

I. OVERVIEW

This Final Environmental Impact Statement (FEIS) has been prepared for the Lake Walton Park Subdivision and Site Plan Approval Application (the Proposed Action) that is before the Town of East Fishkill Planning Board. The Lake Walton park property is situated on the east side of Lake Walton Road in the Town of East Fishkill, New York. Pursuant to the State Environmental Quality Review Act (6 NYCRR Part 617.14(h)), this FEIS incorporates by reference the Project's Draft Environmental Impact Statement (DEIS), dated 01/2005, accepted as complete by the Town of East Fishkill Planning Board subject to minor revisions on 12/21/2004. The DEIS was available for public review and comment through 04/04/2005, and the Public Hearings on the project were opened on 02/22/2005 and closed on 03/22/2005.

A number of modifications have been made to the Proposed Action discussed in the DEIS as a result of public and Town input on the DEIS and further study by the applicant. These changes are discussed in the Comments and Responses section, following, and are summarized below:

1. With regard to the proposed Lake Management Plan that was discussed within the DEIS, the applicant subsequently met with the New York State Department of Environmental Conservation (NYSDEC), and the studies and information discussed in the FEIS reflect responses to this meeting with the NYSDEC. The Lake Management Plan (LMP) has been updated and is included in Appendix B of this FEIS for review by the Town of East Fishkill. The updated LMP will be submitted to the NYSDEC for their simultaneous review.

A detailed map of the vegetation distribution or plant density has not been produced, as these elements change seasonally and from year to year. The vegetation is dominated by waterlily, which covered most of the lake surface in the summer of 2006. Identification of the species of *Myriophyllum* present in the lake will be made prior to implementation of the Lake Management Plan in order to determine if herbicide treatment of the lake is warranted prior to harvesting the plant biomass.

Filamentous green algae was observed, but was not identified to genus or species. Many species of algae and diatom are present in the lake at various times throughout the year.

The fisheries information provided in the LMP is not intended to be a comprehensive community assessment, but again is intended to provide some background on the species presently found in the lake. The high vegetation density and large size of the lake make conducting a comprehensive species inventory and community assessment impractical.

All sediment covers proposed in the LMP will be permeable to gasses.

The recommendation in the Lake Management Plan will be modified to state that stocking of alewives or sawbellies should not be conducted without a comprehensive fisheries study and impact assessment. Because a comprehensive fisheries study is judged impractical, alewives and sawbellies are not proposed to be stocked in Lake Walton.

The frequency of dissolved oxygen (DO) monitoring has been changed in the Lake Management Plan to monitoring weekly near the surface and monthly in profile throughout the water column. Any restrictions on pesticide use within the wetland buffer will not prohibit approved and sponsored aquatic pesticide use within the lake.

Sediment

During the summer of 2003, four sediment samples were taken from the lake and mixed together for chemical analysis. The analysis was done in accordance with NYSDEC protocols. The result of the analysis showed that the sediment was clean. There were no contamination levels above acceptable levels for re-use onsite as defined by the NYSDEC. Additional sediment testing as required by the NYSDEC for the Lake Restoration permit will be conducted and those results will be shared with the Town of East Fishkill.

The nature of the sediment is a fine grain material and decomposed vegetative bio-mass.

Approximately 96,000 cubic yards of sediment will be removed from Lake Walton.

The sediment that will be removed from the lake will be encapsulated on-site. Please see Figure II.C-3 for the anticipated locations of the dewatering basins. All materials removed from Lake Walton will be re-used on-site, therefore no additional trucking/traffic impacts are anticipated.

Biomass

Approximately 20 acres of biomass will be removed from Lake Walton.

The biomass that will be removed from the lake will be encapsulated on-site. Please see Figure II.C-3 for the locations of the dewatering basins. An application for a special permit shall be submitted in writing to the Town of East Fishkill Zoning Board of Appeals per section 194.75 of the Town Code.

All materials removed from Lake Walton will be re-used on-site, therefore no additional trucking/traffic impacts are anticipated.

Gravel

The gravel that will be removed from the lake will be bank run and will be well graded and clean. Screening of the gravel is not anticipated. Should screening be required, a variance would be obtained from the Town of East Fishkill Zoning Board of Appeals.

Water Quality Monitoring

The applicant commits to carrying out the recommendations for water quality monitoring as provided in Section 4.5 of the Lake Management Plan in Appendix B of this FEIS. The applicant will be responsible for restoring the water quality in the event that it becomes degraded. These responsibilities will shift to the HOA once it takes over control of the subdivision.

2. Both parts of the existing dam/impoundment are to be modified and augmented to meet or exceed NYSDEC dam design and safety requirements.

Proposed are modifications of the existing Lake Walton Dam outlet structures to attenuate the increase in runoff from the proposed development, and augmentation of the existing dam to accommodate the reconstruction of the existing dirt roadway that passes over the dam.

The existing dam and spillway will be redesigned according to "Guidelines for Design of Dams" "Existing Dams" Section 5.3 by the New York State Department of Environmental Conservation (NYSDEC).

The augmented dam will meet or exceed NYSDEC design requirements. For instance, for the augmented Lake Walton earthen dam height of ± 10 feet, the NYSDEC requires a minimum allowable top width of ± 9 feet ($W=0.2H + 7$, where H is the height of the embankment, in feet). The augmented dam is proposed with a width of ± 39 feet, or about four times the minimum allowable width. This width accommodates the reconstructed roadway, shoulder, and a 4-foot sidewalk, and is thus essentially constructed four times in excess of the NYSDEC minimum dam width standards.

Other safety measures that are proposed for the dam management program include:

- Seepage control;
 - Carefully placed stone rip-rap on the upstream and downstream dam slopes to help maintain stability.
3. The infiltration basin that was proposed in the DEIS to be situated adjacent to the entry Road A and near the Vitek home has been eliminated. Drainage from this proposed roadway will instead be channeled eastward into the Lake Walton Park via roadway drain inlets and underground piping (Figure II.C-1). Therefore, no impacts to neighboring point wells are anticipated.
 4. To access the site, school buses will turn off of Lake Walton Road onto Homestead Drive and into the proposed Road B site access from Homestead Drive and proceed ± 500 feet to the proposed school bus stop roundabout (Figure II.I-1C).

Figure II.G-1 demonstrates that a full-size school bus will be able to traverse the proposed rotary and exit the site.

This is a different location than that proposed in the DEIS, which had the school bus pickup/drop-off along Road A. The relocated pickup/drop-off is integrated into the recreational parcel, is considered somewhat less trafficked than the Road A entryway, and is internally located within the site, away from existing residences along Lake Walton Road.

Discussions with the Town indicate that there are no objections to Road B and the roundabout becoming public roads, in conformance with School District policy that all roads utilized by school buses be public roads.

A meeting was held with the Wappingers Central School District on 12/12/2006 to give an update on the project and the plans for the school bus service. A confirmation letter approving the proposed site plans and school bus service is contained within Appendix M.

5. The passive public access area proposed adjacent to the Dutchess County trailway and as discussed in the DEIS is envisioned as a place to rest and observe the lake for the public utilizing the Dutchess County Trailway.

The applicant/HOA will not own and maintain public access to the lake. It is the applicant's intention to subdivide this parcel off from the project (Figure II.I-1A) and offer to dedicate it to the Town of East Fishkill or Dutchess County who would own and maintain the property and amenities. The Town has indicated it would be more appropriate to dedicate the parcel to Dutchess County since the parcel adjoins the County-owned Dutchess County Rail Trail.

At a meeting held on 10/20/2006 with the Dutchess County Department of Public Works, they confirmed their willingness to accept the dedication of the passive public recreation area subject to an agreement with the County. It is the intent of the applicant in further discussions with the Dutchess County Department of Public Works that no swimming, fishing or boating will be permitted from the land portion of the public access peninsula.

A confirmation letter from the Dutchess County Department of Public Works regarding the passive public access area is forthcoming.

In response to NYSDEC concerns, nature pathways are not proposed. Figure II.I-1B depicts the proposed revised site amenities.

6. As illustrated in Figure II.I-2, the tennis courts have been relocated to the intersection of Road A and Road C. This was formerly the location of the proposed school bus pick-up/drop-off area, which has been relocated to the recreation area (Figure II.I-1C) which is judged by the applicant to be a safer

location. This necessitated relocating the tennis courts due to size constraints of the recreational parcel. The tennis courts will be heavily screened from the adjoining properties to the west with evergreen plantings, and an earthen berm will be provided. In addition, a 100 foot setback will be provided to the nearest property line.

7. As indicated in Appendix I, the Dutchess County Department of Public Works has stated that the County agrees to two emergency access points to the site via the Dutchess County Trailway.

Figure II.I-3 illustrates the proposed emergency access for the site utilizing two access points to the Trailway. In this manner a "loop" emergency roadway is in effect created, linking the two cul-de-sac ends of Road C. The County has requested that the applicant provide heavier pavement on that portion of the Trailway (approximately 2,100 feet) that would potentially be used by emergency vehicles. In addition, the homeowners association would be responsible for plowing this portion of the Trailway following any significant snowfall.

The snow plowing service contracted by the HOA to plow the subdivision's private roads will be able to access the County Trailway at each of the site's emergency access road points, in effect creating a giant circular plow path which encompasses the site roadways as well as the portion of the Dutchess County Trailway to be plowed. The intent is to plow one lane of the Dutchess County Trailway to provide for emergency access by authorized vehicles while maintaining an unplowed path for cross country skiing. The Dutchess County DPW has accepted this plan noting only that if, in the future, the roads within the subdivision become public, the Town of East Fishkill would then be responsible for plowing the emergency access on the trailway.

All non-emergency motorized vehicular traffic would continue to be prohibited from using the Trailway, as specified in the DCWWA letter in Appendix I. The emergency access points will be provided with a barrier to prevent unauthorized vehicular traffic from accessing the Dutchess County Trailway. Some non-resident hikers may come off of the Dutchess County Trailway into the site, however signage will be posted stating that Lake Walton Park is private property and no trespassing is permitted. As part of site plan approval, drawings of the Dutchess County Trailway emergency access points and signage will be provided for review by the Town of East Fishkill and the Dutchess County DPW.

At a meeting held on 10/20/2006 with the Dutchess County Department of Public Works, they reconfirmed their willingness to allow Emergency Access to the subdivision via the Dutchess County Trailway subject to an agreement with the County. A confirmation letter from the Dutchess County Department of Public Works is forthcoming.

8. Detailed Site Plans for the Community Center will be submitted to the Town following SEQRF Findings. Figure II.I-1C depicts a conceptual plan for the recreational center, which includes a swimming pool and a dock into Lake Walton for access to non-motorized boats and fishing for the Lake Walton Park Community. In addition, a playground is proposed, and the barn is proposed to become a recreational hall. The specific plan for the recreational center will be established as part of the site plan approval for this area.
9. The applicant and the Dutchess County Water and Wastewater Authority (DCWWA) had previously entered into an agreement for the DCWWA to provide public water to the site via a 12 inch diameter ductile iron pipe branch connection at approximate location Station 408 + 70 within the DCWWA's easement of the Dutchess County, NY Maybrook Corridor (that is, the existing Dutchess County Trailway). This branch connection has been installed.

Subsequent discussions with the Town of East Fishkill indicate that the Town will establish a Town Water district encompassing the site, instead of Dutchess County.

As depicted on Figure II.J-1, a 12 inch connector main is proposed to be constructed by the applicant between the tap into the County Main and Lake Walton Road for potential connection to a possible future Town water main. The plans depict this extension from the site to Lake Walton Road.

Lake Walton Park will be encompassed by a Town Water District, with the Town of East Fishkill owning and maintaining all water infrastructure.

As detailed within Appendix C of this FEIS, the DCWWA has issued a letter to Hon. John Hickman, Superintendent of the Town of East Fishkill dated 12/5/2006 regarding their ability to provide water to the proposed subdivision subject to the Town forming a water district in accordance with the provisions of Article 12 of the Town Law and subject to the terms and conditions of a water sale agreement between the DCWWA and the Town.

10. In response to a comment from the Planning Board, the two northerly lots that were proposed in the DEIS to be connected to Lake Walton Road via a short Town roadway are now proposed to utilize a shared driveway instead.

Proposed lots # 1 and # 2 along the northerly portion of the site will access Lake Walton Road via a shared driveway over two flag lots with a combined total of fifty feet of road frontage.

As part of subdivision and site plan approval, the applicant will demonstrate that these lots will meet the requirements of Section 163-19(H) of the Subdivision code and Section 194-92.1 of the Zoning code except for the road frontage requirements of Section 194-17 Bulk regulations and Section 194-92.1 which require 50 feet of road frontage. The applicant will seek a variance from the Town of East Fishkill Zoning Board of Appeals from the frontage requirements which would be consistent with the intent of this Planning Board approved Cluster Subdivision.

The applicant will demonstrate that these lots will otherwise meet the requirements of Section 194-92.1 of the Zoning Code and the requirements for the approval of flag lots set forth in Section 163-19 of the Subdivision code.

The flag lots meet the additional requirements of the Subdivision code.

- The buildable portion shall be no smaller than one acre in size. The proposed lots are 2.47 and 2.48 acres respectively.
- There will be no visible obstructions at the intersection of the access point and the street.
- The relative location of the flag lot driveway and adjoining driveways are appropriate.
- Adequate access for emergency vehicles to the house will be provided.
- Adequate privacy will be provided to the flag lots and the surrounding lots.

The applicant will then demonstrate that the shared driveway meets the requirements of Section 194-67.1 of the zoning code, "Shared Driveways". Shared driveways are permitted in all residential zones by special permit provided that the Planning Board finds that the application meets all the requirements of Article IX special permits and the additional conditions of Section 194-67.1 of the zoning code.

The proposed shared driveway meets the following standards as delineated in the zoning code:

- **Maximum Number of Lots:** The maximum number of lots sharing a driveway is to be three. The proposed driveway is shared by two lots.
- **Minimum area of each lot not including any portion of the shared driveway is to be 1.5 acres:** Proposed Lot #1 encompasses 2.47 acres and proposed Lot #2 encompasses 2.48 acres.
- **Width:** The width of the traveled way of the shared portion of the driveway will be 16 feet in width with 2 foot cleared shoulders on each side.
- **Length:** The shared portion of the driveway is in no event to be longer than 0.25 miles. The length of the proposed shared driveway is \pm 280 feet (\pm 0.05 miles).
- **Agreements for Construction and Maintenance:** Appropriate legal agreements/declarations are to be provided to assure proper construction maintenance of the driveway. Such agreements will be provided as part of subdivision approval for these lots.
- **Buffering/Screening:** Where appropriate, the Board may require additional screening or buffering to ensure privacy to lots. Such buffering/screening will be incorporated as part of subdivision approval for these lots.
- **Shared driveways are to be constructed to the standards of the driveway specifications in the Town Highway Specifications (presently Section A197-76).** The shared driveways will be constructed to the standards as part of the subdivision approval for these lots.

11. Cottage Drive will not be used to access the site, and the private portion of Cottage Drive to the east of Orchard Lane on the project site will be closed off. As detailed within Appendix K of this FEIS, the Town of East Fishkill Superintendent of Highways issued a letter dated 10/18/2006 which confirms that the public portion of Cottage Drive extends from Lake Walton Road east 422.4' up to the property line of the proposed Lake Walton subdivision. A subsequent letter dated 12/04/2006 (Appendix L) states that the Town does not own any part of Cottage Drive to the east of Orchard Lane.

As requested during the November 21, 2006 Planning Board Completeness Review of the Lake Walton Park FEIS submission, the applicant has presented three options for evaluation by the Town Board to address the Cottage Drive / Proposed Road "A" issue. Specifically, Proposed Road "A", as

shown on the plans, would cause the Vitek home to be bounded by three streets; Cottage Drive to the north, Lake Walton Road to the west and Proposed Road “A” to the south.

To mitigate this issue, the applicant has proposed the following options for evaluation.

- Option #1: Leave the current road configuration as is shown on the plans and provide landscaped buffer along the Vitek property to provide screening between the Proposed Road “A” and the existing home.
- Option #2: The Town Board can consider discontinuing the public portion of Cottage Drive and provide a cul-de-sac at the end of Orchard Lane. This would eliminate one of the three streets that would surround the Vitek home. This also would eliminate the poor sight condition presently existing for left turns from Cottage Drive onto Lake Walton Road.

The majority of the cul-de-sac can be created from the existing intersection of Orchard Lane and Cottage Drive. Any additional land required for the cul-de-sac can be dedicated to the Town from the Lake Walton Park property. In addition, the applicant is willing to establish an escrow account to fund the construction of this cul-de-sac.

- Option #3: The Town Board can consider providing a connection from Orchard Lane to Proposed Road “A” in lieu of the cul-de-sac in Option #2. The connection would be an extension of Orchard Lane and would become a Town road. In addition, the portion of Proposed Road “A” west of the intersection of the Orchard Lane extension would also become a Town Road. In order for this scenario to have any practical impact, the Town would also have to pursue discontinuing the public portion of Cottage Drive.

Option #3 would substantially reduce the size of Lot 17 and create a new substandard lot that is disconnected from the rest of the development. In addition, this would still effectively leave the Vitek home surrounded by three roads. Option #3 is the least preferred option.