

VILLAGE OF CHESTER

County of Orange, State of New York

RESOLUTION

ACCEPTANCE OF LEAD AGENCY STATUS AND POSITIVE DECLARATION
UNDER SEQRA FOR BT HOLDINGS LLC PROPOSED ACTION/PROJECT

Introduced by: Trustee, Eugene Collins

Seconded by: Deputy Mayor, Jack Deshler

Date of Adoption: April 14, 2008

WHEREAS, the Mayor and the Trustees of the Village of Chester (the "Village Board") received a petition from BT Holdings, LLC (the "Petitioner"), pursuant to Article 17 of the General Municipal Law of the State of New York, for the annexation from the Town of Chester to the Village of Chester of a parcel of property consisting of 60.6 acres of land; and

WHEREAS, the Petitioner seeks, in addition to the annexation of 60.6 acres of land from the Town of Chester to the Village of Chester, the rezoning of said land to the RM zone, the construction of a 438-unit residential development, and connections to the Village's water and sewer service (collectively the "Proposed Action" or "Project"); and

WHEREAS, the Village Board has made a determination that the Proposed Action is a "Type I" Action under the State Environmental Quality Review Act and the regulations promulgated thereunder (collectively "SEQRA"), specifically 6 NYCRR 617.4; and

WHEREAS, the Village Board heretofore duly requested lead agency status and provided the requisite notice to all identified involved agencies of such request; and

WHEREAS, more than thirty (30) days has elapsed since the referenced notice was served, and no involved agency has objected to the designation of the Village Board as lead agency under SEQRA; and

WHEREAS, the Village Board has reviewed various materials provided to the Village Board by the Petitioner including, but not limited to, the Petition, Part I of the Environmental Assessment Form ("EAF"), and the materials provided by Petitioner at the joint public hearing on the annexation held by the Village Board and the Town Board of the Town of Chester on March 22, 2008 (the "Joint Public Hearing"); and

WHEREAS, the Village Board has considered comments by the public at the Joint Public Hearing regarding the Petitioner's proposed action.

NOW, THEREFORE, be it hereby

RESOLVED, pursuant to 6 NYCRR §617.4, the Village Board hereby accepts and assumes the responsibility to act as lead agency for the environmental review of the Proposed Action under SEQRA , and be it further

RESOLVED that, based upon the Village Board's review of the Proposed Action and the materials provided by Petitioner, as detailed above, and the comments received from the public on March 26, 2008, at the Joint Public Hearing, and all other materials submitted in connection with the application, the Village Board hereby determines that the proposed action may result in significant adverse environmental impacts and hereby issues a positive declaration as to the Proposed Action pursuant to SEQRA, and be it further

RESOLVED, that the Village Board finds that the project presents significant potential adverse environmental impacts in at least the following respects:

1. A potential adverse impact associated with traffic generated from or associated with the proposed action on the present patterns of transportation resulting in potential traffic problems along New York State Route 17M, New York State Route 17, as well as other traffic arteries serving the property and/or the surrounding community.
2. A potential adverse impact on the existing character and growth patterns of the community, as well as significant potential adverse change in the existing density of land use on the property of issue and surrounding areas.
3. A potential adverse impact associated with increased water and sewer usage serving the property and/or surrounding community.
4. A potential adverse impact in the increase of waste production (human and otherwise) at the property.
5. A potential adverse impact associated with increases in noise levels in and around the property.

6. A potential adverse impact in the removal and/or destruction of large quantities of vegetation and fauna.
7. A potential adverse impact associated with the encouraging and attraction of a large number of people to the Project on a permanent and semi-permanent basis.
8. A potential adverse impact from changes to the property's existing drainage and water flow patterns, and the water drainage and water flow patterns of adjacent properties and the community.
9. A potential adverse impact associated with air quality and/or air pollution resulting from the inducement of more vehicles and/or traffic to the property and surrounding community.
10. A potential adverse impact associated with the increase use of energy associated with the property/project and the supply of energy to the same.
11. A potential adverse impact to wetlands located on the Property.
12. A potential adverse impact in that the Project is located within an area with potential archeological and cultural resources.

RESOLVED that copies of this resolution, as well as a notice of positive declaration and intent to prepare a draft environmental impact statement, shall be transmitted to all identified involved agencies, made available to the public and filed and published in accordance with 6 NYCRR 617.12; and be it further

RESOLVED, that the Village Board, as lead agency, hereby determines that scoping pursuant to 6 NYCRR 617.8 shall be required in the review of this proposed action; and be it further,

RESOLVED that, the Village Board, having on this date received a draft scoping statement from the applicant pursuant to 6 NYCRR 617.8, hereby authorizes the Village Clerk to circulate the draft scoping statement to the other involved

agencies, previously identified, to afford them the opportunity to comment and supplement said statement; and be it further,

RESOLVED, that a public scoping session be held on April 30, 2008 at 7:00 p.m. at Town of Chester, Town Hall, Kings Highway, and be it further

On a vote of 5 to 0, the Mayor declared the resolution adopted.