tons from the 1,124 tons per year estimated in 2007. The solid waste pick-up will require individual contracts with local carriers. Federal and State legislation mandates that recyclable material be separated. Separation of recyclable materials can reduce the waste stream by up to 30 percent. MSW areas will be sited at building service areas or other areas where pedestrian traffic is minimal. Fencing or other screening, such as landscaping, will be utilized to minimize visual impacts. MSW locations will be determined during Site Plan review.

### Schools

The DEIS estimated the number of school children anticipated as a result of the 2007 Project. As the DEIS was being reviewed, and the Site program was revised, and an updated school children generation analysis was completed, DCDEC's fiscal impact

analysis included an analysis of school children generation and impacts on the Hyde Park School District. This analysis projected the generation of 143 school-age children from the originally proposed 588 residential units. This projection of 143 school-age children is consistent with the high end of the range of students in the DEIS, or 139 students. The fiscal analysis showed that the projected tax generation is in excess of the per student costs relative to the school children generation.

As per estimates provided by Camoin Associates and Storrs Associates (December 2, 2021), the amended Concept Plan will introduce 801 dwellings which will generate 320 students (.39% x 801).

The St. Andrew's project in 2007 would have a positive net impact on the Hyde Park School District. In the first year, the net revenue to the school district, through commercial and residential property taxes, is estimated to be about \$2.3 million; at full buildout, the annual total net revenue is projected to be \$8.3 million.

The number of school children living at St. Andrew's for each year was estimated. Based on the types of structures proposed for St. Andrew's, the previously noted total of 143 public school children is projected after full buildout. The cost to the School district was estimated by assuming that new students would bear an average per pupil cost, determined by the school district levy divided by enrollment. In 2009, the per pupil cost was calculated to be \$11,981. In future years the per pupil cost was increased annually by 9.01%, based on the historical trend. Revenues were calculated by multiplying the assessed value of the commercial and residential portions of St. Andrew's by the Hyde Park CSD tax rates shown earlier. In subsequent years the tax rates were trended by the average historic increases in mil rate within the Town from 1997-2007, 7.34% per year.

For new resident employees, the number of public school children was based on a standard figure of 0.62 public school children per household. This estimate was calculated across all types of households for the Dutchess County average family size of 2.81. At full buildout, it was estimated that new employee households would yield 84 new public school children across county school districts. Because it is not possible to predict where new resident employees might reside in the County, the impact could not be estimated for specific districts. Overall, using Hyde Park CSD tax rates, the tax revenues from the 138 newly purchased homes for the new resident employees at buildout amounted to \$655,000 per year.

Applying the Hyde Park CSD per student cost, the total cost would be \$2.2 million. Assuming 25% of new resident employees would settle in the Town of Hyde Park, a relatively small cost per year at buildout of \$560,000 (versus the net tax revenue of \$6.2 million per year for the St. Andrew's project) would result for the Hyde Park CSD from these new resident employees,

### Town Recreation

In addition to its wealth of cultural facilities, State and County parks and private facilities, the Town of Hyde Park has a total of eight municipal parks. Amenities provided by these parks include: play equipment, basketball courts, ball fields, multi-purpose field, grassy areas, soccer field, pavilion, fishing pond, and nature trails. The parks nearest the Project Site are Pinewood Park, which is roughly two miles north, and Beck Park, which is roughly two miles east of the Project Site. The Town's central recreation facility Hackett Hill Park is located on East Market Street, approximately 2 1/2 miles northwest of the Project Site.

Approximately 244.73 acres of the Project Site will remain as open space. In addition to the series of parks and green space provided throughout the Project Site, the trail network provides approximately 10 miles of on-site trails and five miles of sidewalks linking the different areas of the project development. In addition to sidewalk connections, the trail system provides paths between the mixed-use center and the residential development. The Site trails will tie into the townwide trail system. The Applicant also has agreed to contribute \$50,000 to the Hyde Park Recreation Trust Fund, working in conjunction with the Recreation Commission and Recreation Director for off-Site park improvements. The Site design includes at least three public parks, three public pocket parks, and trails open to the public. The trails will be owned by a property owners' association, but a conservation easement will be granted to the Town and to one or more qualified land trusts to assure that the trails will remain available to the public in perpetuity. The trails will be considered part of the internal Hyde Park trail system and will be managed by the Hyde Park Trail Management Committee or a similar public-private committee established by the Town Board. Other amenities such as, gazebos, kiosks and playground equipment will be provided in the public parks and pocket-parks, On-site kiosks in the mixed-use center open space areas will post maps of trails and sidewalks for visitors to the property, and while a directory of businesses located on-Site may be provided, advertisements for these businesses will not be posted. Details will be provided as part of Site Plan approval.

The Planning Board will determine when the various trail segments will be constructed as each phase of development is proposed.

Improvements to on-Site parks and recreational facilities will be subject to Final Development Review by the Planning Board where site-specific installations and equipment to explore active and passive recreational opportunities will be explored.

The Applicant will grant a conservation easement to a qualified land trust and the Town over the open space to the east of the residential development to assure that it is maintained as open space in perpetuity and to provide that it may be used and developed as a nature preserve and recreational area jointly by the land trust and the Town. The Applicant will make a \$25,000 contribution, or whatever greater amount is required by the land trust as an endowment for inspection and management expenses. However, this contribution does not release it from the requirement of establishing the master property

**Based on the above, the Planning Board finds that community facility impact issues have been fully addressed. The Planning Board finds that tax revenues**

**will more than offset cost impacts and that the Project will provide recreational facilities that will serve Project residents, visitors and the Town as a whole.**

### **Cultural Resources:**

Phase 1 and Phase 2 Archaeological Investigations were conducted on the Project Site by Historical Perspectives, Inc. Field testing was conducted concurrently with the DEIS and FEIS process. Documentary research was initially completed on the Site in order to identify potential archaeological resources within the Area of Potential Effect (APE). This examination included the review of a variety of document types for information on former land owners and land use over time. For field management purposes, the Project APE was subdivided into 14 distinct Areas, each with an established datum point. Areas were defined by natural topographic features, existing dirt roads, or the boundaries of the APE. The New York Archaeological Council (NYAC) guidelines (1994) were consulted when creating the testing Plan for the project APE. The resulting Plan employed a 15-meter (49 feet) testing interval on parallel transects in order to ensure coverage of the Site, Judgmental test units were also placed in some locations where potential cultural resources were identified. A Supplemental Phase IB field examination was conducted following the alteration of the proposed Site Plan to include additional acreage. These documentary and field examinations identified a limited number of archaeological Sites.

In 2021, the Applicant initiated consultation with the New York State Offices of Parks, Recreation and Historic Preservation, State Historic Preservation Office (SHPO) regarding the Amended Concept Plan. Based on consultation with the agency, a Supplemental Phase IB Archaeological Field Reconnaissance Survey (Hudson Valley Cultural Resource Consultants (Sept. 2021, 21SR00482) was prepared. This was to evaluate the approximately 8.5 acres not previously tested located in the central portions of the development area. No archaeological sites were identified by the survey and SHPO concurred with the report recommendation that no additional archaeological work is necessary.

### **Precontact Archaeological Resources:**

Field testing found that the vast majority of the APE did not possess precontact deposits. This is likely due to the rocky terrain, overall poor drainage, and prior disturbance caused, by extensive land manipulation during the years it was owned by the monastery. Of the 12 shovel test units that produced precontact material during the initial Phase IB field investigation, the majority contained only one lithic (chert flake). Array tests were completed around each isolated positive test and no additional precontact material was recovered,

Only two clusters of precontact material were identified: Area 4 (Phase IB) and Area 9 (Supplemental Phase IB),

Phase 2 field testing was conducted in Area 4 and did not yield any additional precontact material in the SI s or the larger Excavation Units (EUs). These results indicate that this location lacks the criteria necessary for National Register (NR) eligibility as it has no research potential.

Phase 2 field investigations are planned for Area 9 to determine the size and integrity of the second small precontact Site, and to assess the Site's research potential.

#### Historical Archaeological Resources:

Two historical Sites (the Walton Roosevelt House Foundation and the Webendorfer Barn) were identified during the field investigations.

The Walton Roosevelt dwelling foundation was found in Area 12 during the Phase IB field investigation. A subsequent Phase 2 examination was conducted and produced historical cultural material representing its earliest stages of Site occupation in the mid-18th century through its more recent use by the Jesuit Novitiate. Although only a limited number of features were identified during the Phase II field investigation, they have provided evidence of both the Site's earliest use and the adaptations that have occurred on the Site over time. This historic compound appears to be contained within a small portion of the overall Project Site.

The documentary research and results of archaeological field investigations indicate that the Walton Roosevelt Site meets the criteria necessary for NR eligibility. The Site was occupied by ancestors of at least two profoundly influential families in the 18th and 19th centuries, namely the Roosevelts and the Stuyvesants, and has yielded information important in history (NR Criterion B and D). Further, the clear stratification of cultural material and presence of undisturbed deposits indicates that some form of mitigation for the Site is warranted.

A Phase 3 Data Recovery Plan (DRP) is being developed for the Walton Roosevelt Site, in consultation with NYSHPO, to provide for the recordation of structural remains, and the further recovery of buried resources. The final reports shall be presented to the Planning Board for its consideration in Site Plan review to determine if any adjustments to the Site Plan are necessary.

The Supplemental Phase IB field examination identified the remains of the foundation and floor of the former Webendorfer Bam in Area 9. This feature was part of a larger farm complex that was present on both sides of Route 9 and might have been constructed as early as 1860. The domestic Site associated with this farm is not within the Project APE.

The historical foundation is in the same location as the precontact Site in Area 9. Simultaneous Phase 2 testing is planned in order to refine the construction and demolition dates of this large outbuilding. If it is found not to be significant no further testing is necessary. If it is found to have potential significance than further testing will take place in coordination with SHPO.

As per SHPO's 2021 review, the archaeological unit reviewed the Amended Concept Plan and found that the Walton Roosevelt Farmstead Site (02707.000012) will continue to be avoided.

**The Planning Board finds that appropriate testing has taken place with respect to cultural and historic resources and any required further testing will take place in consultation with the New York State Historic Preservation Office.**

### **Alternatives Considered in the DEIS and FEIS:**

The DEIS analyzed a series of alternative actions for the Project Site as were required by the Scope, including: 1) a no action scenario; 2) the maximum development under the previously existing zoning of the Site (which was the Site zoning at the time of adoption of the DEIS scope); 3) maximum development under a previously approved "METZ" proposal; 4) alternative design concepts; 5) the St. Andrew's Project with a round-about at the intersection of St. Andrews Road and Route 9; and 6) other alternative approaches to traffic patterns and Site connectivity.

#### No Action

- Under the No Action scenario the subject property would remain undeveloped.
- The opportunity to create a key gateway into the community in unison with the CIA campus would not be utilized, leaving the community identity undefined.
- The Town, as well as the greater region, would not have the benefit of the much-needed hotel and conference center use in close proximity to the CIA and several other colleges in the area.
- The vacant parcel would not generate the significant tax generation for the Town and other taxing jurisdictions.

#### Maximum Development Under Existing Zoning (at the time of adoption of the DEIS Scope)

- Under zoning prior to enactment of the Bellefield PDD, the Project Site had the potential for development of up to 656 single-family homes, and up to 2,548,260 square feet of office laboratory space in three-story buildings. Both of these residential and non-residential development totals and associated impacts are higher than those of the St. Andrew's Project.

#### Maximum Development Under Previously Approved "METZ" Proposal

- The proposed development for the previously approved METZ proposal included: 1) a 300 room hotel/conference center; 2) an office and research park area with approximately 500,000 square feet of floor space; 3) a Planned Business/Visitor Center with approximately 50,000 square feet of floor space; and 4) a total of 108

single-family dwellings and 600 multifamily units on 589 acres of land. Concentrated on the St. Andrew's property, development included office and research laboratory development within the central portion along Route 9; multifamily units running north and south within the central portion of the Site; and single-family lots within the eastern portion of the Site,

- The development in the St, Andrew's Project is well within the amount that included in the METZ Plan and the deed restriction that accompanied that plan.

#### Alternative Design Concepts

- The original design concept for the Project Site included a golf course to be located in the easternmost portion of the Project Site, Due to wetland constraints, the golf course alternative was deemed to be infeasible for the Site.
- The original design also included a smaller Village Center than part of the revised Site plan. It is clear that this Site provided a real opportunity to develop the "tourist-related economy" and contribute to the Town's commercial tax base. With the smaller Village Center, there was less opportunity to provide a greater mix of uses on-Site, as specifically called for in the Town's Comprehensive Plan.

Based on a series of work sessions with the Town and Planning Boards, and prior to the submission of the FEIS, Baker/Gagne revised the Site Plan and program for St. Andrew's at Historic Hyde Park. The following addresses the key changes made as a result of these discussions:

#### Location and Design of Residential Mix

A number of concerns were raised with regard to the area identified as the residential community.

The original Comprehensive Development Plan located all of the proposed single-family homes on the northern end of the Site, with the duplexes situated in the center of the development around a loop road and along the main spine roadway. The townhouses were proposed to be located on the southern end of the development along the main roadway and within courtyard areas that were proximate to the eastern Site boundary. The Board requested that Baker/Gagne look at another way of designing the residential layout. Neighbors were particularly concerned with the townhouse locations. The Revised Plan has reorganized the locations of the various housing unit types. The single-family homes are now located on either end of the main residential roadway, including the southern end where they are closer to West Dorsey Lane.

The proposed duplexes line either side of the connector road that leads from the main residential spine road to the northernmost portion of the mixed-use center. This connector road ends at an intersection with the main residential roadway, facing one of the new pocket parks. Duplex units are located on either side of this park area. Additional duplexes are located along the main road, which forms the southern portion of the central loop.

The townhouses are primarily situated centrally around the northern portion of the loop, off the north-south spine road. The remaining townhouses are located just south of this loop, across from the intersection of the spine road the new east-west connector road leading west to the mixed-use center. This road connector has been provided to better link the residential and mixed-use areas together in the center portion of the Site.

The residential area includes sidewalks, trails and neighborhood park areas, one of which borders a 24 space parking lot open to the public, which was added to the revised Comprehensive Development Plan. This parking lot will provide convenient access to the on-Site trail system. The residential area is surrounded by open space areas to the east and west, which includes the extensive trail network. The single-family homes are planned for lots of approximately 10,000 square feet. Although the residential development may still be characterized by its linear, north-south design, the Town concurs that the housing mix and open space characteristics are appropriate for the Site and the overall development program. The linear design responds to the Site's natural features and physical constraints and provides two major access points, one to St. Andrew's Road and a second to West Dorsey Lane. Note, however, that the West Dorsey Lane access has been revised, serving as a connector route to the mixed-use center and complementing the two additional connections between the residential and mixed-use center.

In addition to the above changes, the residential units in the eastern portions of the mixed use center have been redesigned to provide an improved transition between commercial and residential use areas, linking the two major portions of St. Andrew's as a unified whole. Further changes to the location and design of residential units may be deemed necessary as part of Site Plan review by the Planning Board for reasons stated above, consistent with the FEIS, these Findings, and the PUD Concept Plan approved by the Town Board.

### 150-foot Setback

The Bellefield PDD zoning includes a 150-foot setback standard along Route 9. While the original Comprehensive Development Plan was primarily consistent with this standard, there were a number of signature and other buildings along Route 9 that were not setback the full 150 feet. The Town Board expressed concern with the Plan not being setback 150 feet from the roadway. The revised Comprehensive Development Plan brings all buildings back a minimum of 150 feet from the roadway. In addition, the landscaping along Route 9 has been further enhanced with additional details.

### Additional Buffers

In six other areas of the Site, further buffering was provided based on comments received by Town Board and Planning Board members and the public. Although there are no buffer guidelines for these areas, the additional buffers were provided to enhance the plan. First, all of the buildings near West Dorsey Lane are setback a minimum of 150 feet. Second, the proposed wastewater treatment plant on the south side of St. Andrew's Road is also

setback further from the roadway, now providing a 150-foot setback from the treatment plant (and 110 feet from WWTP dewatering facility and sludge press). Third, as reflected in the new design layout of the residential development, there is a larger buffer area between the residential units in the southeastern portion of the Site and the adjacent property, which houses the bed and breakfast to the east. Next, the townhouse development in the mixed-use center, previously proposed at the corner of West Dorsey Lane and Route 9 has been eliminated with units relocated to other locations on the Site, leaving this corner as open space. Finally, the proposed development of the corner of Route 9 and St. Andrew's Road has its setback increased to approximately 250 feet, exceeding the Town's 150-foot standard for Route 9.

### Route 9 and St. Andrews Road Crossings

It is recognized that there is the potential for pedestrian activity between the CIA and the Project Site. The preferred method for accommodating that activity is by an exclusive pedestrian phase at the modified signal to Route 9 which serves both the CIA and the Site. The idea of the construction of a pedestrian bridge or tunnel was posed during discussions between Baker/Gagne and Town and Planning Board members. While comparisons have been drawn to Route 9 crossing conditions at Marist College in Poughkeepsie, the subject development is different in a significant way. The Marist dormitories are located across Route 9 from where the school's classrooms are located, forcing the need for students to cross continuously. The CIA dorms are located on the same side of Route 9 as are the school's classrooms, limiting the need to cross Route 9 on a regular basis. A bridge or tunnel crossing would see limited pedestrian activity since it is easier to cross Route 9 at grade than use the bridge or tunnel. In addition, a tunnel would have other safety concerns, and therefore, these methods of crossing were not recommended.

Another issue addressed during discussions with Board members was that of the potential construction of an interchange with a vehicle bridge over St. Andrew's Road. The volume of traffic at the proposed access points to St. Andrew's Road can be handled by a conventional driveway. The construction of an interchange with a vehicle bridge over St. Andrew's Road to allow for access from St. Andrew's Road to Sites across the street would result in a significant disturbance of land and have significant ramping on both the north and south side of St. Andrew's. Therefore, the interchange was considered not necessary.

The Applicant has constructed pedestrian improvements at its southerly entrance off Route 9, with a phase that can be activated by pedestrians that stops all vehicular traffic. The Planning Board will determine if and when a similar pedestrian-activated crossing will be installed at the intersection of Route 9 and St. Andrews Road during Final Development Plan review.

### Connectivity / Trails

Comments were made by Board members and the public in 2007 that there should be more connectivity between the mixed-use center and the residential development proposed in the rear portion of the Site. Two key strategies were integrated into the

Comprehensive Development Plan to provide further connectivity. The first was the provision of an additional connector road located just north of the hotel, which leads to the townhouse residential units to the east. This roadway provides a new east-west connection central to the development, bringing the total to three east-west road connections. Along with this new connection, residential units were added, uniting these two portions of the Site. Residential development in the vicinity of this connector was increased, moving units from other portions of the mixed-use center to this locale, thereby providing better connectivity between the different portions of the proposed development.

The Amended Concept Plan has a more dense village center and has connections to each of the five proposed neighborhoods. In addition, the on-Site trail network was expanded and more clearly defined, and updated to be consistent with the revised Site plan. There are approximately 10 miles of on-Site trails and five miles of sidewalks linking the different areas of the project development. In addition to sidewalk connections, the trail system provides paths between the mixed-use center and the residential development. The Site trails will tie into the townwide trail system.

#### Northwest Corner

The northwest corner of the Site, located at the intersection of St. Andrew's Road and Route 9 is an important economic location. It was considered by Baker/Gagne to be a prime commercial Site; the Town sees it as an important open space. In response to these divergent opinions, the Comprehensive Development Plan presented in the FEIS reduced the proposed square footage of development on this corner from 100,000 square feet to 75,000 square feet and increased the Route 9 setback to almost 250 feet. Additional landscaping will be provided along the Route 9 frontage. Most of the parking for the two-story building will be to the rear, fully shielded from view. The architectural design will complement historic architecture in the Town, subject to Site Plan Review by the Planning Board, making this a distinctive Site development in an open space setting

The Town Board concurred with Baker/Gagne that this portion of the Site is an important transitional location between the St. Andrew's Project Site and the CIA to the south and the Historic Town Center to the north. Unfortunately, some existing uses present at the critical intersection of St. Andrew's Road and Route 9 do not reflect the importance of the areas to the north and south. Some existing land uses have an underutilized appearance. To resolve this condition, significant improvements need to occur, starting with Baker/Gagne's corner building and its landscape design. The contemplated uses for this Site, such as specialty retail (whether it be a single user or a series of small boutiques) would also help to facilitate this transition with professional offices above the commercial uses, Baker/Gagne agreed not to lease the commercial space to convenience retail (e.g., drug stores, drive-through uses, etc.), which might be better suited to other locations to the north on Route 9.

## **Conclusions:**

In issuing this Statement of Findings, the Planning Board has carefully examined and given due consideration to the record relating to the Project, including the DEIS, the DEIS Addendum, the FEIS, numerous appendices incorporated in the FEIS, the public and agency comments thereon, the 2017 Amended Findings Statement, the Subphase 1-A Negative Declaration, the 2021 EAF and supporting SEQRA submissions, and such other communications as comprise the administrative record. In this process the Planning Board has also given due consideration to laws, policies and planning objectives of both the Town of Hyde Park, Dutchess County and the State of New York. In so doing, the Town Board has sought to balance the potential environmental and socio-economic impacts of the Project.

The DEIS on the 2007 Plan analyzed a series of alternative development scenarios for the Project Site, and selected the plan ultimately approved. The Planning Board has considered the impacts of that Plan, and the range of alternatives therein considered, and compared the impacts of the 2007 approved Plan with the Amended Concept Plan. The Planning Board finds that the changes in the Amended Concept Plan do not create any potentially significant adverse environmental impact that has not already been considered in the EIS previously prepared, and has determined that there is no need to prepare a Supplemental Environmental Impact Statement. The Planning Board also determined that it was appropriate to amend the Findings Statement that was initially adopted by the Town Board and thereafter adopted by the Planning Board on January 3, 2018.

Implementation of the Amended Concept Plant will be required to conform to the limits and mitigation measures detailed in these Findings. Accordingly, the Planning Board finds that the adverse environmental impacts disclosed in the aforementioned SEQRA documents, will be minimized or avoided to the maximum extent practicable. The Planning Board further finds that the Bellefield Project will be consistent with applicable land use and zoning objectives of the Town of Hyde Park.

## **Certification to Approve:**

Having considered the Draft and Final Environmental Impact Statement and subsequent SEQRA submissions in support of the 2021 application, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts, including impacts to the Corridor Business Zoning District as a result of an on-site sewer system, to the maximum extent practicable, and that adverse impacts shall be avoided or minimized to the maximum extent practicable by incorporating as

conditions to the decision those mitigation measures that were identified as practicable, including those identified in the Findings Statement as amended; and

3. The Planning Board in making its determination has weighted and balanced relevant environmental impacts with social, economic, and other considerations.

The foregoing Findings Statement, as amended, was adopted on \_\_\_\_\_, by Resolution of the Planning Board, Town of Hyde Park, as Lead Agency, and a copy of said Resolution is annexed hereto.

Address of Lead Agency:

Hyde Park Planning Board  
Hyde Park Town Hall  
4383 Albany Post Road  
Hyde Park, New York 1

Filed with:

Aileen Rohr, Supervisor/Chief Executive Officer  
Planning Board, as Lead Agency  
Involved Agencies  
Other Involved Agencies  
Applicant/Owner T-Rex Hyde Park Owner, LLC

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