Taconic Tract Development
Mount Pleasant, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

Lead Agency:
Town of Mount Pleasant Planning Board
Hon. Michael McLaughlin, Chairman
Town Hall
1 Town Hall Plaza
Valhalla, NY 10595

FEIS Preparation:
VHB/Saccardi & Schiff
445 Hamilton Avenue
White Plains, NY 10601
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I. EXECUTIVE SUMMARY

A. Introduction

In accordance with the New York State Environmental Quality Review Act (SEQRA), this Final Environmental Impact Statement (FEIS) for the Taconic Tract project has been prepared in response to public comments on the Draft Environmental Impact Statement (DEIS). The DEIS was accepted as complete on April 8, 2010 after extensive review. Two public hearings on the DEIS were held on June 21, 2010 and August 5, 2010 and the written comment period was held open until October 4, 2010. Transcripts from those hearings are included in Appendix A of this FEIS, along with all written comments received by the Lead Agency during the DEIS comment period (Appendix A).

This FEIS incorporates the DEIS by reference and responds to all substantive comments received (either at the public hearings or in writing) on the DEIS. Comments were compiled and organized by topic. Each comment is referenced as to its source, and responded to within the various Sections of this FEIS.

B. Description of the Proposed Action

Taconic Tract Development, LLC (the "Applicant"), proposes to subdivide 30.00± acres located between the Taconic State Parkway (east), Washburn Road (south), Todd Lane (west) and Carleton Avenue (north) as a 17 lot subdivision with one existing lot and sixteen new lots. The property to be subdivided consists of three existing parcels: (i) a 21.45-acre piece of property containing private trails, fronting on and with existing driveway access from Washburn Road; (ii) a 0.97-acre single family lot fronting on and with access from Washburn Road; and (iii) the 7.58-acre former Waterhouse Estate parcel (referred to as Lot 17 on the Subdivision Plan), now owned by the spouse of a principal of the Applicant and occupied by them. The parcels described in (i) and (ii) are existing vacant parcels; the parcel described in (iii) is an improved estate parcel and is included in this application solely because a small portion of an access road from and to Lots 1 through 16 and Carleton Avenue traverses a small corner of that Lot 17.

The site is located in the Town of Mount Pleasant in an R-40 zoning district. The Applicant proposes to subdivide the three parcels into a total of 16 building lots, two of which already exist, for a total of 14 new building lots. As noted above, Lot 17 is included in this application solely because of the access road; further discussion related to the Applicant's right to propose and, ultimately, construct the access road connection to Carleton Avenue over Lot 17 is provided below.

The Proposed Action contemplates the subdivision of the subject property into 16 building lots with the ultimate construction of 16 single-family residential dwellings, access roads, driveways and landscaping at some future date. Additionally, a stormwater detention facility is proposed for the site. Given modifications based on comments raised the revised plan has reduced overall site disturbance from ± 10.01 acres to ± 9.07 acres, and increased proposed open space from ± 8.5 acres to ±9.55 acres.

There are two design alternatives for consideration: the Conventional Layout and the Conservation Layout; refer to **Appendix H: Conventional & Conservation Layout Plans**. The Conservation Layout also proposes the construction of 16 single-family residences; however, 8 of the 16 homes will be clustered with smaller lot sizes. The homes on these lots will contain smaller 3-bedroom units (versus 4-bedroom) and occupy a smaller footprint. This is the preferred alternative since the "clustered' subdivision reduces some of the environmental and community impacts, such as disturbed area, utility use and tree removal.

C. Required Approvals

Table I-1
Approval/Reviews Required

Agency	Approval/Review
Mt. Pleasant Planning Board	Subdivision Approval/Steep Slopes permit
Village of Briarcliff Manor	Extension of Water Service, curb cut permit, road opening permit
Westchester County Planning Board	Advisory role under GML 239m
Westchester County Dept. of Health	Water and Sewer connections; approval of realty subdivision plat
NYDEC	SPDES Permit, Freshwater Wetlands Permit for Sewer Mains Construction
NYSOPRHP	Historic and archaeological resources review

D. Summary of Specific Issues of Concern

During the course of the EIS process, considerable attention was focused on two areas of concern: access to Carleton Avenue and water supply to the site. With respect to access to the site from Carleton Avenue, the Applicant addressed in the DEIS the issue of whether the connection could be constructed over the bow tie segment of Lot 17 (hereinafter referred to as "Parcel D"), owned by Sharon Saunders. The Applicant's Attorney has provided an even more in-depth explanation of the reasons why the proposed road connection over Parcel D is not prohibited or precluded by any covenants or restrictions affecting that Parcel. The issue and the reasons the Planning Board cannot deny the roadway connection over Parcel D or refuse to review the proposed roadway configuration based upon any covenants or restrictions affecting Parcel D are discussed more fully in this section.

Subdivision Road Connection to Carleton Avenue Over Parcel D

The subdivision plan shows a road to serve the proposed lots extending from Washburn Road on the south through the project site to Carleton Avenue on the north. The connection to Carleton Avenue is proposed over Parcel D. Some residents in the abutting Countryside Subdivision have asserted that Parcel D is preserved as designated "open space" pursuant to the approvals for the Countryside Subdivision and that the natural features cannot be disturbed in any manner or fashion for any purpose. Such parties further assert that since Parcel D is labeled "open space" on one of the Filed Maps for the Countryside Subdivision, it is subject to the terms and conditions of the Declaration of Covenants, Conditions, Restrictions and Easements recorded in connection with the Countryside Subdivision (the "Declaration"), that such Declaration requires all open space in the Countryside Subdivision to remain in its natural condition in perpetuity, and therefore, that Parcel D cannot be improved for any purpose, including access. This issue was discussed in the DEIS at pages III.A-5 through III.A9 but further comments regarding the issue were submitted to the Planning Board by residents in the Countryside Subdivision, counsel for one of the residents, and the Countryside Residents' Association, Inc., among others. Copies of such comments are included in Appendix A. The Applicant continues to maintain that the subdivision road does not violate or conflict with any covenants affecting Parcel D and, therefore, that the Planning Board cannot deny the subdivision roadway connection over Parcel D or refuse to review the subdivision with the proposed road configuration because of any covenant affecting Parcel D.

Parcel D was acquired by Mrs. Saunders' predecessor-in-interest, Richard Rosenthal, in January 1984. There is no dispute that the Deed from Briarcliff Contemporaries, Inc. to Richard Rosenthal, dated January 4, 1984 (the "Briarcliff-Rosenthal Deed"), contains the following provision:

> THE PREMISES HEREIN CONVEYED shall be maintained by the party of the second part [referring to Rosenthal], his heirs, distributees, administrators, executors, grantees, successors and assigns in perpetuity as open space preserving same in its present natural condition and not permitting or causing thereon any construction, improvements or alterations of the existing natural state of the premises. This restriction shall run with the land in perpetuity.

Hereinafter this provision is referred to as the "Open Space Covenant."[1]

Nor is there any dispute that the April 3, 1984 Filed Map showing Parcel D (Filed Map 21511) contains a label across Parcel D that reads "Rosenthal Open Space" (hereinafter sometimes referred to as the "Open Space Label"). The issue raised by the Open Space

[1] The Planning Department's records contain an acknowledgment from Mr. Rosenthal that Parcel D would be subject to such a covenant.

Covenant and the Open Space Label is whether they prohibit surface and sub-surface improvements of Parcel D for a roadway connection to Carleton Avenue.

Analysis of the scope and meaning of the Open Space Covenant and Open Space Label is governed, in part, by the applicable legal standards and principles governing the enforceability of restrictive covenants, such as the Open Space Covenant and Open Space Label, which have been articulated by the New York Court of Appeals and the Appellate Division, Second Department (the intermediate appellate court with jurisdiction over Westchester County), as follows:

> Restrictive covenants are also commonly categorized as negative easements. They restrain servient landowners from making otherwise lawful uses of their property. However, the law has long favored free and unencumbered use of real property, and *covenants restricting uses are strictly construed against those seeking to enforce them. Courts will enforce restraints only where their existence has been established by clear and convincing proof by the dominant landowner.*

Witter v. Taggart, 78 N.Y.2d 234, 237-38, 573 N.Y.S.2d 146, 148 (1991) (emphasis added; citations omitted). In the recent case of *Kemp v. Village of Scarsdale,* 71 A.D.3d 956, 897 N.Y.S.2d 498 (2d Dep't 2010), the Second Department reiterated that:

> Since the law favors the free and unobstructed use of real property, a restrictive covenant must be strictly construed against those seeking to enforce it, and may not be given an interpretation extending beyond the clear meaning of its terms. "'[W]here the language used in a restrictive covenant is equally capable of two interpretations, the interpretation which limits the restriction must be adopted.'"

71 A.D.3d at 956, 897 N.Y.S.2d at 499 (citations omitted). Furthermore, in evaluating the meaning of a restriction and its intended scope, consideration of the surrounding circumstances is appropriate. *See Liebowitz v. Forman*, 22 A.D.3d 530, 531-32, 802 N.Y.S.2d 238, 239 (2d Dep't 2005).

The parties objecting to the subdivision road connection over Parcel D have not demonstrated clearly and convincingly that Parcel D is required to be left wholly untouched, in its natural condition and state, in perpetuity or that the proposed roadway is precluded by the Open Space Covenant and Open Space Label. The Applicant believes that the records of the Planning Board approvals for the Countryside Subdivision, the unfiled maps of the Countryside Subdivision in the Planning Board files, the Filed Maps for the Countryside Subdivision in the Westchester County Clerk's Office, the Open Space Label itself, the provisions of the Briarcliff-Rosenthal Deed, and the actual manner in which Parcel D has been improved and used since the Open Space Covenant was first recorded demonstrate that surface and sub-surface disturbance of Parcel D for accessways and utilities was planned and expected and, therefore, does not run afoul of the Open Space Covenant or the Open Space Label. Therefore, objection to the proposed roadway across a small section of Parcel D does

not provide a basis for the Planning Board to refuse to proceed with its review of the subdivision as proposed.

The Countryside Subdivision was initially approved as a cluster subdivision of up to 44 lots. Preliminary Subdivision Approval for the Countryside Subdivision was originally granted on September 15, 1976 and Final Plat approval was granted on January 5, 1978. Although the Resolutions of Preliminary and Final Plat approval purportedly covered all 44 lots and related roads and open spaces, the Applicant was unable to locate a single filed map showing the entire subdivision, none can be found in the Town Planning Department's records, and none has been presented to the Planning Board by any third parties.[2]

The Resolutions of Approval for the Countryside Subdivision (copies of which are included in Appendix B), refer to the preservation of open space in the Subdivision as "permanently undeveloped land available for the use of the future residents of the site [presumably referring to the Countryside Subdivision property] and the visual enjoyment of visitors and adjacent property owners." (Preliminary and Final Resolutions page 2; *see also* Condition 5(c) thereof) However, the very next paragraphs in the Resolutions of Preliminary and Final Subdivision Approval expressly permit the construction of active recreational amenities and landscaping in the open space, open space that purportedly was required to be maintained in its natural state and condition. (Preliminary and Final Resolutions page 2) Thus, the Resolutions do not contain a clear and blanket prohibition against the improvement of the open space parcels in the Countryside Subdivision.

The lots in the Countryside Subdivision were eventually created in sections upon the filing of three separate filed maps, the first of which was filed on May 1, 1981, as Filed Map 20566. That Map depicts nine lots and, significantly, does not cover or include Parcel D.[3] A copy is included in Appendix B.

The next Filed Map related to the Countryside Subdivision was filed in the Westchester County Clerk's Office on April 3, 1984 as Filed Map 21511. Like Filed Map 20566, Filed Map 21511 depicts "open space," but unlike the former does so with two distinctly different labels – "Association Open Space" and "Rosenthal Open Space." Parcel D is labeled "Rosenthal Open Space." No notes on or explanation of the open space terms are found on Filed Map 21511.

Filed Map 21511 actually supports the Applicant's position that the Rosenthal Open Space is not to be treated in a uniform fashion with the Association Open Space. Specifically, unlike any other parcel of open space shown on that Map, Parcel D bears the legend "NOT A BUILDING LOT." If no disturbance of the Rosenthal Open Space were permitted, then the

[2] None of the maps and plans in the Planning Department's records that predate the creation of the Covenant and filing of Filed Map 21511 bears an "open space" designation on the bow tie-shaped parcel that is Parcel D and some show the bow tie as part of building lots. A plan depicting the latter example is included in Appendix B.

[3] The "Association Open Space" shown on Filed Map 20566 is west of Parcel D.

legend prohibiting the construction of a building thereon would be wholly unnecessary and, conversely, finding the Rosenthal Open Space to be subject to the same restrictions as all other open space would be to interpret the map in a manner in which the differing designations cannot be reconciled. Under fundamental rules of construction, a legal instrument cannot be interpreted in a way that renders any provision superfluous and all provisions thereof should be read in a manner which harmonizes them. *See, e.g., Muzak Corporation v. Hotel Taft Corporation*, 1 N.Y.2d 42, 46, 150 N.Y.S.2d 171, 174 (1956)("the rules of construction of contracts require us to adopt an interpretation which gives meaning to every provision of a contract or, in the negative, no provision of a contract should be left without force and effect."); *Beal Savings Bank v. Sommer*, 8 N.Y.3d 318, 324-325, 834 N.Y.S.2d 44, 47-48 (2007) ("The court should 'construe the agreements so as to give full meaning and effect to the material provisions' ... A reading of the contract should not render any portion meaningless ... Further, a contract should be 'read as a whole, and every part will be interpreted with reference to the whole"); McKinney's Statutes §98 ("All parts of a statute must be harmonized with each other as well as with the general intent of the whole statute, and effect and meaning must, if possible, be given to the entire statute and every part and word thereof."); McKinney's Statutes §231 ("In the construction of a statute, meaning and effect should be given to all its language, if possible, and words are not to be rejected as superfluous when it is practicable to give to each a distinct and separate meaning"). The Countryside Resident Opponents' position runs afoul of both rules, and, in light of the heavy burden they bear to establish that the land use restriction on which they rely prohibits the proposed road, should be rejected.

Certain commenters' heavy reliance on the terms and conditions of the Declaration (for the Countryside Subdivision) to define the scope and meaning of the restrictions to which Parcel D is subject is misplaced.[4] The Countryside Declaration was initially submitted for recording at or about the time of filing of Filed Map 20566 and it specifically referred to and covered the property shown on Filed Map 20566, which notably did not include Parcel D. The Declaration includes a provision that allows it to be amended to cover additional sections of the subdivision and it was amended at or around the time Filed Map 21511 was filed. However, Mr. Rosenthal purchased Parcel D on January 4, 1984, three months before Filed Map 21511 was filed and the First Amendment to the Declaration was recorded. (*See* the deed in Liber 7892, Page 215.) Therefore, Parcel D was never owned by the Association and appears never to have been governed by the Declaration.[5] For these reasons, the terms and conditions of the Declaration do not bear on the permitted use and improvement of Parcel D, nor does the Declaration provide a basis upon which the residents in the Countryside Subdivision can enforce the Open Space Covenant against Parcel D.

Even if the Parcel D were somehow found to be subject to the Declaration, none of the Declaration's terms and conditions govern the use of Parcel D. Specifically, the Declaration does not define "open space" (regardless of its ownership) or, more importantly, "Rosenthal

[4] Copies of the Declaration and its Amendments are included in Appendix B.

[5] The Planning Board's Resolution of Approval for Filed Map 21511, dated December 12, 1983, specifically notes that Parcel D was not going to be conveyed to the Association.

Open Space." While it contains restrictions on the use, maintenance and assessment of "Common Area" property, held for the benefit of members of the Association, Parcel D does not meet the definition of "Common Area" in the Declaration. Parties objecting to the road connection over Parcel D have not provided any proof that the Association owns Parcel D, insures it, or that Association members have any right to use or access it. The factual evidence is incontrovertible that Parcel D is fully enclosed by fencing and physically inaccessible to Association residents. Therefore, even though Parcel D is denominated "Rosenthal Open Space" on Filed Map 21511, the terms and conditions of the Declaration do not clearly and convincingly define how it can (and cannot) be used and improved.

Turning to the Briarcliff-Rosenthal Deed, in which the Open Space Covenant first appears, the provisions of the Deed, when read together, convey that the natural condition of Parcel D was expected to be disturbed with surface and sub-surface improvements, not that the Parcel was intended to be left in its natural state and condition for all purposes. A copy of the Deed is included in Appendix C. Besides the Open Space Covenant, the Deed into Mr. Rosenthal also contained a reservation of easement for utility purposes over a portion of Parcel D. The utility easement was reserved for the specific purpose of permitting the installation of underground utilities which, by their nature, require the removal of vegetative cover and excavation thereby making it impossible to preserve the "present natural condition" of the portion of Parcel D on which the easement was located and comply with a restriction that prohibited the "construction, improvements or alterations of the existing natural state of" Parcel D.[6]

The easement reservation went on to provide that following any work in the utility easement area, "the surface and grade of the General Utility Easement Area and any pavement, curbs, shrubbery, landscaping and any other improvements, except trees" would be restored. That work permitted and fully expected to be conducted in the utility easement on Parcel D, including pavement, curbs and landscaping, directly conflicts with the interpretation of the Open Space Covenant advocated by the Countryside Resident Opponents.[7]

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[6] The Briarcliff-Rosenthal Deed further contained a post-closing "survival provision" which stated that certain provisions of an unrecorded contract between the grantor's predecessor and Mr. Rosenthal would survive closing. The Applicant reports that it has attempted to find that contract or its provisions, without success. While the Board cannot conclude that the missing provisions permitted surface and sub-surface improvements on Parcel D, neither can it conclude that they did not.

[7] Counsel for one of the commenters dismisses the restoration language in the reservation of utility easement, which specifically requires the restoration of pavement, curbs, shrubbery, landscaping and "other improvements" in the utility easement, on one hand as boilerplate and on the other as referring to curbing and pavement for the subdivision roadway that the easement abuts. To dismiss the language as boilerplate is equivalent to excising it from the easement's terms in contravention of the above-mentioned rules of construction which require an interpretation that gives meaning to all parts. An explanation that relates the restoration activities to the roadway improvements does not withstand scrutiny. Curbing and pavement for a 28-foot-wide paved roadway (such as Carleton Avenue) would not be located at the outer edge of the 50-foot-wide right-of-way where the utility easement is located. For this same reason the

Adding to the high burden imposed on the parties relying on the Open Space Covenant to prohibit the road connection over Parcel D in the context of the possible conflicting interpretations of the meaning and scope of that Covenant and the Open Space Label, is the fact that the natural condition of Parcel D was altered, and construction occurred on and improvements were made to Parcel D by Mr. Rosenthal subsequent to his acquisition of Parcel D and the creation of the Open Space Covenant. As explained in the Affidavit of Andrew Saunders, sworn to October 21, 2010, included in Appendix D, after Mr. Rosenthal purchased Parcel D a portion of it was cleared and graded for the creation of a 27-foot-wide curb cut on CarletonCarleton Avenue and the construction of a paved driveway approximately 11 feet wide which provided access from an abutting parcel of land to the west (now owned by Manuele) to CarletonCarleton Avenue. The construction of the curb cut and driveway required grading, land disturbance, and the alteration of "the existing natural state of the premises." A sliding gate was also installed across the driveway, which required the installation of footings for the posts. Substantial stone walls with in-ground footings were built on sections of Parcel D and the Parcel was enclosed with a fence. All of these improvements were readily visible from the public road and surrounding properties. Further, as explained in the Saunders Affidavit, underground utilities were installed both inside and outside the utility easement on Parcel D. An excerpt of a survey showing the location of such underground utilities is also included in Appendix B.

It should be noted in the context of the assertion by residents of the Countryside Subdivision that Parcel D is subject to the same restrictions on open space that are applicable to the Association Open Space, that portions of the Association Open Space have not been maintained in their natural condition. Documentation has been provided showing that Association Open Space has been cleared and planted for residential lawns, fenced, and improved with at least one shed. An aerial photograph showing the modifications to the Association Open Space is included in Appendix B. Certainly such facts have a bearing on the proper interpretation of the Open Space Covenant. Either Association residents are being allowed to violate the restrictions governing Association Open Space, or the Open Space Covenant is not as clear and absolute as certain residents would have the Planning Board conclude.

There is no record of any objection to or complaint about the improvements that were made to Parcel D. There are no complaints, stop work orders, or violations in the Building Department files for Parcel D and no one has presented any evidence of objections or complaints to the substantial work which occurred thereon. Given the open and notorious nature of the above-ground improvements described above, the lack of such objections supports the Applicant's position that the Open Space Covenant was never intended to bar all improvement of Parcel D.

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shrubbery, landscaping and "other improvements" referred to in the restoration language cannot reasonably be construed to apply to roadway improvements.

Parties who object to the improvement of Parcel D for the subdivision road connection do not contest that the improvements exist.[8] Their main defense appears to be "so what," a defense that does nothing to help them meet their heavy burden of demonstrating with clear and convincing evidence that the Open Space Covenant should be construed to prohibit the proposed subdivision road connection to Carleton Avenue. The mere existence of improvements directly contradicts the interpretation of the Open Space Covenant proffered by such parties and cannot be ignored or disregarded by the Planning Board in considering the meaning and scope of the Covenant.

Such objecting parties attempt to distinguish the improvements that have been made to Parcel D from those that are proposed by the Applicant but the Applicant has explained that the proposed roadway connection would be substituted for the existing driveway which would be abandoned so that only one curb cut would continue to exist on Carleton Avenue. The plans submitted to the Board demonstrate that all work necessary to construct the roadway connection over Parcel D is at or below grade, similar to the manner in which existing improvements have been made, and no structures would be required. Since all proposed roadway improvements over Parcel D would fit within the categories of surface or subsurface improvements, the work would not deviate in a material manner from the kinds of improvements that have already been made to Parcel D.

For these reasons, in the Applicant's opinion, the Planning Board cannot deny the subdivision roadway connection over Parcel D or refuse to review the subdivision with the proposed road configuration because of the Open Space covenant affecting that Parcel.

The continuation of the subdivision road to Carleton Avenue is consistent with the policy in Section 227-24(D) of the Town's Land Subdivision Regulations which encourages the continuation of streets between adjacent properties where, as here, the continuation promotes proper traffic movement (*see* Section G), effective fire protection (*see* Section I) and efficient provision of utilities (*see* Section F).

Municipal Water Supply to the Project Site

The second major issue raised during the course of the environmental review process relates to the manner in which water would be supplied to the site and, in particular, the likelihood the Applicant will be able to secure public water from the Briarcliff Manor Water District. As was reported in the DEIS, Briarcliff Manor obtains its water from the City of New York pursuant to an agreement which provides that Briarcliff Manor can allow "new connections" but only if the sale is to a municipal water district. Briarcliff Manor has insisted that before it will provide service to such new connections in the Town of Mount Pleasant, the Town must form a Town-wide District(s) for new and old customers receiving water from the

[8] Some members of the public have questioned the basis for the Applicant's statement that the improvements to Parcel D were made after Mr. Rosenthal purchased Parcel D and the Open Space Covenant was created. The Affidavit of Mr. Saunders included in Appendix B, which is not controverted, would seem to eliminate any uncertainty regarding the timing of the improvements in relation to Mr. Rosenthal's acquisition.

Village. The DEIS reported that Briarcliff Manor and the Town of Mount Pleasant were in discussions on the district-formation issue.

The Applicant has been advised by representatives of Briarcliff Manor and the Town that the water district discussions between them have stalled. However, since the DEIS, the Applicant has discovered new information which it believes creates an exception to the "new-connection rule" and renders the Town-wide district issue moot at least with respect to the project. In conjunction with conducting additional boundary surveys for the Project Site, WSP Sells discovered an existing utility manhole on Parcel D. It was revealed that this manhole housed an existing water meter for an 8-inch water main connection coming from the existing water main in Carleton Avenue to Parcel D and Lot 40. Additional investigations revealed that there exists a water valve and meter on this line prior to the pump house on Lot 40. These appurtenances have been surveyed and the existing base map has been updated to show the locations of the existing water main connection. (The improvements are shown on a plan in Appendix B). The list of "authorized connections" attached to the Briarcliff Manor-New York City Agreement should have included the one on Parcel D and Lot 40 because it was supposed to identify all existing service connections.

The Applicant believes the existing main and service connection take the provision of water to its subdivision out of the prohibition against "new connections" and it is pursuing the matter further with the Village Administration as well as the Town in an effort to confirm the mechanism by which it would be able to obtain service. At the Village level, the Applicant has advised the Village of its discovery of the existing main and service connection, provided it with photographs of and details about the improvements (which are included in Appendix C) and met with the Briarcliff Manor Village Manager, Building Inspector, and Water Department Superintedant to discuss the evidence and validating the existing service connection. At the Town-level, at the direction of the Town Supervisor's office, the Applicant's engineer and counsel consulted with Town Engineer James Vanoli regarding the formation of a Water District for the project. Town Engineer Vanoli advised the Applicant of the Town Board's willingness to form a water district for new subdivisions, such as the Applicant's, and to take over responsibility for water mains and infrastructure, provided the Applicant installs all infrastructure for the main extension, including master meter(s) at each end of the subdivision. The Applicant is prepared to install the required infrastructure, including the master meters, and its engineer and counsel so advised Mr. Vanoli.

<u>Conventional and Conservation Subdivision Layouts</u>

Based on Comments raised during the public comment period, the Applicant re-examined the Conventional and Conservation Plans contained in the DEIS for the purpose of determining whether the road and lot layouts could be modified to reduce site disturbance, including of regulated steep slopes. A revised Conventional Plan in the FEIS (the "FEIS Conventional Plan") (see Appendix H), depicts a reduction in steep slopes disturbance compared to the original conventional plan. The reduction has been accomplished by reducing all house footprints from 4,000 square feet to approximately 2,400 square feet (including garage), an approximately 40 percent reduction in footprint; separating the driveways for Lots 9 and 10 which allows the house on Lot 9 to be shifted to reduce steep slopes disturbance; relocating

the driveway to Lot 7 to Road B to avoid the steeply sloping terrain along the Lot's frontage on Road A; and relocating the driveway to Lot 5 from Road A to Road B where the Property is more gently sloping. Refer to the Conventional Slope Analysis Plan in Appendix G that shows the disturbance to existing slopes for each lot and per category which disturbance is attributable to. Overall, steep slope disturbance is reduced by approximately 14,811 s.f. on the FEIS Conventional Plan with the following reductions in each category: steep slopes – approximately 9,583 s.f.; very steep slopes – approximately 3,485 s.f.; excessive slopes – approximately 1,742 s.f. (Derived from Table in Response to Comment C2 below)

The FEIS Conservation Plan further reduces steep slopes disturbance on the project site by adjusting the road alignments (horizontal and vertical) to follow existing pathways and areas of gentler slopes and siting houses in less steeply sloping sections of the proposed lots. As Table in Response to Comment C2 below shows, the reductions are as follows: 15-25%, 26%; 25-35%, 51%; greater than 35%, 31%; overall disturbance, 19%. (See Response C2.)

The re-alignments of Proposed Roads A and B were re-configured so that the impact to the steeper slopes would be further minimized. The design of intersections, driveways and roads has been modified to reduce disturbance in higher slope categories in compliance with the Town of Mount Pleasant regulations. In order to reduce grading and, thereby, minimize slope disturbance a reasonable number of retaining walls have been proposed. These retaining walls were designed in accordance with Town requirements to prevent excessive grading to meet the existing elevations.

At the request of the Lead Agency, an alternative plan, refer to Exhibit C2 (the "Alternative Conservation Plan"), has been prepared which reconfigures Lots 6, 7 and 8. The Alternative Conservation Plan relocates Lot 6 to a point on the east side of Road A south of Lots 11 and 12. As a result of relocating Lot 6 and relocating the driveway to Lot 8 to Road C, the cul-de sac for Road B was eliminated. The access driveway to Lot 7 now comes off the intersection of Roads B and C. In addition, each of Lots 6, 7, and 8 has been reduced in area. As a result of these design modifications the buffer between the proposed lots and the property line adjacent to the Taconic State Parkway increases from approximately 15 feet to a minimum of 175± feet and the amount of Open Space increases from 9.55 acres to 10.09 acres. Further, the Open Space exists in a contiguous wooded band which maximizes its utility for wildlife habitat and vegetated buffer purposes. Table C2a provides a comparison of the FEIS Conservation Plan (Exhibit I-2) with the Alternative Conservation Plan (Exhibit I-4).

A number of generalized comments made during the DEIS review process suggested that the Conventional Plan, which forms the basis for a lot count for the proposed action (i.e. the Conservation Plan), does not reflect a layout that takes into consideration how steep slopes disturbance is regulated under Chapter 180 of the Town Code (Steep Slope Protection) (the "Steep Slopes Law"). The Applicant purchased the Property and filed its current subdivision application prior to enactment of the Steep Slopes Law. Notwithstanding these facts, the Applicant has taken the criteria/standards of the Steep Slopes Law into account in the design of the conventional subdivision (the analysis below relates to the FEIS Conventional Plan) and believes the factual record herein demonstrates why a steep slopes permit could be

granted for the FEIS Conventional Plan and, therefore, why a density of 16 lots meets the standards of all applicable laws.

The proposed steep slopes disturbance shown on the FEIS Conventional Plan must be evaluated with the statutory framework of the law in mind. While the Town's policy on steep slopes is to minimize the disturbance of steep slopes and very steep slopes and avoid the disturbance of or construction on excessively steep slopes, steep slopes disturbance is not prohibited under the Steep Slopes Law. Rather, the Law codifies a permitting scheme pursuant to which steep slopes disturbance can proceed subject to meeting certain standards, a statutory scheme that reflects the legislature's acknowledgement that steep slopes disturbance can occur safely and without posing a threat to the health, safety and public welfare when properly designed and managed. In essence, the statutory framework calls for a balancing of the purported environmental protection purposes of the steep slopes law with the Applicant's legal right to use its Property in accordance with the Zoning Ordinance.

The statutory framework further recognizes that not all steep slopes disturbance is created equal. Therefore, assessment of whether proposed steep slopes disturbance should be approved requires both a quantitative and qualitative analysis of the nature, purpose and extent of steep slopes disturbance and whether and the manner in which the applicant proposes to mitigate the potential effects with which steep slopes regulation purportedly is concerned strikes the balance the law is intended to achieve.

The first criterion in Section 180-7(B) is a requirement that there is no reasonable alternative for the proposed regulated activity on that portion of the property not containing steep slopes. As the Slopes Map for the site shows (*see* DEIS Appendix F), steep slopes in all categories are dispersed throughout the site such that no access road could be constructed on the project site without steep slopes being disturbed. Nor can any lot be developed without steep slopes being disturbed. WSP Sells performed a lot-by-lot, improvement-by-improvement analysis of slopes disturbance on the Property in four slopes categories – 0-15%, 15-25%, 25-35%, and >35% -- and analyzed the amount of steep slopes disturbance required in those same categories to build the subdivision roads (Road A and Road B), install utilities and the detention basin on the Open Space Parcel, and build the driveways and residences. (The categories of 15-25%, 25-35%, and >35% are the three categories of regulated steep slopes disturbance under Chapter 180.) The data from the analysis is set forth in Table found in Response to Comment C2. The data shows the following with respect to steep slopes disturbance on the Property required to build the conventional subdivision plan:

<u>Roads</u>

- With respect to the roads, a substantial portion of the proposed steep slopes disturbance required to build the FEIS Conventional Plan is attributable to the construction of the roads and the provision of access to the lots. The extent and location of such slopes disturbance is driven by the need to meet the road geometry and design specifications in the Town's Subdivision Regulations which apply to all new roads regardless of the number of homes to be served or the ownership status of them (i.e. public versus private).

- The road system has been laid out to minimize disturbance and to concentrate regulated steep slopes disturbance in the lowest/least steep category. Of the disturbance required to build Roads A and B, the overwhelming majority (over 65%) of it will occur on slopes that are not regulated because they fall in the 0-15% category. Of the approximately 35% of disturbance that is regulated (i.e. will occur on slopes of 15% or greater) approximately 27% of such disturbance will occur on slopes in the 15-25% category, with approximately 4% proposed in the 25-35% category and 3% proposed in the >35% category.

- The steep slopes disturbance in the 25-35% and the >35% categories is concentrated at the southern end of the Road A, where grading is necessary to achieve the site distance from Road A onto Washburn Road, between the Road A/Washburn Road intersection and the more gently sloping terrain near Lots 3 through 7 which is necessary to provide access to those areas, and at the eastern tip of Road B which is necessary to provide access to the lots off the cul-de-sac.

- The property extends from Washburn Road to Carlton Avenue. There is no other means of access to the Property and, therefore, there is no way to subdivide the Property without constructing roads from the existing road system. Shifting the placement of the road rights-of-way will not reduce or eliminate steep slopes disturbance, particularly given the limited amount of disturbance in the two highest steep slopes categories. For these reasons, the Applicant maintains there is no reasonable alternative to the proposed roads and the steep slopes disturbance associated with them.

<u>Drainage</u>

- With respect to the Drainage improvements, they have also been designed and laid out on the Open Space Parcel (i.e. the detention basin) and the individual lots in such a way as to limit the amount of regulated steep slopes disturbance. On the Open Space Parcel, the overwhelming majority of the disturbance will occur on unregulated slopes (approximately 60% or 10904 s.f.), with approximately 31% (or 5658 s.f.) to occur on slopes in the 15-25% category, approximately 8% (or 1398 s.f.) to occur on slopes in the 25-35% category and approximately 1% (or 87 s.f.) on slopes in the >35% category.

- The Applicant cannot avoid the need for stormwater management facilities given current stormwater regulations. Gravity dictates that drainage basins be located at lowpoints so flows can reach them without the use of mechanical means. The proposed detention basin is located at the lowpoint to where runoff from the road system can be directed, a design aspect that maximizes its ability to function and operate as intended and needed. The basin is sized to handle road runoff flows and, therefore, it cannot be reduced in size to reduce disturbance of steep slopes.

<u>Driveways and Lots</u>

- With respect to disturbance on the Lots, the data and analyses show that qualitatively and quantitatively, steep slopes disturbance has been restricted to a reasonable extent and

degree for reasonable purposes. Specifically, the more extensive steep slopes disturbance is access-related. That is, most of such disturbance on the individual lots is associated with grading for the Subdivision Roads that extends onto the lots and the construction of driveways providing access to the building sites, and not for construction of the residences.

- While steep slopes disturbance is required for the construction of residences on some lots, residences are modestly sized (no "McMansion"-type structures are proposed) and have been situated on more level areas of lots where practicable taking into consideration the need to meet the area, dimensional and setback requirements of the Zoning Ordinance. By placing buildings on the less steeply sloping sections of the lots, steep slopes disturbance for home construction is concentrated mainly in the lower steep slopes categories, i.e. in the 15-25% category. As a result, the extent of disturbance of more steeply sloping terrain is minimized.

- An analysis of each lot's disturbance figures on Table 1-2 reveals the following:

  Lot 1 – Regulated steep slopes disturbance on Lot 1 is limited to road grading work for Road A and construction of the driveway providing access to Lot 1 only, the latter to occur along a section of the Lot's frontage on Road A. No steep slopes disturbance is required for the construction of the residence. Steep slopes disturbance is distributed as follows:

15-25%	2933 s.f.	Roads	1815 s.f.
25-35%	538 s.f.	Drainage/Util.	0
>35%	181 s.f.	Driveway	1837 s.f.
Total	3652 s.f.	House	0

(It bears noting that Lot 1 is an existing lot with frontage on Washburn Road. The Subdivision Proposal would transfer access to the Lot from Washburn Road to Road A which would result in one less curb cut on Washburn Road.)

Lot 2 -- Disturbance on Lot 2 is proposed in connection with grading a portion of Road A and for the construction of the driveway and the house. Steep slopes disturbance on the Lot is distributed as follows:

15-25%	9333 s.f.	Roads	565 s.f.
25-35%	2333 s.f.	Drainage/Util.	0
>35%	129 s.f.	Driveway	2729 s.f.
Total	11794 s.f.	House	8502 s.f.

Disturbance associated with the house is due to the fact that a section of the front of the house clips a steep slope area such that any construction of a house in that location will require such disturbance. The house is situated close to the building setback line so it cannot be relocated closer to the property line to avoid the steep slopes. Nor can it be

shifted further back on the Lot without requiring the disturbance of even more steeply sloping terrain. However, to the extent steep slopes are disturbed for the construction of the house, the overwhelming majority of the regulated slopes disturbance (7013 s.f.) will occur in the 15-25% category.

Lot 3 – There is minimal steep slopes disturbance on Lot 3 for grading for Road A and construction of the driveway providing access to the house and the house. Such disturbance is distributed as follows:

15-25%	4329 s.f.	Roads	1751 s.f.
25-35%	41 s.f.	Drainage/Util.	0
>35%	25 s.f.	Driveway	1998 s.f.
Total	4375 s.f.	House	626 s.f.

Lot 4 – Similarly, there is extremely minimal steep slopes disturbance on Lot 4 which is restricted to grading for Road A and installation of the driveway and which will occur in the lowest steep slopes category (i.e. 15-25%). The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	947 s.f.	Roads	332 s.f.
25-35%	0	Drainage/Util.	0
>35%	0	Driveway	615 s.f.
Total	947 s.f.	House	0

Lot 5 – Steep slopes disturbance on Lot 5 is proposed for grading for Road A and Road B and construction of the driveway and residence. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	2124 s.f.	Roads	2459 s.f.
25-35%	355 s.f.	Drainage/Util.	0
>35%	268 s.f.	Driveway	24 s.f.
Total	2747 s.f.	House	264 s.f.

Lot 6 – Steep slopes disturbance on Lot 6 is related to grading for Road A and Road B, and construction of the driveway and residence. The extent of disturbance is small but where it is proposed, the overwhelming majority occurs on slopes of 15-25%. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	2276 s.f.	Roads	2140 s.f.
25-35%	308 s.f.	Drainage/Util.	0
>35%	161 s.f.	Driveway	308 s.f.
Total	2745 s.f.	House	148 s.f.

Lot 7 -- Steep slopes disturbance on Lot 7 is required for grading for Road A, the installation of utilities on the Lot and construction of the house. The disturbance is

mainly in the 15-25% category with half as much in the 25-35% and >35% categories. It is distributed among steep slopes categories and improvements as follows:

15-25%	2792 s.f.	Roads	4201 s.f.
25-35%	1270 s.f.	Drainage/Util.	822 s.f.
>35%	1211 s.f.	Driveway	2 s.f.
Total	5273 s.f.	House	248 s.f.

Lot 8 – Steep slopes disturbance on Lot 8 is related to grading for Road A, construction of the driveway and construction of the house. Again, the majority of disturbance is in the lowest category of regulated slopes. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	9031 s.f.	Roads	1105 s.f.
25-35%	5850 s.f.	Drainage/Util.	0
>35%	1958 s.f.	Driveway	10299 s.f.
Total	16839 s.f.	House	5435 s.f.

As noted, a substantial portion of the steep slopes disturbance is associated with the construction of the driveway. While the steep slopes disturbance appears large numerically, it involves the gentle alteration of the grades and, thus, the slopes to tie the driveway grade into the grade change for Road A and the elevation of the house at the setback line. The house on Lot 8 has been placed at the front property line setback which minimizes steep slopes disturbance associated with it. Shifting the house north or south, or further back on the Lot would result in greater disturbance of even more steeply sloping terrain. Disturbance of regulated slopes in connection with the development of the house is even further controlled by providing a garage under design that prevents the need for additional grading, the use of a retaining wall in the rear of the residence and inclusion of a small patio off the back of the residence to provide a minimal amount of usable outdoor space for the residents of the Lot.

Lot 9 -- Steep slopes disturbance on Lot 9 is related to construction of the driveway, grading around the house (the house pad is situated in a section of the Lot where no steep slopes are located), and installation of a connection to the detention basin on the Open Space Parcel. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	8167 s.f.	Roads	0
25-35%	6213 s.f.	Drainage/Util.	856 s.f.
>35%	2822 s.f.	Driveway	13788 s.f.
Total	17202 s.f.	House	2568 s.f.

As the foregoing demonstrates, the overwhelming majority of steep slopes disturbance for the development of Lot 9 is related to the driveway access, which cannot be avoided. However, such disturbance has been limited, in part, by the use of a garage under residence design. Steep slopes disturbance for the driveway has been minimized by the

use of a retaining wall alongside the driveway to transition the existing grades between the edge of Road A and the far side of the Lot. Grading around the house and between Lots 9 and 10 has been contained by the use of a retaining wall alongside and to the rear of the house and the house-under garage design that contains the building footprint. The wall functions to tie the grading of Lot 9 into the grading of Lot 10. The Applicant examined whether shifting the house further back on Lot 9 would reduce grading of steep slopes and found that it would not.

Lot 10 -- Steep slopes disturbance on Lot 10 is required for Road A, the installation of drainage and utilities on the Lot and construction of the driveway and house. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	5623 s.f.	Roads	2234 s.f.
25-35%	6724 s.f.	Drainage/Util.	269 s.f.
>35%	1870 s.f.	Driveway	3974 s.f.
Total	14217 s.f.	House	7740 s.f.

The steep slopes disturbance for the Road is to create the requisite site distance at the Road A/Washburn Road intersection as required under the Town's roadway and subdivision design requirements and specifications. Placement of the driveway on Lot 10 is dictated by the need to maintain a certain separation distance from the Road A/Washburn Road intersection. The house is placed at or about the front yard setback and as tight to the front property line as allowed under zoning. As with the house on Lots 8 and 9, a garage under design and retaining walls along the rear of the residence have been utilized to contain the building footprint and minimize the amount of grading required to develop the site. Steep slopes disturbance associated with the house, while the largest component of steep slopes disturbance on Lot 10, covers an area approximately the size of a tennis court.

Lot 11 -- Steep slopes disturbance on Lot 11 is related mainly to the construction of the driveway with a small portion attributable to the construction of the house. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	11370 s.f.	Roads	0
25-35%	531 s.f.	Drainage/Util.	0
>35%	183 s.f.	Driveway	11746 s.f.
Total	12084 s.f.	House	338 s.f.

The amount of steep slopes disturbance for the driveway is caused, in part, by the need to tie the driveway into the grading for Road B and the desire to locate the house on the non-steep section of the Lot, towards its rear. Location of the residence closer to Road B would result in comparable steep slopes disturbance and, therefore, is not a design alternative that would reduce steep slopes disturbance. Again, a garage-under design and a retaining wall along the left side of the driveway are utilized to contain the building footprint and minimize the extent of grading of steep slopes associated with the construction of the improvements.

Lot 12 -- Steep slopes disturbance on Lot 12 is related mainly to the construction of the driveway with a small portion attributable to grading of the Subdivision Road and other disturbance related to the construction of the house. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	10023 s.f.	Roads	0
25-35%	10472 s.f.	Drainage/Util.	1378 s.f.
>35%	1378 s.f.	Driveway	19272 s.f.
Total	25702 s.f.	House	5052 s.f.

The greatest extent of steep slopes disturbance is attributable to the driveway which is a consequence of the grade to which Road B must be held and the manner in which its cul-de-sac must be graded in order to meet the roadway specifications in the Town's Subdivision Regulations. Because of these requirements, the cul-de-sac ends up at a higher elevation than where a house can be situated in conformance with the building setback lines which exaggerates the amount of grading required to tie the driveway and house pad into the road elevation. Measures have been employed to minimize the amount of grading needed for the house including the use of a garage-under home design and retaining walls along the side of the driveway and the side and rear of the residence.

Lot 13 – For the same reasons as described in the discussion for Lot 12 above, steep slopes disturbance on Lot 13 is related mainly to the construction of the driveway with a portion attributable to the construction of the house. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	157890 s.f.	Roads	0
25-35%	7349 s.f.	Drainage/Util.	0
>35%	1162 s.f.	Driveway	18397 s.f.
Total	24300 s.f.	House	5903 s.f.

As in the case of Lot 12, the greatest extent of steep slopes disturbance on Lot 13 is attributable to the driveway and is a consequence of the grade to which Road B must be held and the manner in which its cul-de-sac must be situated and graded to meet the roadway specifications in the Town's Subdivision Regulations. As a consequence of these requirements, the cul-de-sac ends up at a higher elevation than where a house can be situated in conformance with the building setback lines which exaggerates the amount of grading required to tie the driveway into the road elevation. Measures employed to minimize the amount of grading needed for the house include the use of a garage-under home design and retaining walls along the side of the driveway and the rear of the residence.

Lot 14 – Steep slopes disturbance on Lot 14 is related mainly to the construction of the driveway with a portion associated with the construction of the house. Such disturbance is largely restricted to the 15-25% category, with a very small amount in the 25-35%

category and no disturbance of slopes greater than 35%. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	7855 s.f.	Roads	0
25-35%	648 s.f.	Drainage/Util.	0
>35%	0 s.f.	Driveway	5493 s.f.
Total	8503 s.f.	House	3010 s.f.

The steep slopes disturbance is linked mainly to the need to tie in the grades between the residences on Lots 13 and 14 and 14 and 15.

Lot 15 – Steep slopes disturbance on Lot 15 is also attributable to the construction of the driveway with a portion associated with the construction of the house. Such disturbance is largely restricted to the 15-25% category, with a small amount in the 25-35% category and an extremely small amount of disturbance on slopes greater than 35%. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	12718 s.f.	Roads	0
25-35%	1443 s.f.	Drainage/Util.	0
>35%	440 s.f.	Driveway	5534 s.f.
Total	14601 s.f.	House	9067 s.f.

Notably, a portion of the steep slopes disturbance for the house, particularly on slopes greater than 35%, is located in an area of created steep slopes, i.e. in an area that has been used over time as a mulch pile for grass clippings from the larger estate parcel owned by Susan Saunders to the west. Thus, while such disturbance qualifies as regulated steep slopes disturbance, the area was previously disturbed and the natural grade is not what is being affected.

Lot 16 -- Steep slopes disturbance on Lot 16 is related to the grading of the road, and the construction of the driveway and house. The disturbance is distributed among steep slopes categories and improvements as follows:

15-25%	4308 s.f.	Roads	825 s.f.
25-35%	610 s.f.	Drainage/Util.	0
>35%	382 s. f.	Driveway	2100 s.f.
Total	5300 s.f.	House	2375 s.f.

As in the case of Lot 15, a portion of the steep slopes disturbance for the house, particularly on slopes greater than 35%, is located in an area of created steep slopes, i.e. in an area that has been used over time as a mulch pile for grass clippings from the larger estate parcel owned by Susan Saunders to the west. Thus, while such disturbance qualifies as regulated steep slopes disturbance, the area was previously disturbed and the natural grade is not modified.

Elimination of lots in order to eliminate or reduce steep slopes disturbance associated therewith is not, in the Applicant's view, a reasonable alternative. The Property was purchased and the current application was filed before the steep slopes disturbance regulations were enacted. As the figures in Table 1-2 show and the foregoing discussion demonstrates, lot-related steep slopes disturbance is mainly a factor of driveway placement which is a factor of road geometry and design specifications in the Town's regulations, not an aesthetic design consideration of the Applicant's. Mitigation in the form of a modestly-sized house foot-print, house placement, garage-under design and the use of retaining walls to transition to existing grade has been integrated into the conventional plan. In the Applicant's view, such mitigation makes consideration of elimination of lots unnecessary, not to mention unreasonable.

2. Stormwater runoff is limited on the FEIS Conventional Plan. ±2.85 acres of impervious surface are proposed, of which ±1.25 acres are attributable to the access roads. A conceptual stormwater management plan has been designed that will ensure a zero increase in rate of runoff from the newly created impervious surfaces and which will treat stormwater runoff in accordance with the New York State Department of Environmental Conservation's ("DEC") and the Town's stormwater regulations.

3. Limited terracing of building sites is proposed on Lots 9 and 10, where terracing will reduce the amount of grading and creates flexibility in the layout of the proposed improvements.

4. Within the constraints of the Town Road and Driveway specifications and requirements, roads and driveways follow the natural topography to the greatest extent possible without compromising health, safety or public welfare in the design of the accessways.

5. The Ecological Study in the DEIS documents that there are no endangered species of flora or fauna on the site; that while the proposed development will require disturbance to vegetation that serves a habitat value on the site, the combination of remaining woodlands and landscaping that will be required as part of the development of each lot will be sufficient to mitigate any potential impact to wildlife. (The site is so heavily vegetated that the required replacement density is a negative number.)

6. The ridgeline relevant to the project site is offsite, approximately 165 feet north of Stonington Drive, approximately at elevation 440. From this ridgeline, the topography falls off to the north towards Route 9A/100 and south towards the Taconic State Parkway. The highest elevation on the project site is elevation 380, which is 60 feet vertically below the ridge. (DEIS Exhibit III.C-3.) The natural elevations and vegetative cover to be disturbed on the property is not at the crest of the ridge. In addition, disturbance of vegetative cover and natural elevations at highpoints on the property is minimized and extensive vegetative cover around the perimeter of the site is maintained to screen the areas of disturbance from offsite views.

7. Regrading blends in with natural contours without an excessive use of retaining walls.

8. Cuts and fills are rounded off to eliminate sharp angles.

9. The slopes on cuts and fills do not exceed 2:1except where retaining walls are provided.

10. The Applicant recognizes that the cut and fill slopes will have to be constructed in accordance with the recommendations of a geotechnical engineer and have to be approved by the Town Engineer and that the applicable standard will be that the cut and fill sections and houses will have to be sufficiently separated to ensure the safety of the structures in the event of failure of the cut or fill slopes. In those instances where the Applicant will not adhere to the general standard separation distance, foundation walls and retaining walls will be designed to address the setback from the top and bottom of the cut and fills as recommended by a geotechnical engineer.

11. In the event rock removal is required, mechanical methods will be employed first followed by blasting but only if necessary. In the event of blasting, governing blasting protocols in the Town Code will be followed. (*See* DEIS pages III.C-7, C-8)

12. Disturbance of steep slopes will occur in workable units and within each phase, in incremental steps. The FEIS Conventional Plan would be built in 5 phases, each of which is substantially less than five acres, the amount permitted by NYSDEC under the SPDES General Permit. Phase 1 is 2.7 acres; Phase 2 is 3.10 acres; Phase 3 is 2.55 acres; and Phase 4 is 2.8 acres. Phase 5 (the majority of house construction) would require no additional disturbance. A Stormwater Pollution Prevention Plan (SWPPP) (detailed sediment and erosion control plan, construction sequencing plan, and measures for temporary and permanent stabilization and stormwater management), will be approved by the Town and followed for the development of the project. The Construction Sequencing Plan and Erosion Control Measures (Exhibit I-3) include, among other things, the use of redundant erosion control measures during construction and, on more steeply sloping terrain, the use of rolled erosion control measures to achieve permanent stabilization more quickly to minimize and manage the potential impacts associated with steep slopes disturbance.

13. The erosion and sedimentation control plan, when finalized, will specify the time table for removal of vegetation ground cover (not more than 15 days before grading) and temporary and permanent stabilization thereof.

14. Specifically, the erosion and sedimentation control plan will provide that temporary soil stabilization will be installed within two days of final grading and permanent stabilization will be installed within 15 days of establishing the final grade.

15. The erosion and sedimentation control plan will further provide that soil stabilization will occur where final grading is not expected within 60 days.

16. The soil and erosion control measures that will be employed will meet the Best Management Practices Manual.

17. The selection and design of the temporary and permanent erosion control measures will be based, in part, on the soils rating characteristics of the disturbed areas as set forth in the Westchester County Soils Survey.

18. Topsoil will be removed, stockpiled and stabilized.

19. No topsoil or wood chips retained for later stabilization efforts will be stockpiled on slopes greater than 10%.

20. Compaction of soils in fill areas will be done so as to provide sufficient support to structures and stabilization for the intended activities in those areas.

21. The design requirements and specifications to which roadways and driveways are subject dictate where cuts and fills are required. While architectural plans have not yet been designed (to do so before a lot count and layout are established makes no sense), the Applicant recognizes that it will be required to obtain site plan approval for the development of houses on each lot and the Applicant has already acknowledged in the DEIS that the design of the houses to fit the topography of the lots (such as the use of the garage-under design) is one way slope disturbance is minimized. Having said that, the FEIS Conventional Plan illustrates conceptual footprints the grading for which blends into the hillside rather than cuts it out, where practicable.

22. Those footprints and the road and driveway layouts are sited where they are least likely to impact natural land forms, to the extent practicable.

23. Under the Tree Ordinance, the property is so heavily treed that no revegetation is required under the Town's replacement density formula. Nevertheless, the Applicant has provided in the DEIS a typical landscaping plan emphasizing the use of indigenous vegetation that would be adapted to each of the lots, the exact nature of which on any particular lot would be determined at the time of site plan approval.

24. The proposed lots on the FEIS Conventional Plan meet the requirements of the Zoning Ordinance.

25. The Construction Plans make clear that adequate access for construction equipment can and will be provided so that such equipment can stay within the limits of disturbance.

For these reasons, the layout of the roads, lots, and driveways on the FEIS Conventional Plan takes into consideration steep slopes and meet the standards of that Ordinance.

All measures for the control of erosion and sedimentation, both temporary and permanent, are consistent with NYSDEC standards and were included in **Appendix C: Stormwater Management Plan** of the DEIS**.**

The Applicant contends that the Conventional Layout meets the standards for determining maximum density. These criteria were then used as a basis for the preparation of the

Conservation Layout to further mitigate impacts to the existing steep slopes of the site**.** This Conservation Layout "clusters" the lots in a different arrangement which results in less disturbed area. The comparisons between the Conventional and Conservation Layouts are provided in Table I-3. The table reveals that the Conservation Layout disturbs less overall area by ± 2.08 acres. More importantly, the steeper slopes (very steep and excessively steep) are being impacted significantly less, by approximately 0.73 acres and site coverage by 10 percent.

Alternatives

See Attached Table I-3.

Table I-2
Conventional Subdivision Plan Steep Slope disturbance and Mitigation

	LOT 1		LOT 2		LOT 3		LOT 4		LOT 5		LOT 6		LOT 7		LOT 8		LOT 9	
	AREA = 46,614		AREA = 40,390		AREA = 42,166		AREA = 43,709		AREA = 50,019		AREA = 41,047		AREA = 41,664		AREA = 41,640		AREA = 40,500	
	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT
ROADS																		
0% - 15%	684.3	1.5%	147.2	0.4%	27.2	0.1%	2861.9	6.5%	8018.1	16.0%	5865.6	14.3%	4980.3	12.0%	197.6	0.5%	0.0	0.0%
15% - 25%	1249.7	2.7%	442.0	1.1%	1707.9	4.1%	332.0	0.8%	1836.2	3.7%	1671.4	4.1%	2201.8	5.3%	630.0	1.5%	76.4	0.2%
25% - 35%	441.9	0.9%	121.5	0.3%	40.7	0.1%	0.0	0.0%	354.6	0.7%	308.2	0.8%	790.1	1.9%	677.8	1.6%	893.6	2.2%
> 35%	122.9	0.3%	0.5	0.0%	2.3	0.0%	0.0	0.0%	268.0	0.5%	160.8	0.4%	1209.4	2.9%	836.9	2.0%	488.0	1.2%
DRAINAGE/UTILTIES (OUTSIDE ROAD R.O.W.)																		
0% - 15%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	241.6	0.6%	0.0	0.0%	2342.0	5.8%
15% - 25%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	342.0	0.8%	0.0	0.0%	509.0	1.3%
25% - 35%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	480.1	1.2%	0.0	0.0%	347.1	0.9%
> 35%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%
HOUSES																		
0% - 15%	6569.9	14.1%	2180.7	5.4%	3911.8	9.3%	5336.8	12.2%	3141.8	6.3%	5198.7	12.7%	4475.6	10.7%	437.4	1.1%	2682.8	6.6%
15% - 25%	0.0	0.0%	7012.7	17.4%	626.3	1.5%	0.0	0.0%	263.9	0.5%	147.8	0.4%	246.9	0.6%	3146.2	7.6%	1686.7	4.2%
25% - 35%	0.0	0.0%	1489.3	3.7%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	1952.3	4.7%	244.2	0.6%
> 35%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.9	0.0%	336.7	0.8%	636.7	1.6%
DRIVEWAYS																		
0% - 15%	5100.0	10.9%	3529.5	8.7%	1769.3	4.2%	5639.0	12.9%	3494.9	7.0%	21316.9	51.9%	7999.3	19.2%	1043.3	2.5%	2941.9	7.3%
15% - 25%	1682.5	3.6%	1878.0	4.6%	1998.2	4.7%	615.4	1.4%	24.0	0.0%	456.5	1.1%	0.6	0.0%	5254.4	12.6%	6394.2	15.8%
25% - 35%	96.2	0.2%	721.7	1.8%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	3219.3	7.7%	5008.3	12.4%
> 35%	57.6	0.1%	128.6	0.3%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.5	0.0%	983.9	2.4%	1746.9	4.3%
Steep Slopes Disturbance Mitigation	See notes 1 and 3		See notes 2 and 3		See notes 1 and 3		See notes 1 and 3		See notes 1 and 3		See notes 1 and 3		See notes 1 and 3		See notes 3 and 4		See notes 3 and 5	

Table I-2 cont.
Conventional Subdivision Plan Steep Slope disturbance and Mitigation

	LOT 10		LOT 11		LOT 12		LOT 13		LOT 14		LOT 15		LOT 16		ROAD A + B		OPEN SPACE		TOTAL AREA
	AREA = 44,112		AREA = 45,140		AREA = 47,171		AREA = 40,248		AREA = 40,052		AREA = 62,532		AREA = 149,161		AREA = 111,838		AREA = 59,578		
	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	(ACRES)
ROADS																			
0% - 15%	3804.1	8.6%	0.0	0.0%	243.7	0.5%	0.0	0.0%	1399.9	3.5%	0.0	0.0%	228.4	0.2%	73335.7	65.6%	0.0	0.0%	2.34
15% - 25%	537.0	1.2%	0.0	0.0%	677.6	1.4%	2324.1	5.8%	565.8	1.4%	0.0	0.0%	480.7	0.3%	30113.0	26.9%	0.0	0.0%	1.03
25% - 35%	649.7	1.5%	0.0	0.0%	878.3	1.9%	2026.0	5.0%	0.0	0.0%	0.0	0.0%	87.8	0.1%	4313.1	3.9%	0.0	0.0%	0.27
> 35%	1047.2	2.4%	0.0	0.0%	979.7	2.1%	204.5	0.5%	0.0	0.0%	0.0	0.0%	256.1	0.2%	4076.5	3.6%	0.0	0.0%	0.22
DRAINAGE/UTILTIES (OUTSIDE ROAD R.O.W.)																			
0% - 15%	198.7	0.5%	0.0	0.0%	932.7	2.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	10903.8	18.3%	0.34
15% - 25%	27.0	0.1%	0.0	0.0%	874.1	1.9%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	5657.7	9.5%	0.17
25% - 35%	127.3	0.3%	0.0	0.0%	474.8	1.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	1398.1	2.3%	0.06
> 35%	114.7	0.3%	0.0	0.0%	29.4	0.1%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	86.8	0.1%	0.01
HOUSES																			
0% - 15%	172.3	0.4%	8690.5	19.3%	236.3	0.5%	835.0	2.1%	5920.3	14.8%	2218.0	3.5%	5040.5	3.4%	0.0	0.0%	0.0	0.0%	1.31
15% - 25%	2303.4	5.2%	332.6	0.7%	624.8	1.3%	4526.7	11.2%	2813.1	7.0%	7509.1	12.0%	2258.0	1.5%	0.0	0.0%	0.0	0.0%	0.77
25% - 35%	4825.2	10.9%	4.9	0.0%	2700.8	5.7%	1009.0	2.5%	196.9	0.5%	1127.5	1.8%	79.6	0.1%	0.0	0.0%	0.0	0.0%	0.31
> 35%	612.1	1.4%	0.0	0.0%	1475.6	3.1%	367.3	0.9%	0.0	0.0%	429.9	0.7%	37.1	0.0%	0.0	0.0%	0.0	0.0%	0.09
DRIVEWAYS																			
0% - 15%	3850.0	8.7%	19730.1	43.7%	648.4	1.4%	4657.6	11.6%	5404.4	13.5%	1893.9	3.0%	6099.8	4.1%	0.0	0.0%	0.0	0.0%	2.18
15% - 25%	2755.6	6.2%	11036.5	24.4%	9016.4	19.1%	8938.1	22.2%	3778.2	9.4%	5209.2	8.3%	1569.4	1.1%	0.0	0.0%	0.0	0.0%	1.39
25% - 35%	1122.2	2.5%	526.2	1.2%	6717.1	14.2%	4313.9	10.7%	0.0	0.0%	314.7	0.5%	442.3	0.3%	0.0	0.0%	0.0	0.0%	0.52
> 35%	95.9	0.2%	183.2	0.4%	2472.1	5.2%	590.4	1.5%	0.0	0.0%	10.3	0.0%	88.5	0.1%	0.0	0.0%	0.0	0.0%	0.15
Steep Slopes Disturbance Mitigation	See notes 3 and 5		See notes 3 and 4		See notes 3 and 4		See notes 3 and 6		See note 3 and 6		See note 1 and 3		See note 2 and 3		See note 7		See Note 8		

Notes for Table 1-2.
Note 1: House placement minimizes disturbance of steep slopes**.**
Note 2: Retaining walls used to contain grading around house to minimize steep slopes disturbance.
Note 3: Construction of infrastructure and houses over the course of 5 Phases means that limited acreage in a discrete area is disturbed at a time. DEC Regulations allow up to 5 acres of disturbance. Applicant proposes as follows: Phase 1 – 2.7 acres; Phase 2 – 3.1 acres; Phase 3 – 2.55 acres; Phase 4 – 2.8 acres; Phase 5 – no additional disturbance; Redundant erosion control measures – silt fence to be installed at limits of disturbance and at bottom of slope of each ¼ acre area of disturbance; Incremental construction of improvements – construction sequencing plan is designed with the intent to construct roads, achieve desired lot grading, stabilize slopes and install utilities before any house construction occurs. Houses to be built when all site work is completed. Initial clearing will occur incrementally. Rough paths/roads will be established in order to get vehicles and equipment into the site before more intense clearing and grading operations occur; Wood chips from tree clearing operations will be stockpiled on gentle slopes and reused for stabilization purposes; Inspection of erosion and sedimentation control measures will follow a strict schedule; Temporary stormwater treatment and control measures will be constructed as each phase is constructed. Design is to capture potentially sediment laden runoff and

keep it from being discharged offsite. Eventually measures will be converted into permanent stormwater treatment and control measures that will function to prevent any increase in the rate of runoff leaving the site in the post-development condition; Permanent vegetative cover on steeper slopes will be achieved through the use of rolled erosion control products (i.e. photodegradable mats).

Note 4: Grading and, therefore steep slopes disturbance is limited by use of garage under design and retaining walls along driveway and in rear of house. Retaining walls facilitate a more efficient transition to grade around the house which limits steep slopes disturbance.

Note 5: Grading and, therefore, steep slopes disturbance is limited by placement of house, coupled with garage under design and use of retaining walls along the driveway and between the house sites on Lots 9 and 10. Retaining walls facilitate a more efficient transition to grade around the house which limits steep slopes disturbance.

Note 6: Garage under design and the use of retaining walls along the side of the driveway, the rear of the residence and between the house sites on Lots 13 and 14 minimize extent of grading required to tie the driveway into the road grade and to transition the grade around the house and between Lots 13 and 14. Retaining walls facilitate a more efficient transition to grade and, therefore, limit steep slopes disturbance**.**

Note 7: Construction of Roads over the course of 4 Phases meaning that limited acreage in a discrete area is disturbed at a time. DEC Regulations allow up to 5 acres of disturbance. Applicant proposes as follows: Phase 1 – 2.7 acres; Phase 2 – 3.1 acres Phase 3 – 2.55 acres Phase 4 – 2.8 acres; Redundant erosion control measures – silt fence to be installed at limits of disturbance and at bottom of slope of each ¼ acre disturbed; Incremental construction of improvements – construction sequencing plan is designed with the intent to construct roads, achieve desired lot grading, stabilize slopes and install utilities before any house construction occurs. Houses to be built when all site work is completed; Clearing will occur incrementally. Rough paths/roads will be constructed to get vehicles and equipment into the site for the more intense clearing and grading operations; Wood chips from tree clearing operations will be stockpiled on gentle slopes and reused for stabilization purposes. Inspection of erosion and sedimentation control measures will follow a strict schedule. Temporary stormwater treatment and control measures will be constructed as each phase is constructed and will eventually be converted into permanent stormwater treatment and control measures. Permanent vegetative cover on steeper slopes will be accomplished through the use of rolled erosion control products (i.e. photodegradable mats).

Note 8: Placement of the basin at the low point and the connection to the road drainage system were done to maximize the operation and effectiveness of the system; Construction of infrastructure and houses over the course of 5 Phases means that limited acreage in a discrete area is disturbed at a time. DEC Regulations allow up to 5 acres of disturbance. Applicant proposes as follows: Phase 1 – 2.7 acres; Phase 2 – 3.1 acres; Phase 3 – 2.55 acres; Phase 4 – 2.8 acres; Phase 5 – no additional disturbance; Redundant erosion control measures – silt fence to be installed at limits of disturbance and at bottom of slope of each ¼ acre disturbed; Incremental construction of improvements – construction sequencing plan is designed with the intent to construct roads, achieve desired lot grading, stabilize slopes and install utilities before any house construction occurs. Houses to be built when all site work is completed. Clearing will occur incrementally. Rough paths/roads will be constructed to get vehicles and equipment into the site for the more intense clearing and grading operations. Wood chips from tree clearing operations will be stockpiled on gentle slopes and reused for stabilization purposes. Inspection of erosion and sedimentation control measures will follow a strict schedule. Temporary stormwater treatment and control measures will be constructed as each phase is constructed and will eventually be converted into permanent stormwater treatment and control measures. Permanent vegetative cover on steeper slopes will be accomplished through the use of rolled erosion control products (i.e. photodegradable mats).

Exhibit I-1

CONVENTIONAL PLAN

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

ZONING CONFORMANCE CHART

ZONING DISTRICT: R–40 (SINGLE FAMILY RESIDENTIAL)

CATEGORY	REQUIRED	PROVIDED																
		LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16	**LOT 17 ***
MINIMUM LOT AREA	40,000 SQ.FT.	46,614 SQ.FT.	40,390 SQ.FT.	42,166 SQ.FT.	43,709 SQ.FT.	50,019 SQ.FT.	41,047 SQ.FT.	41,664 SQ.FT.	41,640 SQ.FT.	40,500 SQ.FT.	44,112 SQ.FT.	45,140 SQ.FT.	47,171 SQ.FT.	40,248 SQ.FT.	40,052 SQ.FT.	62,532 SQ.FT.	149,161 SQ.FT.	**284,630 SQ.FT.**
MINIMUM LOT WIDTH (AT FRONT YARD SETBACK)	100 FT.	215	165	148	150	175	241	243	237	150	170	252	141	142	153	108	103	**320**
MEAN LOT WIDTH	150 FT.	218	**154**	**159**	**150**	**175**	**209**	**223**	**237**	**150**	**167**	**157**	**219**	**237**	**164**	**170**	**235**	**335**
MINIMUM LOT DEPTH	175 FT.	152	256	267	280	285	223	187	175	270	270	302	228	181	245	390	736	**700+**
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES OR/ 35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	**2 1/2 Stories**
MINIMUM FRONT YARD (PRINCIPAL STRUCTURE)	60 FT.	79	101	63	60	60	72	88	60	123	73	89	87	65	68	68	98	**663**
MINIMUM SIDE YARD (PRINCIPAL STRUCTURE)	25 FT.	50.8	25	25	25	60	65	45	25	25	25	28.1	27.1	28.7	25	**25**	25	**415**
MINIMUM REAR YARD (PRINCIPAL STRUCTURE)	50 FT.	72	122	155	182	75	61	50	75	106	157	76	81	66	114	**184**	325	**417**
MAXIMUM BUILDING COVERAGE (PERCENT OF LOT AREA)	10%	5.1	5.9	5.7	5.5	4.8	5.8	5.8	5.8	5.9	5.4	5.3	5.1	6.0	6.0	3.8	1.6	**1.0**
MINIMUM FLOOR AREA	1,200 SQ.FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	**3,311 SQ.FT.**
OPEN SPACE	**1,200 SQ.FT.**	46,688 SQ.FT.	40,390 SQ.FT.	42,166 SQ.FT.	43,709 SQ.FT.	50,019 SQ.FT.	42,006 SQ.FT.	36,050 SQ.FT.	35,211 SQ.FT.	40,500 SQ.FT.	44,112 SQ.FT.	45,140 SQ.FT.	47,171 SQ.FT.	40,248 SQ.FT.	40,064 SQ.FT.	**62,532 SQ.FT.**	**149,161 SQ.FT.**	**284,630 SQ.FT.**

SUBDIVISION CONFORMANCE CHART

ZONING DISTRICT: R–40 (SINGLE FAMILY RESIDENTIAL)
(SUBDIVISION REGULATIONS §A227–24)

CATEGORY	REQUIRED	PROVIDED
MINIMUM R.O.W. WIDTH LOCAL STREET (FT.)	50	50
MINIMUM PAVEMENT WIDTH LOCAL STREET (FT.)	24	24
MAXIMUM GRADE LOCAL STREET (%)	10[1]	10.83
MINIMUM GRADE (%)	1	1.50
TURNAROUND DIAMETER R.O.W. (FT.) PAVEMENT MINIMUM (FT.)	 100 85	 100 85
MAXIMUM LENGTH OF CUL–DE–SAC PERMANENT DEAD END STREET 6 x MIN. LOT WIDTH 6 x 150 FT. = 900 FT.	900	541
MINIMUM CENTERLINE RADIUS OF CURVE–LOCAL STREET (FT.)	250	250
MINIMUM RADIUS AT INTERSECTION R.O.W. (FT.) PAVEMENT (FT.)	 20 30	 20 30
MINIMUM TANGENT LENGTH LOCAL STREET (FT.)	100	131
SIGHT DISTANCE AT INTERSECT. (FT.)	75	75 (MIN.)

[1] GRADES UP TO FOURTEEN PERCENT (14%) MAY BE ALLOWED AT THE DISCRETION OF THE PLANNING BOARD FOR SHORT, STRAIGHT RUNS.

NOTE:
MAXIMUM HEIGHT OF WALLS SHOWN ON PLAN IS 6 FT.

* EXISTING WATERHOUSE LOT

SOURCE: WSP Sells

Exhibit I-1

CONVENTIONAL PLAN ZONING CONFORMANCE CHARTS

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

Exhibit I-2

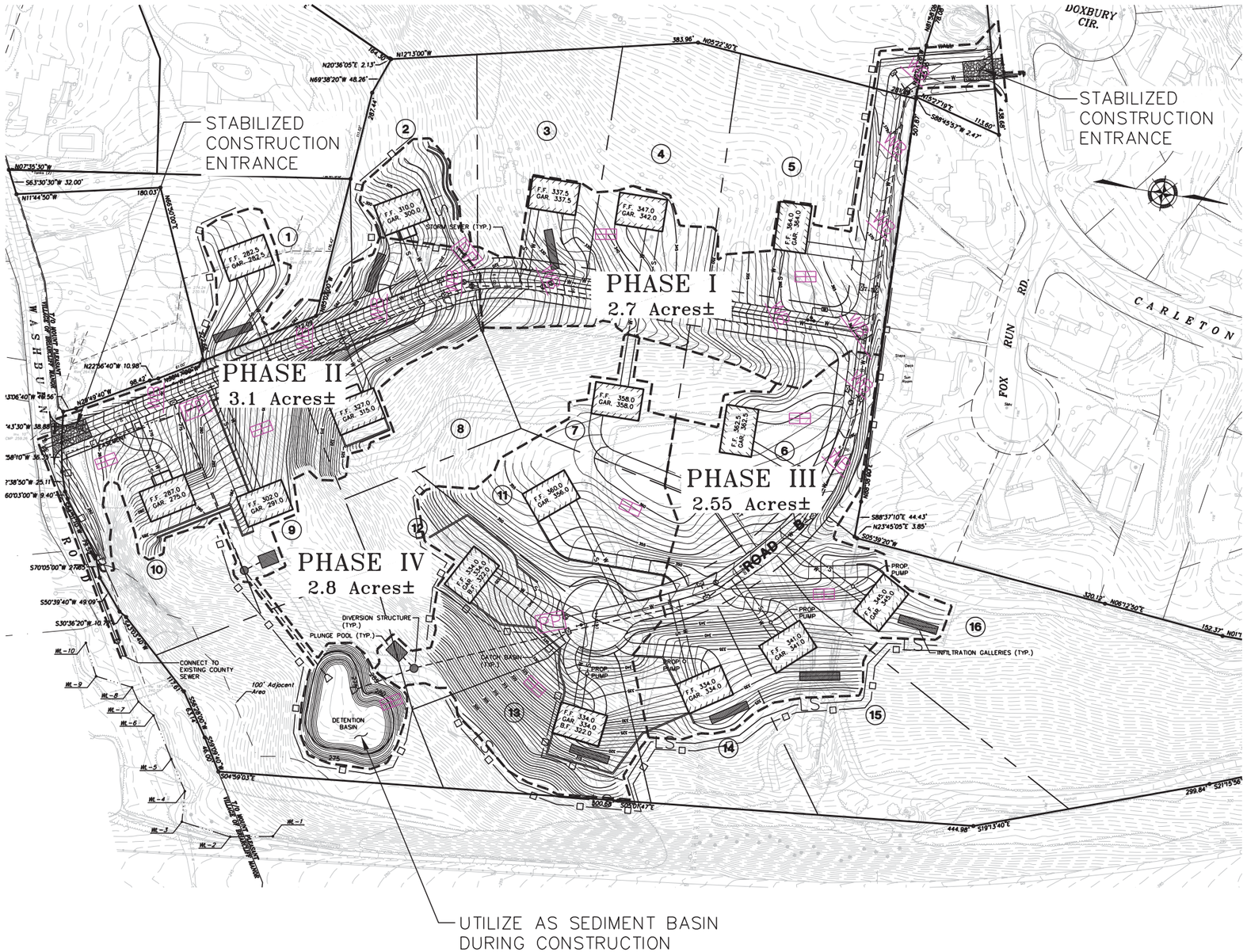
CONSERVATION PLAN

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells



0 150'

LEGEND

- PHOTODEGRADEABLE EROSION CONTROL BLANKET
- WB — WATER BAR EVERY 100 FT
- —S— TEMPORARY SEDIMENT CONTROL SWALE (RIPRAPPED) WITH SILT FENCE/HAYBALES ACROSS EVERY 100 FT
- —LS— LEVEL SPREADER/FLAT SWALE
- PP — PLUNGE POOL (RIPRAPPED)
- —□—□- SILT FENCE
- INFILTRATION GALLERY
- PLUNGE POOL
- DIVERSION STRUCTURE

Exhibit I-3

CONSTRUCTION SEQUENCING CONVENTIONAL LAYOUT

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

*EXISTING WATERHOUSE LOT

ZONING CONFORMANCE CHART
ZONING DISTRICT: R-40 (SINGLE FAMILY RESIDENTIAL)

CATEGORY	REQUIRED	PROVIDED						
		LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 17*
MINIMUM LOT AREA	40,000 SQ.FT.	44,500 SQ.FT.	45,774 SQ.FT.	47,637 SQ.FT.	50,438 SQ.FT.	56,903 SQ.FT.	41,000 SQ.FT.	284,630 SQ.FT.
MINIMUM LOT WIDTH (AT FRONT YARD SETBACK)	100 FT.	189	158	151	150	186	153	320
MEAN LOT WIDTH	150 FT.	191	150	150	150	174	152	335
MINIMUM LOT DEPTH	175 FT.	202	309	310	324	330	270	700+
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES OR/ 35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	2 1/2 Stories
MINIMUM FRONT YARD (PRINCIPAL STRUCTURE)	60 FT.	79.8	110	107	89	94	154	663
MINIMUM SIDE YARD (PRINCIPAL STRUCTURE)	25 FT.	30.1	29.8	30.4	39.9	27.4	30.0	415
MINIMUM REAR YARD (PRINCIPAL STRUCTURE)	50 FT.	79.6	151	161	205	199	75	417
MAXIMUM BUILDING COVERAGE (PERCENT OF LOT AREA)	10%	5.4	5.1	5.0	4.8	4.2	5.8	1.0
MINIMUM FLOOR AREA	1,200 SQ.FT.	2,400 SQ.FT.	2,400 SQ.FT.	2,400 SQ.FT.	2,400 SQ.FT.	2,400 SQ.FT.	2,400 SQ.FT.	3,311 SQ.FT.
OPEN SPACE	1,200 SQ.FT.	40,972 SQ.FT.	41,602 SQ.FT.	43,619 SQ.FT.	46,619 SQ.FT.	53,011 SQ.FT.	34,747 SQ.FT.	284,630 SQ.FT.

ZONING CONFORMANCE CHART
ZONING DISTRICT: R-10 (SINGLE FAMILY RESIDENTIAL)

CATEGORY	REQUIRED	PROVIDED									
		LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16
MINIMUM LOT AREA	10,000 SQ.FT.	40,211 SQ.FT.	30,526 SQ.FT.	15,991 SQ.FT.	19,430 SQ.FT.	21,422 SQ.FT.	22,234 SQ.FT.	10,844 SQ.FT.	11,324 SQ.FT.	11,190 SQ.FT.	11,206 SQ.FT.
MINIMUM LOT WIDTH (AT FRONT YARD SETBACK)	65 FT.	156	172	122	75	67.9	67	76	78	75	75
MEAN LOT WIDTH	75 FT.	140	164	112	135	124	152	82	75	75	75
MINIMUM LOT DEPTH	100 FT.	207	151	121	121	173	134	134	135	149	150
MINIMUM BUILDING HEIGHT	2 1/2 STORIES OR/ 35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.
MINIMUM FRONT YARD (PRINCIPAL STRUCTURE)	30 FT.	60	33	30	30	30	40	30	43	30	30
MINIMUM SIDE YARD (PRINCIPAL STRUCTURE)	10 FT. MIN./25 FT. TOTAL 2 SIDES	48	45	0	0	10	18.8	0	0	0	0
MINIMUM REAR YARD (PRINCIPAL STRUCTURE)	30 FT.	170	105	61	61	99	71	63	59.8	81.6	81.6
MAXIMUM BUILDING COVERAGE (PERCENT OF LOT AREA)	20%	6.0	7.9	9.4	7.7	7.0	6.7	13.8	13.2	13.4	13.4
MINIMUM FLOOR AREA	1,200 SQ.FT.	2,400 SQ.FT.	2,400 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.	1,500 SQ.FT.
OPEN SPACE	1,200 SQ.FT.	35,615 SQ.FT.	27,630 SQ.FT.	12,578 SQ.FT.	17,327 SQ.FT.	19,453 SQ.FT.	20,090 SQ.FT.	8,857 SQ.FT.	8,914 SQ.FT.	9,236 SQ.FT.	9,252 SQ.FT.

Exhibit I-4

SITE PLAN CONSERVATION ALTERNATIVE

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

Exhibit V-2

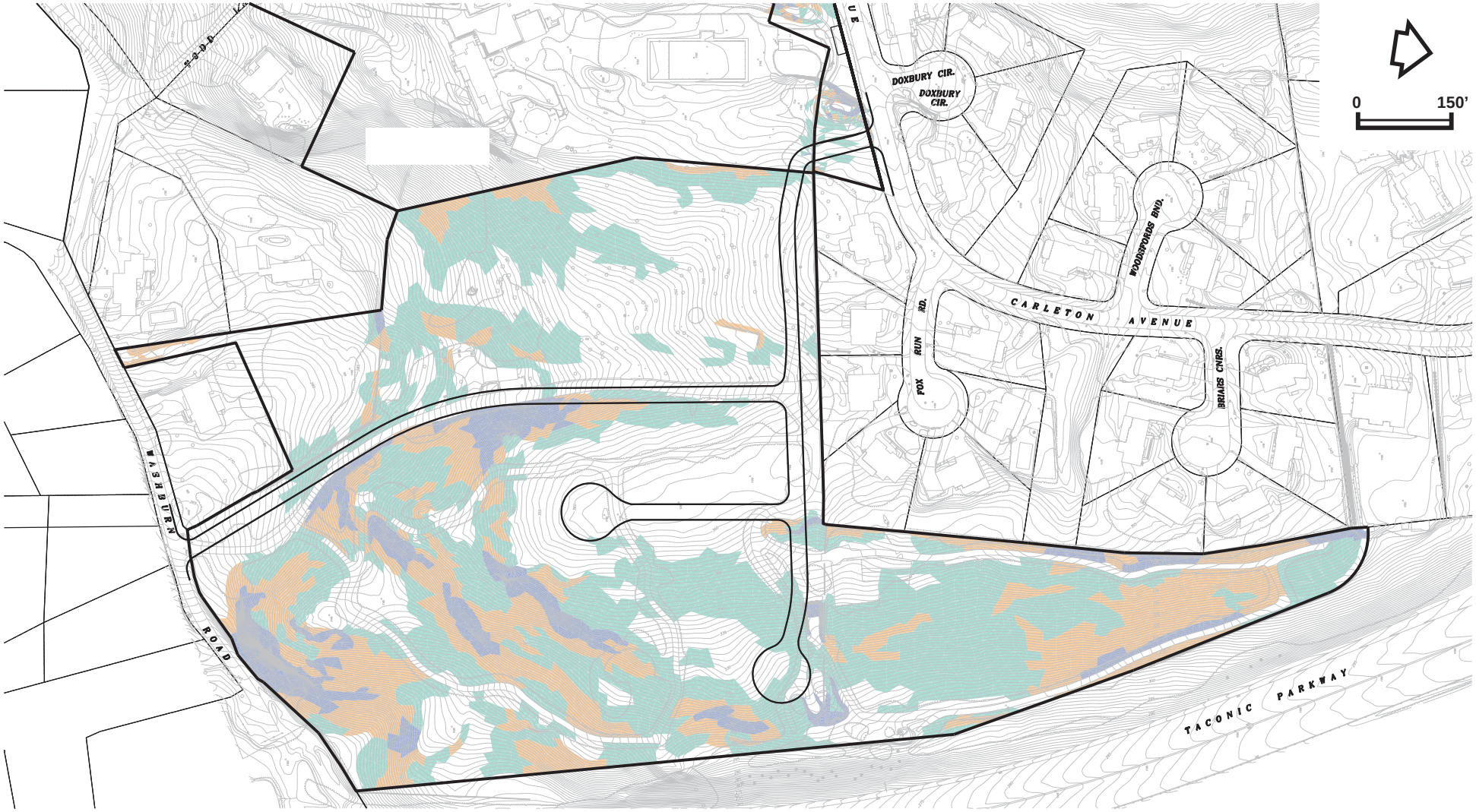
ALTERNATINE SITE ACCESS LAYOUT

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

DATE: September 30, 2009
SOURCE: WSP Sells



LEGEND

- SLOPES 15% – 25%
- SLOPES 25% – 35%
- SLOPES > 35%

Exhibit V-3

REDUCED IMPACT LAYOUT

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

DATE: September 30, 2009
SOURCE: WSP Sells

Table I-3
Comparison of Impacts

FEIS Review Items	Proposed Action	Conventional Layout	Conservation Layout with All Homes Clustered	Alternative Site Access (No Through Road)	Reduced density subdivision that avoids steep slopes, ridgelines and other site constraints
Site Disturbance	• ±9.07 acres of total disturbance	• ± 11.15 acres of total disturbance	• ±9.07 acres of total disturbance • ±0.89 acres of disturbance on slopes greater than 25%	± 8.92 acres ± 1.87 acres disturbance on slopes greater than 25%	• No disturbance would occur on any slopes greater than 25%. Therefore, no roads would be constructed throughout the site, prohibiting access to any land that may be used for lots, preventing any development on the site.
	• ±0.89 acres of disturbance on slopes greater than 25%	• ±1.62 acres of disturbance on slopes greater than 25%			
Taxes/Socio-Economic	• Taxes Generated would be $535,000	• Taxes Generated would be approximately $621,448	• Taxes Generated would be approximately $535,000	Taxes generated would be approximately $545,408	
Traffic and Transportation	• Trip generation Peak AM is 23	• Trip generation Peak AM is 23	•Trip Generation would be similar to the Proposed Action	• Trip generation Peak AM is 22	
	• Trip generation Peak PM is 22	• Trip generation Peak PM is 22	•Trip Generation would be similar to the Proposed Action	• Trip generation Peak PM is 19	
Land Use and Zoning	• R-40 Single-Family Residential	• R-40 Single-Family Residential	• 16 new units - based on capacity of conventional plan	• 14 new units	
	• 16 new units - based on capacity of conventional plan	• As-of-right 16 lots			
		• Would utilize a road configuration comparable to the one contemplated for the Proposed Action with the exception of new Road C to access the proposed empty-nester residences			
Community Facilities and Services	• Approximately 9.55 acres of open space	• Approximately 1.37 acres of open space	• Approximately 10.7 acres of open space	• Approximately 5.06 acres of open space	
	• Approximately 51 new residents	• Approximately 58 new residents	• New Residents would be similar to Proposed Action	• Approximately 52 new residents	
	• Approximately 12 new school-aged children	Approximately 14 new public-school school-aged children	• New public-School school-aged children would be similar to Proposed Action	Approximately 13 new public-school school-aged children	

Comment II1:
All project related permits and approvals needed from the Village of Briarcliff Manor need to be indicated in Table I-1. The Applicant must obtain a curb cut permit for access to Washburn Road, a Village Road and a road opening permit for installation of a sewer line in Washburn Road, as well as all permits and approvals associated with the connection to the Village's municipal water supply.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response II1:
Comment noted. Table I-1 has been updated to reflect the permits needed from the Village of Briarcliff Manor

Comment II2:
Further, any other approvals needed from the Village related to the extension of the proposed sewer main through the Village will also need to be included.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response II2:
See response to Comment II-1.

Comment II3:
Table II-2 should be updated to reflect the comments raised above in Comment 1 (Permit table).

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response II3:
Comment noted, see response to Comment II-1.

Comment II4:
Exhibit II-1 should be updated to more clearly demarcate existing municipal boundaries.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response II4:
Comment noted, see revised Exhibit II-1.

Comment II5:
The next general comment is that this is a document of the Board, it's frequent use of various phrases such as "the Applicant's opinion" and so on, and clearly these are inappropriate and I question whether that shouldn't be a statement of fact.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response II5:
In certain instances, the Lead Agency may, or may not, agree with the conclusions reached by the Applicant. In such cases, the Applicant believes it is appropriate to preface the conclusion that it is in their opinion. As part of the responses to this FEIS, the Lead Agency may have a different point of view of specific conclusions then the Applicant and would be so noted.

Comment II6:
That the terms of the Countryside declaration apply to (indiscernible) lot D8. The Applicant disagrees. Again this is to my point about the wording.

Alan Crosswell, Public Hearing Transcript 6/21/10

Response II6:
The Applicant is not prohibited in the DEIS or FEIS from ensuring that its position with respect to matters addressed therein is reflected in those documents. There is nothing inappropriate or improper about the Applicant stating its disagreement with a point made by a member of the public or a municipal board/agency/department. Further, the Applicant must ensure that statements that can be viewed as opinions of the Applicant's be clearly attributed to the Applicant in the DEIS and FEIS.

Comment II7:
Is the Village of Briarcliff going to be informed that this project is in progress?

Vincent Marcheca, Public Hearing Transcript 6/21/10

Response II7:
The Village of Briarcliff Manor has been included in the distribution of the DEIS and will be forwarded a copy of the FEIS. As indicated in Response to Comment II-1 the Village of Briarcliff Manor will need to be consulted for a variety of permits as part of eventual site construction.

Comment II8:
I.-B. 4th par: cites Appendix A: Conventional & Conservation Layout Plans. But Appendix A instead a SEQR doc. The plan appendices are L.

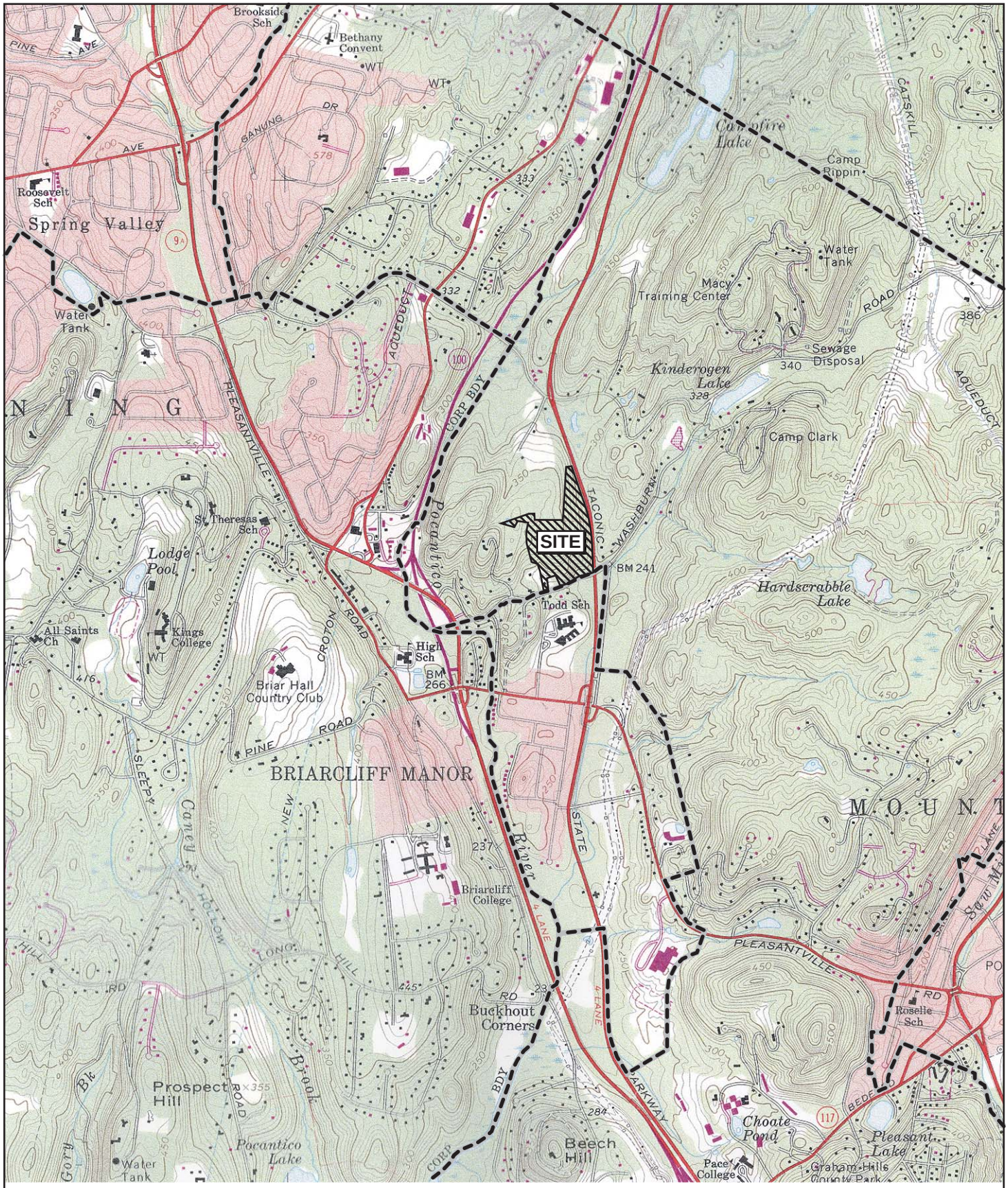
Josh Tane, Letter dated 7/26/10

Response II8:
Comment noted. The Schematic Site Plans were included as Appendix L in the DEIS.

Comment II9:
II.-B.1. "Project Purpose and Need" Applicant feels project would satisfy need and desire of empty nesters to "downsize" to low-maintenance housing within the town and area they already live. To this, planning board should note site's very close proximity to Taconic Pkwy, which borders site. Board should consider noise level from parkway, which can be excessively loud, and also should note that cluster homes of project (which Applicant states would be preferred by empty nesters) will be closer to parkway than most of the single-family homes. I would think empty nesters are particularly susceptible to road noise and would shy away from moving to a new home that was subject to loud highway noise levels.

Josh Tane, Letter dated 7/26/10

Response II9:
As noted in Section III H.1 of the DEIS and as indicated in the 2006 Enrollment Projection Study prepared on behalf of the Briarcliff Manor School District (p.21) over one-third of the owner



0 1000'

Exhibit II-1

SITE LOCATION

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

BASE MAP SOURCE: USGS - Ossining, NY Quadrangle

occupied housing units are occupied by an age group who is generally referred to as empty-nesters who typically consider downsizing their home sometime in their past 55 years. The Applicant proposes to construct an upscale residential community with a homeowner's association to manage the upkeep and landscaping. The proposed layout includes extensive open space as a site amenity and buffer. It is unclear from the comment raised as to what constitutes excessively loud. The Taconic Parkway allows typical passenger vehicles but prohibits commercial truck traffic which could have a greater impact on surrounding properties. Approximately 9.07 acres of the total ±30 acres are proposed to be disturbed to allow for the Proposed Action. As indicated in Appendix H Sheet 12 Tree Plan – East Side Conservation, extensive areas of the site will remain undisturbed. Of the 2,543 trees greater than 4 inches dbh, approximately 491 are proposed to be removed. In addition, there is approximately 50 feet of vegetated right of way along the Taconic Parkway. The presence of existing stands of mature trees will continue to act as a buffer between the Taconic Parkway and the Proposed Action. The Applicant notes that throughout Westchester County there are numerous instances where successful residential developments have been built next to roadways, train lines and airports.

Comment II10:
"The Applicant has proposed that an existing paved path system be modified and updated for use by project residents as a passive recreation component." But this path system is not shown on either site plan.

Josh Tane, Letter dated 7/26/10

Response II10:
Comment noted. There is an existing paved path system on the Project Site, some parts of which will be removed to accommodate certain proposed improvements, thereby disconnecting the system in places. The Applicant has examined preliminarily how the path system would be reconnected and whether the reconnections would have any impact on the drainage system for the Subdivision. The Applicant proposes a gravel path as depicted on Exhibit II-10– Enhanced Path System - Conservation Layout, which minimizes additional disturbance to the existing site by avoiding the removal of any trees and/or shrubbery. The gravel path does not increase the amount of impervious surface and therefore will not affect the stormwater management plan for the subdivision. This enhanced path system has been placed in the open space for common use.

Comment II11:
Page II-3 – 1st ¶ - What is the source of water for the on-site irrigation system?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response II11:
The Applicant proposes to use existing on-site wells for irrigation consistent with existing conditions. No new irrigation wells are proposed or necessary

Comment II12:
Page II-3 – 7th ¶ - The narrative indicates that "standard sized lots" are proposed utilizing clustering provisions. Isn't the intent of the cluster concept to abandon standard sized lots in favor of flexibly configured lots, which achieve the goals of preserving open space and protecting sensitive environmental features? Additionally, the creation of an "intimate setting"

should not be identified as a goal of the cluster subdivision. The cluster subdivision process should not be used to by-pass existing zoning controls for marketing purposes, but as noted above, to preserve open space and the site's sensitive environmental features.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response II12:
The Applicant intends on creating a subdivision that is designed with additional flexibility that clustering provides. The additional flexibility allows for the creation of ±9.55 acres of open space. Compared to the FEIS Conventional Plan, the revised concept plan reduces overall site disturbance by ± 2.08 acres; impervious surface area by ±0.27 acres; and disturbance to steep slopes by ±1.61 acres. As indicated on Exhibit I-1, the Applicant has prepared an as of right subdivision layout that conforms to all of the lot and bulk regulations in the Town of Mt. Pleasant Zoning Code. The conventional subdivision layout conforms to Section 227-9.B of the Town Code in establishing the maximum density permissible considering all applicable regulations including those governing steep slopes disturbance. (refer to the Executive Summary and Section C for the Conventional Plan's compliance with steep slopes disturbance standards).

Comment II13:
Page II-3 – 7th ¶ - It is noted that the units will not be age restricted, but will there be any restrictions on the number of occupants (thereby assuring that the "empty nester" goal is achieved).

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

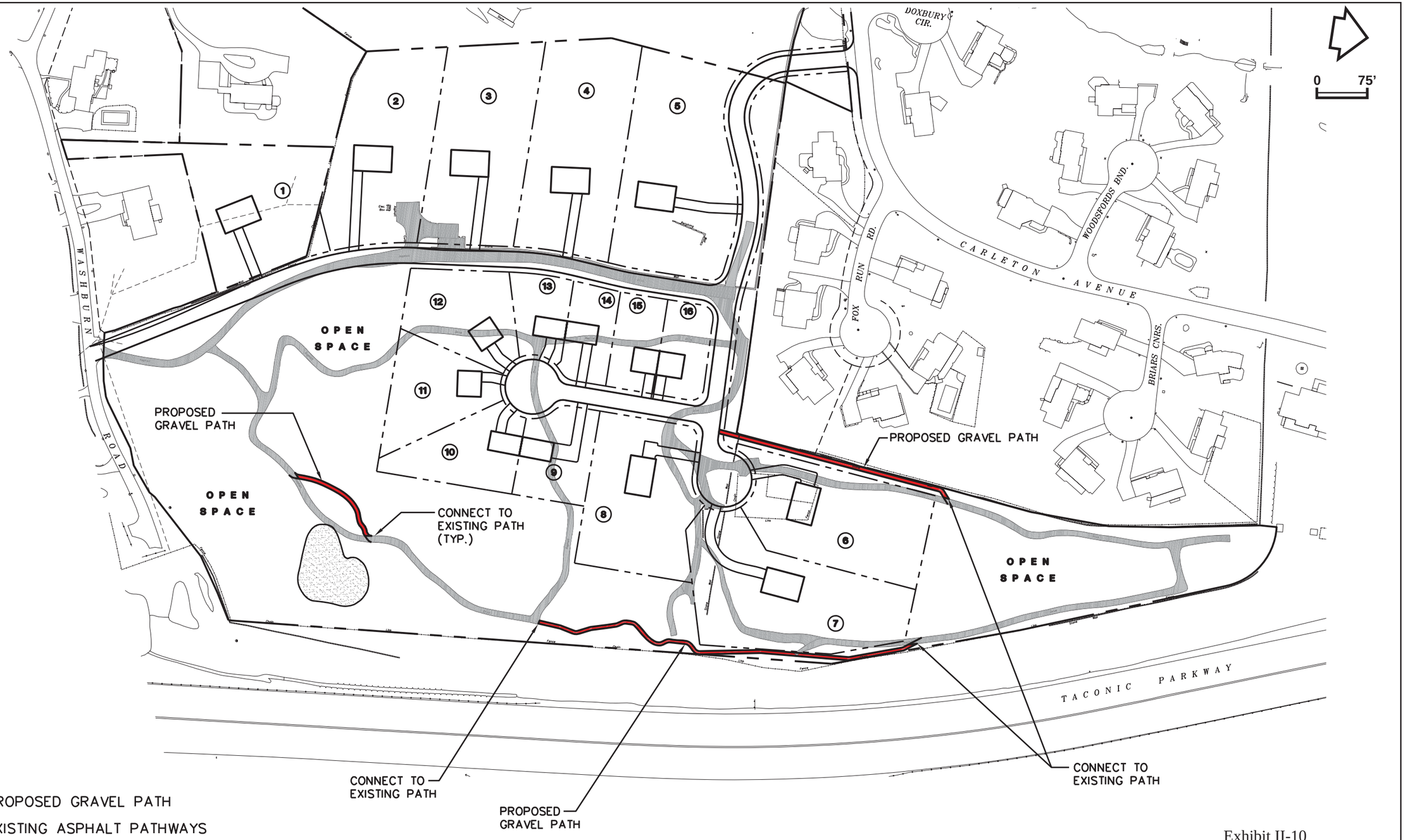
Response II13:
There will be no formal covenant recorded against the property to restrict the number of occupants. The number will be limited by the number of bedrooms and the compact, efficient design of the subdivision and control over facilities which are expected to attract an "empty nester" population. However, the Applicant has prepared the demographic analysis as if the project was not targeted towards a specific age group. The Applicant contends that the analysis is conservative in its approach. Applying an empty nester multiplier (2.17) to the attached unit component would yield a projected population of approximately 17, when combined with the population projection from the detached single family produces a projected population of 46 compared to the worst case projection of 51 residents.

Comment II14:
Page II-4 – 2nd ¶ - Does the applicant intend to address any green building standards or seek LEED certification, such as the two applicable categories of LEED for Homes, or LEED for Neighborhood Development? Such a green building commitment is recommended.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response II14:
The Applicant notes that there are no municipal regulations requiring the development of new residential communities to meet LEED for Homes or LEED for Neighborhood Development. The Applicant is making no commitment at this time.

Comment II15:



PROPOSED GRAVEL PATH

EXISTING ASPHALT PATHWAYS

NOTE:
EXISTING PATHS WILL BE REMOVED
AS REQUIRED FOR CONSTRUCTION

Exhibit II-10

ENHANCED PATH SYSTEM CONSERVATION LAYOUT

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

Page II-5 – 4th ¶ - The Purpose & Need section addresses *only* the empty nester, age targeted nature of the project. As the project will not incorporate any specific age restrictions to guarantee that those purposes and needs are met, identify any other "purposes & needs" addressed by the project.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response II15:
In addition to providing a housing alternative, the Applicant recognizes that the proposed development meets the Town's land use plans and zoning regulations for residential uses at this site. Approximately 32 percent of the Project Site is proposed to be preserved as permanent open space. The Applicant notes that the presence of an existing water service connection which could ultimately allow for the creation of inter-connections within the existing water supply system that are currently not available is a substantial benefit to the community as is the looping of the water system that hopefully will occur. In addition, as indicated in Section H of the DEIS, the Proposed Action is anticipated to generate significant tax revenue to the school district, the Town and Fire District.

Comment II16:
Page II-6 – 6 – 5th ¶ - Similar to comment (II17) above, as the project is not specifically age restricted, what benefits exist to prospective homebuyers who are not age 55 or above?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response II16:
Prospective homebuyers not age 55 or above have the opportunity to live in a community where it is convenient to access the area's regional highway system and within a community that has 32 percent of the site preserved as open space. A proposed homeowners association would provide landscape and the site maintenance as an additional amenity

Comment II17:
The conservation subdivision preferred by the applicant provides approximately 8 acres of open space. We support a conservation layout which preserves contiguous wooded areas though it appears that the purpose of clustering a portion of the homes is to optimize lot counts to the maximum allowed per zoning rather than to maximize open space and minimize environmental impact.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response II17:
The Applicant has provided in Appendix H of this FEIS a conventional subdivision which meets the requirements of the Zoning Code of the Town of Mt. Pleasant. The Applicant has prepared a subdivision layout that combines clustering with as of right lot layouts. The use of clustering does not allow for any increase in lot count or density, but the ability to use different design techniques to achieve specific results such as reduced site disturbance. The proposed conservation subdivision layout preserves approximately 9.55 acres, or 32 percent, of the site as

open space, which exists in a contiguous band. As indicated in Section V.C of the DEIS, the Applicant has provided an explanation as to how incorporating a portion of lots 1-8 as illustrated on the Proposed Action as open space would respond to the comment regarding clustering the entire project. The Applicant does not propose to encumber Lots 1 through 8 with any additional restrictions.

Comment II18:
The CAC suggests that an alternative with all units clustered on the north and/or northwest portion of the site would preserve more open space, reduce steep slope disturbance and the number of large trees removed. Storm water impacts could be reduced as well.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response II18:
The Applicant has prepared a subdivision layout that meets the zoning requirements for site design and layout. As a result of the proposed layout approximately 9.55 acres, or 32 percent of the site would be preserved as open space. The number of trees to be removed in relation to the number remaining is not significant to require the Applicant to plant any replacement trees. It may be feasible or desirable to reconfigure lots 1-8 but that is not the intention of the Applicant. As noted above a significant portion of the site would be preserved as open space.

Comment II19:
It is positively noted that the development will not have street lighting. This is an environmentally sound decision providing both aesthetic benefits and energy efficiency. We support this aspect of the plan that does not add more energy consumption and unnecessary light pollution and to an existing residential area. However we recommend more energy efficiency measures.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response II19:
Comment noted.

Comment II20:
A very short general outline in the DEIS states that "homes would be designed to meet or exceed the New York State Energy Conservation Code". The CAC would like to see a more detailed commitment to this increasingly important issue. For example, it states in the DEIS "windows are *likely* to be double paned, insulating glass for winter heating and low emissivity for summer cooling" does not demonstrate a defined commitment to sustainable construction (italics added).

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response II20:
Specific designs for individual homes have not been prepared. The Applicant reiterates that homes would be designed to meet or exceed the New York State Energy Conservation Code.

Comment II21:
New home construction offers an opportunity to use the most energy efficient materials, reducing energy consumption and carbon footprint. Homes should include CFC lighting and other LEEDS type measures that would significantly add both to the environmental and market value of the development from reduced energy costs and the reduced environmental impact of these new homes.

Specifically we would request information on the type of energy efficient materials and more definitive assertions on their use including but not limited to:

- Insulation material and air sealing
- High efficiency heating and water heating equipment (95% efficiency)
- Energy star windows
- Energy star products and appliances (includes light fixtures, bulbs, ventilation fans, and appliances)
- Independent testing - Verification by an independent energy home rater.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response II21:
Comment noted. See Response to Comment II-14.

Comment II22:
I don't know that there's a necessity for 16 lots on the site or if there are going to be 16 lots, then perhaps there should be more clustering in order to accommodate it.

Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response II22:
As indicated in response to Comment II-12, the Applicant has prepared an as of right subdivision layout that conforms to the requirements of the Mt. Pleasant Zoning Code.

Comment II23:
We and other residents and interested parties have previously addressed and alerted you at Town Meetings and by letter with the particulars of our shared concerns about the Taconic Tract regarding: (1) road safety and feasibility; (2) increased traffic on local roadways and at difficult local intersections, both during and after proposed construction; (3) school bus and emergency vehicle access; (4) loss of open space; (5) protection of wetlands and steep slopes; (6) adequacy of water and sewer for new dwellings; and (7) disruption of area wide natural and manmade drainage. We want to underscore once again these significant issues as the Board considers the Taconic Tract DEIS.

Dan and Christine Taylor, Letter dated 9/30/10

Response II23:
See FEIS Section III-B for specific responses to comments on land use (including open space), FEIS Section III-C for specific responses to comments on soils and topography (i.e., steep slopes), FEIS Section III- D for specific responses to comments on wetlands (i.e., natural resources) FEIS Section III-E for specific responses to comments on surface water and stormwater management and FEIS Section III-G for specific responses to comments on Traffic and Transportation. In summary with respect to the comments raised above: 1) road safety and feasibility – the Traffic Impact Assessment indicates that roadway configurations serving the Site are consistent with industry standards and the relatively minor increase in traffic will not adversely impact vehicular safety at study area intersections. 2) Increased traffic on local roadways – the Traffic Impact Assessment evaluated the increase in traffic on study area intersections and concluded they would continue to operate at acceptable levels of service. 3) School bus and emergency vehicle access - the areas roadways have been evaluated and are sufficient to allow safe access for school bus traffic. The ability to create a connection between Washburn Road and Carleton Avenue would enhance circulation in the area for emergency service providers. 4) Loss of open space - the property in question is privately owned and, therefore, is not open space in the publicly accessible sense; the Applicant maintains that there are property rights which allow for the development of private property within the guidelines of the zoning code requirements. 5) Protection of wetlands and steep slopes – There are no on-site wetlands or wetland buffers that will be impacted as a result of the Proposed Action. The Applicant has provided specific mitigation measures to address potential impacts to steep slopes. 6) Adequacy of water and sewer for new dwellings – as indicated in the Executive Summary there is physical access to municipal water to service the site and the Applicant is working on clarifying the Applicant's legal access to such service with the Village. The Proposed Action will connect to an existing sewerage system with adequate capacity to accommodate the new residential units. 7) Disruption of area wide natural and man-made drainage – a comprehensive stormwater management plan has been prepared which mitigates potential impacts as a result of the introduction of additional impervious surface area.

Comment II24:
Concerning the DEIS III.A-9, the Marchica deed contains the following provision, "We are to give full and complete cooperation with this single family subdivision." Just what exactly does this mean?

Theresa and Vincent Marchica, Letter dated 10/1/10

Response II24:
See Responses A14 and A44.

Comment A1:
I'm just curious with the cluster, was that ever suggested or requested by the board or our consultants?

Board Member Denis McCarthy, Public Hearing Transcript 6/21/10

Response A1:
The partial cluster plan was proposed at the outset by the Applicant; a Conservation Subdivision Plan was part of the initial submission to the Planning Board in April 2006. In the Applicant's view, the part-cluster/part conventional plan represented (and continues to represent) a logical development scenario for the Project Site based upon sound land use planning principles and the location of environmentally sensitive features of the property. Specifically, in terms of zoning transition, the one-acre lots abut the larger single parcel of ±7.58 acres and other single family lots to the west while the smaller lots that would be clustered are comparable in size to those in the abutting Countryside Subdivision, which was developed as a cluster subdivision (i.e. 10,844s.f. - 22,234 s.f. in the proposed subdivision versus ±13,000 s.f. in the Coutryside Subdivision). The Applicant anticipates that the development as a whole and the smaller lots in particular will appeal to "empty-nesters" who are looking to remain in the community in reasonably sized residential accommodations that require little exterior maintenance because the majority of such responsibilities will be borne by a homeowners association. In addition, steep slopes on the property tend to be concentrated on the property's east side that abuts the Taconic Parkway, where there also exists a substantial concentration of trees. While the disturbance of the steep slopes and trees on the eastern side of the property can be done in an engineeringly and environmentally safe manner and there will continue to be a substantial number of trees on the property post-development (enough so that no additional trees are required to be planted under the replacement ratio in the Town's Tree Ordinance), the Applicant believed (and continues to believe) that clustering the lots in the central and eastern parts of the property will protect the more steeply sloping portions of the Site. It is for these reasons that the Applicant offered to cluster a number of the proposed lots without waiting to be asked to do so by the Planning Board. A full cluster plan was not proposed by the Applicant because it wanted to offer a variety of lot sizes as part of the development program which a full cluster proposal would not have allowed. As such, the full cluster plan was not consistent with the Applicant's objectives.

Comment A2:
Specifically, on page I-1, Section I.B, the parcel described, one or two are existing vacant parcels. Parcel 2 is an improved parcel. As far as I'm concerned, it's the backyard of Dean Saunders property which is adjacent to mine. So a property with a lawn, isn't that sort of an improved parcel, not vacant? Certain areas are described as vacant, and the land is in fact improved with a lawn that's maintained. It's currently the back yard of an adjacent property. So is that really vacant? Is that correctly called vacant or is that an improved (parcel)?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A2:
The Applicant notes that the property in question is owned by Andrew and Sharon Saunders. Drew Saunders owns an adjacent parcel. The term vacant was used to describe property that has

not been built on. It is noted that much of the proposed 30± acres associated with the Project Site has been manipulated and landscaped over the years. This includes maintained lawns, landscaping, walking paths and compositing pile. Based on Town of Mt. Pleasant Assessors records the properties associated with the Proposed Action are classified as follows: Lot 37 – 310 Residential Vacant; Lot 38 – 320 Rural; Lot 39 - Rural; Lot 40 – Single Family Residential; and, Lot 42 – Residential Vacant.

Comment A3:
Page I-9, Table I-2: Land Use and Zoning under Conventional layout says as-of-right 16 lots. Is this accurate or would zoning variances be required to allow 16 lots, which again, I think one of you mentioned that the question of whether the as-of-right includes the restrictions due to steep slopes. I seem to recall it was more like 9.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A3:
As indicated in Appendix H of this FEIS, the Applicant has prepared an as of right subdivision layout which conforms to the R-40 zoning dimensional regulations of the Mt. Pleasant zoning code.

Comment A4:
There's a statement that cluster three-bedroom homes wouldn't be attractive to empty-nesters. I suggest that the Board question the logic behind that. These so-called empty-nester homes are 3,200 square foot three-bedroom houses within walking distance of Todd Elementary School in the Briarcliff Manor School District.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A4:
The Applicant maintains that there is a significant demographic within Westchester County that is looking for an alternative housing option. As stated in the 2006 Enrollment Projection Study prepared on behalf of the Briarcliff Manor School District (p.21) "… over one-third of the owner occupied housing units are occupied by an age group who is generally referred to as empty nesters who typically consider downsizing their home sometime in their past 55 years." The empty nester unit typically has first floor master bedroom suites which is what is contemplated as part of this community. In addition, the Applicant has committed to establishing a homeowners association that would take care of the maintenance of the units and the grounds year round. This allows owners who head out of town for the winter an opportunity to have their unit maintained. As indicated in Section II-I of the DEIS, a conservative assessment of school age child generation rates was use as if all units were occupied regardless of age orientation. The Applicant intends on using a marketing approach for the empty nester units, but does not propose a private deed restriction or other legal mechanism to restrict occupancy. The analyses in the DEIS and this FEIS have assumed no restrictions on occupancy based upon age and, therefore, they present the potential "worst-case" scenario.

Comment A5:
I would either suggest either enforce it or just require that the calculations assume that the age restriction can't be enforced.

Alan Crosswell, Public Hearing Transcript 6/21/10

Response A5:
See response to comment A4 above.

Comment A6:
There will be no street lighting or any other type of lighting provided on or by this development is the quote, and my question for the Board is: Can this be made a binding condition of approval?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A6:
While the Town of Mount Pleasant roadway design standards require the installation of streetlights (as well as hydrants, sidewalks and other improvements) (*see* the Land Subdivision Regulations Section A227-25(D)), under Section A227-25(A) of the Land Subdivision Regulations, the Planning Board has the authority to waive such required improvements. Here, the Applicant requests that the Planning Board waive the requirement for streetlights as well as sidewalks to be installed since such improvements are not appropriate or desirable in the context of the proposed Subdivision. The comment above from a neighboring property owner seems to support the waiver of streetlight improvements in the Subdivision and is addressed at the mechanism by which the Planning Board would ensure that such lighting not be installed. The condition of no street lighting could be made by the Planning Board as part of the subdivision approval and approval of the construction plans for the roads and utilities.

Comment A7:
Overall on the Applicant's opinion, proposed development does not hinder the progress of the Village to achieve their goals. My question is: What is the Village's opinion. Is there correspondence from the Village confirming that the proposed project conforms to all the goals and objectives of the Village's Comprehensive Plan?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A7:
The Village of Briarcliff Manor has reviewed the DEIS and provided comments to the Lead Agency, (refer to Appendix A of this FEIS). These include identifying specific approvals that would be needed from the Village, impacts to both the water supply and sewer systems, traffic conditions and community facilities. *See* Comments and Responses II1, II2, II3, and II4 (relating to permits and approvals required from the Village), F1, F2, F3, F4, F5, and F6 (relating to utilities), G1 (relating to Traffic and Transportation) and I1 (relating to Community Facilities and Services).

Comment A8:
The proposed project is compatible with the goals of the Third Regional Plan. It's a quote. Will the Board get independent validation of the claims of compliance with various plans cited?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A8:
The Applicant has reviewed the Third Regional Plan which provides broad policy goals for the Tri-State area associated with the New York Metropolitan Region. This document is intended to evaluate comprehensive land use policies. To that extent the Third Regional Plan does not look at discrete land use activities in a given area. Based on that review, in the Applicant's opinion, the Proposed Action is compatible with goals outlined there in.

Comment A9:
"It's amendments do not define the purported 'open space' limitations on lot D8." Isn't open space a commonly agreed upon definition?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A9:
"Open space" is not a term of art with an accepted meaning. By letter dated October 21, 2010 (see Appendix B), the Applicant has documented for the Board that the term "Open Space" was not clearly defined in connection with the approval of the Countryside Subdivision, is not at all defined in the Declaration for the Countryside Subdivision, as amended, and is subject to a materially different interpretation from that which residents of the Countryside Subdivision attribute to "Open Space" in the Countryside Subdivision.

Comment A10:
Page III.A-8, paragraph below the quote from the deed says: The quoted provision is not contained in the deed from Waterhouse to Saunders. Isn't it the case that mistakes like that can happen but that's what a title change [sic] is for?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A10:
The Applicant does not understand the relevance of the comment.

Comment A11:
Page III.A-8, there's a paragraph talking about the construction of the driveway and installation of a fence. This seems to me like perhaps a former owner violated the terms of the deed which required to maintain an open space. So I guess to make things right, would that require removing the road and fence to restore that parcel to a natural state?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A11:
The Applicant disagrees with the assertion that the fence, driveway and other improvements constructed on and/or made to the open space parcel violate the terms of any deed in the chain of title to Parcel D. The Applicant's counsel has explained that the open space covenant relied upon by Mr. Croswell, Mr. Josh Tane, and others to prevent the subdivision road connection to Carleton Avenue is a restrictive covenant that, under controlling principles of law, (i) must be strictly construed against the parties seeking to enforce it and, (ii) if subject to two conflicting interpretations, must be construed in the less restrictive manner because restrictive covenants are strongly disfavored in the law. The Applicant's counsel has further documented that the Planning Board approvals, the unfiled maps of the Countryside Subdivision in the Planning Board files, the Filed Maps for the Countryside Subdivision in the Westchester County Clerk's Office, the open space label on Parcel D itself on the first Filed Map showing it, the provisions of the deed from Briarcliff Associates to Richard Rosenthal (the "Briarcliff-Rosenthal Deed"), and the actual manner in which Parcel D has been improved and used since the open space covenant was first recorded demonstrate that surface and sub-surface disturbance of Parcel D for accessways and utilities was planned and expected. Therefore, the Applicant believes that the improvements that have been made to Parcel D, as well as the proposed connection of the subdivision road to Carleton Avenue over Parcel D, do not run afoul of the open space covenant. The Applicant's brief regarding the open space covenant, the legal principles governing its interpretation, and the reasons the covenant does not preclude the existing improvements to Parcel D and the proposed subdivision road (i.e. the letter from Hocherman Tortorella & Wekstein, LLP to the Planning Board and the Town Attorney, dated October 21, 2010) is included in its entirety in Appendix B.

Comment A12:
On page III.A-13, I don't understand why R-10 zoning is shown on the table, given that the current zoning is R-40. So I just don't understand the purpose of the table.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response A12:
The proposed use of clustering allows for the creation of lots that will likely be smaller than those in the underlying zoning district. The R-10 zoning table illustrates the closest existing zoning district in the Town that is compatible with the proposed clustered lots. All of the minimum lot and yard requirements would be met under the proposed cluster development.

Comment A13:
On page III.E-2, Item 2, Anticipated Impacts, and Table III.E-2, shouldn't the proposed conservation layout be analyzed, not the conventional layout?

Alan Crosswell, Public Hearing Transcript 6/21/10

Response A13:
The ultimate construction of the conventional layout would be considered a worst-case example of the site disturbance and impervious surface coverage required to implement the project. The proposed conservation layout has less impervious surface coverage and disturbance and could be

seen as mitigation to the conventional plan. A conventional layout plan has been prepared and included in Appendix H of this FEIS.

Comment A14:
The Manueli and Marcheca deeds each contain the fooling [sic] provisions making title subject to the new owners full and complete cooperation with this single-family subdivision. What I need is an explanation of what does that mean, because on the bottom portion here copies of the Manueli and Marcheca deeds are annexed to Appendix N.

Vincent Marcheca, Public Hearing Transcript 6/21/10

Response A14:
As explained in the DEIS (pages III.A.5-III.A.9) the properties now owned by "Manuele" and "Marchica" were, at one time, owned by Lois and/or Richard Rosenthal, together with other holdings owned by Rosenthal. When Rosenthal conveyed the Manuele and Marchica parcels to Manuele and Marchica, Rosenthal included an express provision requiring Marchica and Manuele to give "full and complete cooperation" with this single-family subdivision. The provision states as follows:

> "SUBJECT to the full and complete cooperation of the party of the second part [referring to Manuele and Marchica in their respective deeds], its successors and assigns, to consent to the application, apportionment and sub-division for single one-family residential homes made by the party of the first part [referring to Rosenthal], its successors and assigns, of the property as shown on Tax Lot 15, 14, 5F-1, 5F and 4B on the Tax Map of the Town of Mount Pleasant, all of which shall be at the sole cost and expense of the party of the first part, its successors and assigns."

Copies of the Manuele and Marchica Deeds were included in DEIS Appendix N.

The subdivision property includes the parcels with which Manuele and Marchica have to give their "full cooperation". (Lot 15 is part of Lot F; Lot 14 is Parcel E; Lot 5F-1 is Lot C; Lot 5F is Lot B; and Lot 4B is Lot A. Further, the Applicant is a successor to Rosenthal.) The Applicant believes that the "full and complete cooperation" covenant prohibits Manuele and Marchica from opposing the subdivision and that statements in opposition to the subdivision violate such covenant.

Comment A15:
The DEIS does not address the issue with access from Carleton.

Josh Tane, Public Hearing Transcript 6/21/10

Response A15:
The Applicant disagrees with the statement and with the assertion that there is an "issue" with access from Carleton. Pages IIIA.5 – III.A.9 of the DEIS set forth the reasons the Applicant believes the subdivision road connection to Carleton Avenue over Parcel D does not violate the open space covenant relied upon by Mr. Tane and others. Such reasons are discussed in even greater detail in the Executive Summary under the section entitled "Subdivision Road

Connection to Carleton Avenue Over Parcel D," on pages I-3 to I-9 and are documented in the October 21, 2010 letter from Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney included in Appendix B. Essentially, the open space covenant relied upon by Mr. Tane and others to prevent the subdivision road connection to Carleton Avenue is a restrictive covenant that, under controlling principles of law, (i) must be strictly construed against the parties seeking to enforce it and, (ii) if subject to two conflicting interpretations, must be construed in the less restrictive manner because restrictive covenants are strongly disfavored in the law. The Applicant's counsel has documented that the Planning Board approvals, the unfiled maps of the Countryside Subdivision in the Planning Board files, the Filed Maps for the Countryside Subdivision in the Westchester County Clerk's Office, the open space label on Parcel D itself on the first Filed Map showing it, the provisions of the deed from Briarcliff Associates to Richard Rosenthal (the "Briarcliff-Rosenthal Deed"), and the actual manner in which Parcel D has been improved and used since the open space covenant was first recorded demonstrate that surface and sub-surface disturbance of Parcel D for accessways and utilities was planned and expected. Therefore, the proposed connection of the subdivision road to Carleton Avenue over Parcel D does not run afoul of the open space covenant.

Comment A16:
Basically what I'll say, in the DEIS, Applicant argues that the common area restrictions apply to all real property owned by Countryside Resident's Association, and since the association no longer owns lot D, and it's members no longer have any right of access to or use of it, that it is not subject to the restrictions of common areas.

Josh Tane, Public Hearing Transcript 6/21/10

Response A16:
Rosenthal acquired title to Parcel D from Briarcliff Associates directly, not the Association. See the Briarcliff-Rosenthal Deed, included in Appendix N to the DEIS and in Appendix B to this FEIS. The Association never owned any interest in Parcel D.

Comment A17:
And again, when we purchased the home, we went over with our attorney that the space across the street could never be built on, we were told that. It was part of the Countryside Association, and despite it being behind the fence, we were told that it was still part of something that I think Josh (Tane) is pointing out, a property that is even though it's on their property, it still part of open space.

Lilly Rombach, Public Hearing Transcript 6/21/10

Response A17:
The comment is noted. The Applicant's legal opinion regarding this issue was expressed in the DEIS at Pages IIIA.5 – III.A.9, is set forth in even greater detail in the Executive Summary under the section entitled "Subdivision Road Connection to Carleton Avenue Over Parcel D," on pages I-3 to I-9, and is further documented in the October 21, 2010 letter from Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney included in Appendix B. See Response A15 for a summary of the Applicant's legal position.

Comment A18:
To refer or return now to your earlier comments, Mr. Chairman, about the zoning question. It was not so much whether the Town Code allowed zoning or not, but in Section III.A of the DEIS, the discussion mainly focuses on the County of Westchester and the Village of Briarcliff. I think what it should do for clarity, is cite the town ordinance on which they're relying, and then any criteria which is spelled out for cluster zoning should be identified and go through on a bullet basis to make sure they've established their eligibility for it.

Dan Taylor, Public Hearing Transcript 6/21/10

Response A18:
Section 227-9.B of the Town Zoning Ordinance, the Town Board has authorized the Planning Board to modify the applicable provisions of the Zoning Ordinance in accordance with the provision of Section 281 of New York State Town Law (Town Law 281 was subsequently renumbered as Town Law 278, effective July 1, 1993).

The basic premise of clustering is that by utilizing a flexible method for the layout, configuration and design of lots, buildings and structures, roads, utilities, other infrastructure, parks and landscaping, the natural and scenic qualities of open lands are preserved. The open space lands must be preserved in a manner approved by the approving authority, which authority is permitted to establish conditions on the ownership, use and maintenance of the open lands. No additional lots are allowed. In fact, by law, the number of lots on a cluster development shall not exceed the number which could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning district in which the land is situated. Exhibit V-1 of the DEIS lays out a conventional subdivision plan that conforms to the R-40 zoning requirements. Further, Appendix H of this FEIS provides a revised version of the conventional plan.
The specific requirements for cluster subdivisions outlined in Section 278 of NYS Town Law include:

(a) This procedure may be followed at the discretion of the planning board if, in said board's judgment, its application would benefit the town. Provided, however, that in granting such authorization to the planning board, the town board may also authorize the planning board to require the owner to submit an application for cluster development subject to criteria contained in the local law or ordinance authorizing cluster development.

(b) A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the planning board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance or local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. Provided, however, that where the plat falls within two or more contiguous districts, the planning board may approve a cluster development representing the cumulative density as derived from the summing of all

units allowed in all such districts, and may authorize actual construction to take place in all or any portion of one or more of such districts.

(c) The planning board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands. The town board may require that such conditions shall be approved by the town board before the plat may be approved for filing.

(d) The plat showing such cluster development may include areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, streets, driveways and any other features required by the planning board. In the case of a residential plat or plats, the dwelling units permitted may be, at the discretion of the planning board, in detached, semi-detached, attached, or multi-story structures.

4. Notice and public hearing. The proposed cluster development shall be subject to review at a public hearing or hearings held pursuant to section two hundred seventy-six of this article for the approval of plats.

5. Filing of plat. On the filing of the plat in the office of the county clerk or register, a copy shall be filed with the town clerk, who shall make appropriate notations and references thereto on the town zoning map required to be maintained pursuant to section two hundred sixty-four of this article.

6. Effect. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning ordinance or local law applicable to such lands.

Here, the Applicant proposes to cluster 9 of the 16 lots so that 9.55 acres of largely contiguous open lands are preserved. Such open lands include steep slopes and treed areas in proximity to the project site's boundary with the Taconic State Parkway. The conservation subdivision plan would require more than 2 acres less disturbance than the conventional subdivision, of which approximately .7 acre would represent disturbance of steep slopes greater than 25%. The analyses in the DEIS and FEIS demonstrates that the number of lots does not exceed that which could be developed were a conventional subdivision plan developed. Therefore, the proposed action meets the standards and requirements for approval of a cluster subdivision under the Town's Zoning Ordinance and the governing State Law.

Comment A19:
There are a number of contentions made about possible lapsing of certain provisions as one deed was passed and followed by another and the language wasn't transferred exactly. That may be an area where the town's attorneys or perhaps even an outside counsel should be engaged to advise, because this is not something which is a matter of legal judgment and not so much factual, as far as the conclusions themselves can be drawn. So I would recommend that the Board obtain advice regarding those calculations to see if they're accurate.

Dan Taylor, Public Hearing Transcript 6/21/10

Response A19:
The Planning Board has referred to the Town Attorney the question of whether the open space covenant affecting Parcel D precludes the Board from reviewing the proposed roadway. After considering all submissions on the issue, the Town Attorney has concluded that the covenants and restrictions associated with this property do not prevent the Planning Board from considering the subdivision application and roadway configuration and has so advised the Planning Board. The Applicant's counsel has requested from the Town Attorney any written communication issued to the Planning Board on this point and has been advised that none exists to be included in the FEIS.

Comment A20:
Section III.A of the DEIS refers to various clustered housing plans issued by the Village of Briarcliff and Westchester County. However, the Applicant does not cite any specific provisions in the Town's own zoning regulations that either authorize, or provide criteria for evaluating, clustered housing developments. The DEIS should provide a more specific explanation of the Town Zoning provisions and standards on which the Applicant relies.

Dan and Catherine Taylor, Letter dated 6/21/10

Response A20:
Refer to Response A18.

Comment A21:
Table III.A-1 showing land use seems to omit the listing of park land.

Alan Crosswell, letter dated 7/20/10

Response A21:
The listing of open space in Table III.A-1 in the DEIS corresponds to park land as illustrated in Exhibit III.A-1 in the DEIS

Comment A22:
"…that the terms of the Countryside Declaration apply to and bind lot D(8). The Applicant disagrees." Isn't this DEIS meant to be in the voice of the Board, not of the Applicant? I assume the Board will judge the merits of the statement and direct that it be reworded appropriately.

Alan Crosswell, letter dated 7/20/10

Response A22:
Under the SEQRA regulations, the DEIS document is the Applicant's document. The DEIS was reviewed for completeness against the adopted scoping outline. As noted in the SEQR Handbook (NYS DEC, November 1992, p.70) the EIS does not need to be a perfect document. The purpose of the public comment period is to allow all involved agencies and the public to review the draft EIS and comment on its inadequacies. These can usually be corrected in a final EIS. According to the SEQR Handbook, page 74, the Lead Agency is responsible for the adequacy and accuracy of the EIS. A project sponsor may be requested to respond to substantive comments to the draft EIS. However, final acceptability is the responsibility of the Lead Agency.

Comment A23:
"Further, the Applicant is a successor to Rosenthal." This seems to be trying to have it both ways. Claiming successor rights here and abrogating successor responsibility with respect to preserving lot D(8) as open space on the previous page is contradictory at best.

Alan Crosswell, letter dated 7/20/10

Response A23:
The Applicant disagrees that its position with respect to the open space covenant tries "to have it both ways" and that its analysis of the open space covenant on Parcel D is contradictory. The Applicant has consistently taken the position that the open space covenant affecting Parcel D does not preclude surface and subsurface improvements on the Parcel. See DEIS, pages III.A.5-IIIA.9 and the analysis of the provision set forth in the letter of Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney, dated October 21, 2010, in Appendix B hereto.

Comment A24:
Applicant states that Countryside Subdivison's Declaration First Amendment which detailed covenants, conditions, restrictions and easements was filed at time of filing of Sheet 3/Filed Map 21511, on which Lot D is shown, and that filing date was after Lot D was sold to Mr. Richard Rosenthal (RR) by Briarcliff Contemporaries (BC). But Town's Final Plat Resolution signed and dated, January 5th, 1978, notes Subdivision Map, Sheets 1, 2, and 3. As well, Subdivision Offering Plan of Countryside, which dates to 1982, specifically states, *"Copies of Sheets Nos. 1, 2 and 3 of the (subdivision) Map are annexed…."* And, *"A copy of an area map is annexed…."* Thus Sheet 3, which clearly shows Lot D, was already drawn up long before transfer of Lot D.

Josh Tane, Letter dated 7/26/10

Response A24:
Such Sheets do not appear in the Planning Department files for the Countryside Subdivision and have not been produced by Mr. Tane or anyone else. In fact, as set forth in the Applicant's Counsel's letter, dated October 21, 2010, none of the maps and plans in the Planning Department's records that predate the creation of the open space covenant in the Briarcliff-Rosenthal Deed and filing of Filed Map 21511 in 1984 bears an "open space" designation on the bow tie-shaped parcel that is Parcel D. In fact, some of such maps and plans show the bow tie as part of building lots in the Countryside Subdivision.

Comment A25:
Applicant does not state specifically but infers that perhaps RR wasn't aware of restrictions placed on Lot D. But Lot D deed specifically states that it is subject to Declaration as recorded June, 24th, 1982 in Liber 7771, cp 559 and any amendments thereto. This Declaration clearly spells out open space restrictions. And said declaration was indeed amended with filing of Map 3. The fact that Map 3 and Amendment was filed after transfer of Lot D has no standing because Lot D's deed binds it to the amendment. Furthermore, Map 3 defines Lot D as "ROSENTHAL OPEN SPACE" and such description should further reinforce RR's desire to maintain Lot D in its natural state, just as all other Association Open Spaces would be preserved.

Josh Tane, Letter dated 7/26/10

Response A25:
On the contrary, the Applicant fully expects that Richard Rosenthal was aware of the open space designation of Parcel D and that, based upon the labeling of Parcel D on Filed Map 21511 as "Rosenthal Open Space, Not a Building Lot" (in contrast to "Association Open Space"), the fact that a utility easement was expressly recorded against Parcel D which by its terms required the disturbance of the natural state of Parcel for the installation of subsurface utilities and required the restoration of pavement, curbing, and landscaping following work in the utility easement, and the irrefutable fact that Rosenthal improved Parcel D with a curb cut, paved driveway, substantial stone walls, plantings and fencing, Rosenthal did not intend for the designation to prohibit the construction of surface and subsurface improvements on Parcel D. Further, the Association's Declaration, despite its amendment at the time Filed Map 21511 was filed, does not pertain to or govern the use or improvement of Parcel D. Besides the fact that Parcel D was never owned by the Association, none of the Declaration's terms and conditions can be interpreted to govern the use of Parcel D. The Declaration does not define "open space" (regardless of its ownership) or, more importantly, "Rosenthal Open Space." While it contains restrictions on the use, maintenance and assessment of "Common Area" property, held for the benefit of members of the Association, Parcel D does not meet the definition of "Common Area" in the Declaration. It is not owned by the Association, the Association does not insure it, and Association members do not have any right to use or access it. Indeed, Parcel D is fully enclosed by fencing and physically inaccessible to Association residents. Therefore, even though Parcel D is denominated "Rosenthal Open Space" on Filed Map 21511, the terms and conditions of the Declaration do not define how it can (and cannot) be used and improved.

Comment A26:
Applicant states "Countryside Declaration #1 does not define 'open space'…." But Article I, Definitions, Section 4 of said Declaration states: *" 'Common Area' shall mean all real property owned by the Association for the common use and enjoyment of the members of the Association."* Subdivision Offering Plan, page 3, states, *"All of the Association Open Space is referred to herein as the 'Common Area'."* Clearly, "Common Area" and "Open Space" are one in the same. Furthermore, Applicant omits any mention of Town's Final Plat resolution, which specifically uses the term "open space" and that such space *"…will remain as open permanently undeveloped land…."*

Josh Tane, Letter dated 7/26/10

Response A26:
Association Open Space and Common Area, as those terms are defined in the Declaration, may very well have the same meaning, but neither can be construed to include "Rosenthal Open Space" under any circumstances, in the Applicant's opinion. As mentioned in Response A25, Parcel D was never owned by the Association (see the Briarcliff-Rosenthal Deed in the DEIS Appendix N and Appendix C in this FEIS), and is not available for the common use and enjoyment of the members of the Association. The Parcel is fenced and wholly inaccessible to the Association members. With respect to the Final Plat Resolution, it simultaneously states that the open space is to remain as permanently undeveloped land and that it can be improved for active recreational facilities; thereafter, the Planning Board permitted a utility easement for the installation of underground utilities in the open space. Thus, the Planning Board Resolutions of Approval do not, as the speaker would have the Board believe, contain a clear, unequivocal, and blanket prohibition against the improvement of the open space parcels in the Countryside Subdivision. Interestingly, for as sacrosanct as the Association Open Space is supposed to be, the Association and, by extension, its members, including the speaker, have allowed residents in the Countryside Subdivision to encroach onto the Association Open Space with manicured lawns, fences and, in at least one instance, a shed. See the letter from Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney, dated October 21, 2010 and the aerial map showing the encroachments by members of the Association into Association Open Space.

Comment A27:
Concerning Open Space Restriction in Deed Covering Lot D (8):
Applicant points out that stated provision was not contained in the deed from Waterhouse to Saunders. Is Applicant implying that since provision wasn't in his deed then it doesn't apply? Sorry. The stated provision specifically applies to all ***"successors and assigns";*** and, the restriction outlined in the deed *"…**shall run with the land in perpetuity**."* Applicant might want to complain to the company that conducted his title search when he purchased the property but the omission has no standing here.

Josh Tane, Letter dated 7/26/10

Response A27:
Comment noted but the Applicant disagrees that the open space covenant affecting Parcel D means what the speaker says. See the letter of Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney, dated October 21, 2010, in Appendix B.

Comment A28:
Applicant claims that **s**ubsequent to conveyance of Lot D to RR, filing of Sheet 3, etc., a driveway was constructed from another lot owned by RR, across Lot D to Carleton Avenue and implies that this vitiates the restriction. But Applicant offers no maps, photos, drawing, plans, or any other proof to support the alleged date of driveway construction. It is entirely possible that driveway predated RR's purchase of Lot D.

Josh Tane, Letter dated 7/26/10

Response A28:
Included in Appendix B is the Affidavit of Andrew Saunders (sworn to October 21, 2010), a 35-year resident of the neighborhood in which the Taconic Tract Subdivision is located (the "Todd

Lane/Washburn Road/Carleton Avenue Neighborhood") and former owner of the property at 136 Todd Lane, which abuts the former Rosenthal holdings and the Taconic Tract Subdivision. Mr. Saunders resided in the Todd Lane/Washburn Road/Carleton Avenue Neighborhood prior to the construction of the Countryside Subdivision homes and is personally and fully familiar with the condition of a bow-tie shaped parcel fronting on Carleton Avenue (i.e. Parcel D), now owned by his wife, at that time, and the improvements that were made to it since Mr. Rosenthal acquired it in January 1984. As set forth in Mr. Saunders' Affidavit, after Mr. Rosenthal acquired Parcel D in January 1984, he made a number of substantial modifications and improvements to Parcel D, all of which required modification of the natural state of that Parcel. He made a 27-foot wide curb cut on Carleton Avenue and built a substantial driveway over Parcel D and what is now the Manuele Property (then owned by him) to connect Todd Lane and Carleton Avenue, which required him to remove vegetation from, excavate and grade Parcel D. The driveway is approximately 11 feet wide, paved and gated. Mr. Rosenthal also built substantial 6-foot high and greater stone walls on portions of Parcel D; the stone walls are secured with footings built into the ground of Parcel D, the construction of which required excavation at the surface and below. He further enclosed Parcel D with a chain link fence, the posts for which are set in footings around the perimeter of Parcel D. Still further, Mr. Rosenthal imported fill to Parcel D and regraded portions of it in connection with his planting of approximately 15 trees thereon which enhanced the screening of his main residence parcel. All of such improvements were and are readily visible from the public street and surrounding properties. Mr. Saunders further explains in his Affidavit that he recently learned that in addition to the foregoing improvements, Parcel D was excavated for the installation of a water main, meter, water service line, sewer service line and connection to the storm sewer in Carleton Avenue. Such work occurred within a utility easement on Parcel D and beyond it to the south and required the Parcel's natural state to be altered. Photographs of the subsurface utility improvements are included in Appendix C.

Comment A29:
Utility Easement. Applicant points to language in a utility easement in deed to Lot D stating that after Town performs any work within easement bounds it must "*restore the surface and grade…and any pavement, curbs…and any other improvements….*" Applicant seems to be arguing that a road in the Open Space would be permitted given language of easement and claims such improvements, pavement (ie. roads) would be anticipated and not be inconsistent with Open Space prohibition. But utility easement's metes and bounds are very narrow and cover a small area within Lot D, which, in fact, a survey may show actually might encompass the existing access driveway. If so, easement's language regarding restoration of pavement may be directly referring to the driveway having to be restored should it be disturbed during any utility work. This would give further credence to my driveway construction chronology argument discussed earlier. If the easement does not directly refer to the driveway, then I would argue that the language might have just been standard for a utility easement intended to cover any and all situations.

Josh Tane, Letter dated 7/26/10

Response A29:
As set forth in Response A28 above, the driveway in Parcel D was constructed after Rosenthal acquired the Parcel. Sheet 3 in the plan set in Appendix H shows both the driveway over Parcel D and the Utility Easement. As can be seen on this sheet, the driveway does not cross the utility

easement. As for the assertion that the language in the utility easement is essentially boilerplate, such an interpretation flies in the face of rules of construction which require an interpretation that gives meaning to all parts. See the Hocherman Tortorella & Wekstein, LLP letter to the Planning Board and Town Attorney, dated October 21, 2010, in Appendix B.

Comment A30:
Applicant maintains members of Countryside have no standing to object to proposed Road B connection. My earlier arguments should cover this. Since Lot D was once part of and governed by Open Space restrictions as benefitting members of Countryside then those members have every right to object. Additionally, the Appeals Court case cited earlier makes it clear that even if the members of Countryside didn't object, the Open Space restrictions are enforceable against all subsequent purchasers by their very nature of being filed and recorded. And, because the Final Plat Resolution is a Town document and not a private document, the Town itself has standing to object.

Josh Tane, Letter dated 7/26/10

Response A30:
Parcel D was never owned by the Association and none of the Declaration's terms govern its use. See Responses A9, A16, A25 and A26, as well as the letter of Hocherman Tortorella & Wekstein, LLP, dated October 21, 2010, in Appendix B.

Comment A31:
Applicant further claims that RR's deed does not name any third party beneficiary with right to enforce its provisions. I contend that no third party need be named since restrictions apply to all successors and assigns and runs with the land in perpetuity.

Josh Tane, Letter dated 7/26/10

Response A31:
See Responses A9, A16, A25 and A26.

Comment A32:
I do not know what the town's rules are concerning the knocking down of residences for private road construction. I'd like the board's opinion on whether this might be legal, viable and permissible. I do believe that a cul-de-sac cannot be altered so that it is no longer a cul-de-sac so this might affect the razing of #2 Fox Run. At the very least, I think the board might have an opinion on this back-up plan as it might affect the surrounding residences and the environmental impact. And I feel the DEIS is not complete if it does not reflect all of Taconic Tract's intentions, plans and alternatives it might be considering.

Josh Tane, Letter dated 7/26/10

Response A32:
The Applicant has proposed providing access to the new residential community from Carleton Avenue and Washburn Road. There is no contemplated purchase of adjacent properties for site access.

Comment A33:
I.-B. 1st par. Mentions (iii) (referred to as Lot 17 on Subdivision Plan) but no such lot exists on plans, only lots 1-16.

Josh Tane, Letter dated 7/26/10

Response A33:
As indicated on Exhibit II-2 in the DEIS and in the text Section I-B of the DEIS, lot 17 is a separate lot that is being used to provide access to Carleton Avenue.

Comment A34:
III.-A. Covenants, Easements and Restrictions: 2nd par. Filed Map 19584 is in Appendix N but that is not clear, I see no map with that number.

Josh Tane, Letter dated 7/26/10

Response A34:
Filed Map 19584 was included in Appendix N of the DEIS.

Comment A35:
III.-A.1.c. Proposed Mitigation: "The Proposed Action includes buffer area and landscaping…." Where is this buffer and landscaping? Between new homes and existing homes bordering property? Or only between new homes and Taconic Parkway. According to plan, it seems most trees between new homes and homes on Fox Run will be removed.

Josh Tane, Letter dated 7/26/10

Response A35:
As indicated on the updated plan sheets, Appendix H, buffer area and landscaping are provided along the northern, eastern and southern portions of the site. This includes a buffer area between Road B and the northerly property line associated with the existing homes along Fox Run Road. The closest proposed building location from this property line is approximately 100 feet. As indicated in Table IIID-5 of the DEIS, a proposed planting list has been prepared which illustrates the types of landscaping that could be incorporated at the time a building permit is obtained. Proposed buffers around the perimeter of the Site include: a buffer ranging from 7± to 50± feet along the northerly portion of the site; 14± to 241± feet along the eastern portion of the site; and 312± to 497± feet along the southern portion of the site.

Comment A36:
Page III.A-2 – 2nd ¶ - The project's land use impact is not fully established. The change from a "previously disturbed wooded landscape" to a residential subdivision, does not adequately describe the unique and unconventional character of the proposed subdivision. The proposed cluster plan is a hybrid, consisting of elements of a conventional single-family residential subdivision with elements of an attached townhouse residential development. The land use survey presented in the DEIS makes no reference to any such land use type within the vicinity of the site. The uncharacteristic project design is clearly inconsistent with the land use character of the surrounding area, and as such, was not adequately addressed in the DEIS.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A36:
Table III.A-1 in the DEIS provides a depiction of land uses within the vicinity of the site as required by the adopted scoping outline. As indicated in Table III-A1 and Exhibit III A-1 in this FEIS approximately 43-acres, or 4.1 percent, of the land uses within one –half mile of the site are either multifamily or two-family uses. This includes Briarcliff Commons, Wyndcrest, Copley Court, Briarhill and Briar Oaks Table III.A-1 and Exhibit III.A.1 have been updated to differentiate between different categories of residential use. Given the presence of this residential land use type within the vicinity of the site, the Applicant contends that the proposed residential subdivision is consistent with area land uses. It is the opinion of the Lead Agency that the pattern of land use proposed by the Action is unique, and in contrast to the existing pattern of land use surrounding the site.

Comment A37:
Page III.A-3 - 1st full ¶ - Further documentation and justification is required to substantiate the reference in the DEIS that the project provides "…a break in what to some is becoming the monotonous pattern of residential design, both in type of dwelling and type of neighborhood."

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A37:
The Town of Mt. Pleasant Development Plan was prepared in 1970 when the typical development pattern for residential subdivisions was primarily based on the use of standard zoning techniques. The Applicant contends that the comment referenced above, taken directly from the Development Plan, recognizes that the use of clustering provides for an opportunity for the creation of a different development pattern, consistent with the Proposed Action.

The Applicant contends that the Proposed Action responds to a need for a varied housing product, specifically designed to address the needs of empty nesters. As indicated in Response to Comment II-9, there is a recognized demographic sector of the population that is looking for this type of housing product.

The use of clustering allows for the creation of approximately 9.55 acres of open space which helps preserve certain natural features such as steep slopes and significant stands of mature trees. The proposed open space not only acts as a buffer from neighboring uses but also provides passive recreation opportunities for future project residents.

Comment A38:
Page III.A-6 – 2nd ¶ - The DEIS states that the perpetual right of ingress and egress over lots E & F will not be used for access to the subdivision. It is not clear how the configuration of the subdivision (the placement of homes, etc.) would impact the intent of that right of access (if at all). This point should be clarified. Why would the easement be allowed to remain intact if it provides no benefit?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A38:
The chains of title for Parcels E and F do not refer to an easement over those parcels as the commenter understood. Rather, those chains refer to an easement for ingress and egress over other property that is not part of the parcels that are proposed for subdivision. In other words, the easement is not relevant to or affected by the subdivision. The reason the easement is mentioned in the DEIS is because it is referred to in the deed to Parcel F that has come to subsume Parcel D.

Comment A39:
Page III.A-6 – 3rd ¶ - Same comment as #9 (A38) above regarding the access easement.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A39:
See Response A38.

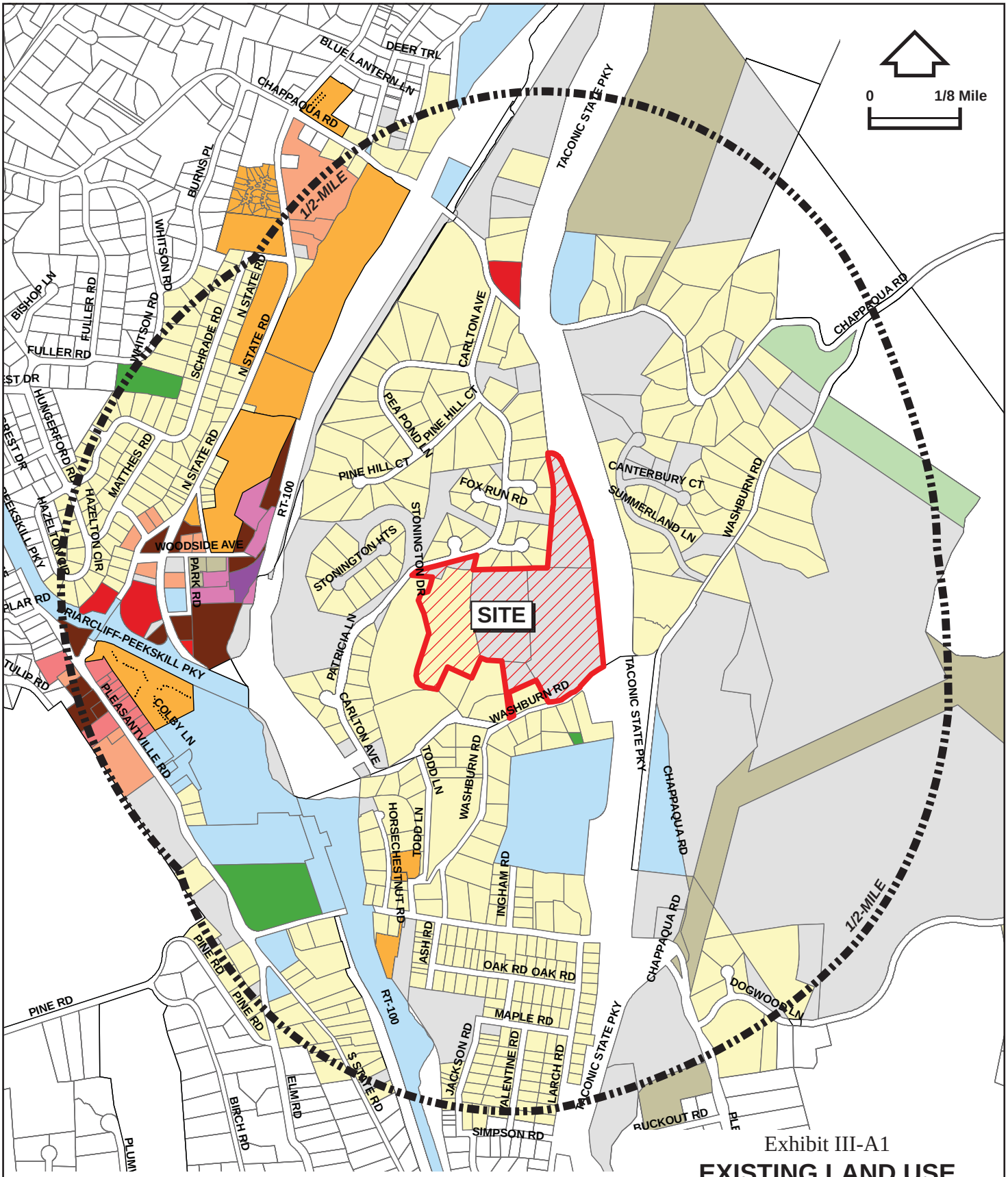
Comment A40:
Page III.A-6 – 4th ¶ - Clarify if any other proposed subdivision features (i.e. homes, driveways or other improvements) would be located on or in the vicinity of the utility easement.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A40:
The easement has nothing to do with the proposed subdivision and, therefore, none of the subdivision features will affect it.

Comment A41:
III.A-7 – 5th ¶ - While the Countryside Declaration #1 may not specifically define open space, the open space it is intended to reference may be defined elsewhere, such as on the original Countryside subdivision plat or associated improvement plans. This issue should be further researched.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A41:
The issue was further researched. As explained in the letter of Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney, dated October 21, 2010, none of the maps and plans in the Planning Department's records that predate the creation of the open space covenant in the Briarcliff-Rosenthal Deed and filing of Filed Map 21511 in 1984 bears an "open space" designation on the bow tie-shaped parcel that is Parcel D. In fact, some of such maps and plans show the bow tie as part of building lots in the Countryside Subdivision. No notes explaining the meaning of the open space is set forth on any plans or maps the Applicant's counsel found in its research of the municipal records.

Comment A42:
III.A-8 – 4th ¶ - Concerning the open space restriction on Lot D (8), it is not clear that simply because a driveway was previously constructed, it was done so legally. The driveway may have violated the open space restriction as well. This issue requires further evaluation.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10



Residential
Mixed Use
Retail
Motel
Restaurant
Bank/Office
Automotive
Community Services
Miscellaneous Recreation
Private Open Space/Recreation
Public Recreation
Open Space
Warehouse/Storage
Industrial
Utilities
Vacant
Other
Multifamily

DATE: April 2011
SOURCE: Westchester County GIS

Exhibit III-A1

EXISTING LAND USE WITHIN ONE-HALF MILE OF SITE

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

Response A42:
An extensive evaluation of the issue has been performed by the Applicant's counsel and is set forth in its letter to the Planning Board and Town Attorney, dated October 21, 2010 and included in Appendix B. As set forth in greater detail in the Applicant's counsel's letter, the records of the Planning Board approvals, the unfiled maps of the Countryside Subdivision in the Planning Board files, the Filed Maps for the Countryside Subdivision in the Westchester County Clerk's Office, the Open Space Label itself, the provisions of the Briarcliff-Rosenthal Deed, and the actual manner in which Parcel D has been improved and used since the open space covenant was first recorded demonstrate that surface and sub-surface disturbance of Parcel D for accessways and utilities was planned and expected and, therefore, neither the driveway nor the other improvements in Parcel D runs afoul of the open space covenant.

Comment A43:
III.A-9 – 2nd ¶ - While the association may lack standing to object to the open space provision, the issue has merit, and bears on the subdivision plan. The concern should be more fully investigated.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A43:
The concern has been fully investigated. See Responses A11, A16, A25, A26, A27, A28, A29, A41 and A42 as well as the letter from Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney, dated October 21, 2010, in Appendix B.

Comment A44:
III.A-9 – 4th ¶ - While certain property owners may be bound by a covenant requiring "full and complete cooperation" with this subdivision, the Planning Board is bound by no such way. Any legal issues raised during the course of the public review of the DEIS must be addressed to the satisfaction of the Lead Agency.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A44:
Comment noted. The Applicant believes that any comments raised by the parties subject to the "full and complete cooperation" covenant were raised by others and have been fully addressed.

Comment A45:
III.A-9 – Last ¶ - It is not clear, based on the absence of any analysis, how the conclusion that the land use of the project (townhouses and attached single-family homes) is consistent with the area, when no such housing types exists in the vicinity of the project site.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A45:
See Response to comment A36.

Comment A46:
III.A-14 – The discussion of the anticipated zoning impacts should address how attached single-family homes and/or townhouses are addressed in the zoning ordinance, and if in fact, such unit types are permitted.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response A46:
The six attached single-family homes (sometimes referred to in comments as "townhouses") are permitted under the Town of Mount Pleasant Zoning Ordinance Section 218-95(A) by virtue of the fact that Section 218-95(A) of the Zoning Ordinance authorizes the Planning Board, pursuant to the State's enabling law (i.e. Town Law Section 278, formerly Section 281), to make reasonable changes in the zoning regulations applicable to the subdivision provided the changes do not "increase the average density of population or cover of the land with buildings above that which is permitted in the district wherein such lands lie." Section 278(3)(d) specifically provides that "[i]n the case of a residential plat or plats [such as proposed by the Applicant here], the dwelling units permitted may be, at the discretion of the planning board, in detached, semi-detached, attached or multi-story structures." The Town's enabling legislation for conservation subdivisions (Zoning Ordinance Section 218-95(A)) contains no restrictions that prohibit the Planning Board from modifying the type of structure in which the residential units approved as part of a conservation subdivision can be located. For this reason, the Applicant believes its proposal to construct six units in three attached buildings of two units each is allowed under the Town's Zoning Ordinance and the Town Law, notwithstanding the fact that the underlying zoning district permits "one-family dwellings" defined as detached buildings. From a Residential Code perspective, the proposed units will be designed and constructed as single-family residential units. Therefore, the Applicant believes the proposed attached units can be approved by the Planning Board.

Comment A47:
I just want to reinforce that the calculations that we have for the as-of-right I think is faulty where it didn't consider steep slopes. You need to consider those in determining the as-of-right. Some of the land is not buildable and (inaudible) wetlands too, so that must be looked at.

Board Member Keith Rosner, Public Hearing Transcript 8/5/10

Response A47:
As indicated in Appendix H of this FEIS, the Applicant has provided an as of right subdivision layout that conforms to the zoning requirements of the Town of Mt. Pleasant. As indicated in the purpose and intent section (Section 180) of the Town of Mt. Pleasant Code, the steep slope protection ordinance seeks to minimize disturbance on steep slopes and very steep slopes and to avoid disturbance and construction activities on excessive slopes. There is no prohibition on disturbing steep slopes, any proposed disturbance is required to follow a permit process before the Town of Mt. Pleasant Planning Board and identify mitigation measures. The discussion in the Executive Summary demonstrates how the Applicant's conventional plan takes into consideration the steep slopes protection law and why the lots shown thereon are approvable under such ordinance. There are no wetlands on the property so the reference to land being unbuildable because of wetlands is factually incorrect.

Comment A48:
Is it necessary for our home to be surveyed twice in two years without our permission? What are these people looking for?

Theresa and Vincent Marchica, Letter dated 10/1/10

Response A48:
The Applicant had surveys prepared as part of the requirements for subdivision and site plan approval and the adopted scoping outline to identify off site amenities such as utilities, roadway alignments and topographic conditions.

Comment B1:
Why do the exhibit cross-sections – Exhibit III.B-1 Cross Sections and photograph key numbers not correspond to the photographs in Exhibit III.B-2? It's impossible to identify from the key where the photographs were taken from, given this discrepancy. Also, why were there no photos taken from the south and west, specifically from the vicinity of 140 Todd Lane or 144 Washburn Road?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response B1:
Exhibit III.B-2 has been updated to include the Photo Key Plan and is provided in Appendix F. It is not the intention for Exhibit III.B-1 to correspond with III.B-2; instead Exhibit III.B-1 corresponds with Exhibits III.B-4 to III.B-6. The photos provided were sufficient to satisfy the requirements of the Scoping Document.

Comment B2:
Exhibit III.B-1: Some cross-sections were shown to show the topography. Why weren't some cross-sections shown that more clearly illustrate the bowl that I've been describing?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response B2:
The cross sections provided were sufficient to satisfy the requirements of the Scoping Document.

Comment B3:
I.-D. 2. Visual Resources: Homes abutting Project Site to the north have at least partial views of some of the 16 residences clustered. Really? Partial views? I would suggest that views will be more than partial. How does applicant insure only partial views? Will trees between existing homes remain? This is a subjective opinion. Views would change per season.

Josh Tane, Letter dated 7/26/10

Response B3:
The phrase "partial views" simply refers to a field of view that includes intervening landscape features. It does not indicate that the features within the viewshed will necessarily be screened, blocked or visually obstructed. Therefore, the use of the phrase "partial view" is not a subjective opinion, but rather a statement of fact. The Applicant proposes to keep the existing stone wall located along the northerly border of the site. In addition, the alignment of Road B has been configured to allow for the planting of landscaping between the road and the stone wall.

Comment B4:
III.-B. Exibits III.B-2 Photographs. Titles and description do not correspond to numbered photographs accompanying this section.

Josh Tane, Letter dated 7/26/10

Response B4:
Exhibit III.B-2 has been updated to include the Photo Key Plan and is provided in Appendix F.

Comment B5:
Photo F: "View from Fox Run Road to lot-6" is missing.

Josh Tane, Letter dated 7/26/10

Response B5:
Exhibit III.B-1 has been updated accordingly and is attached in Appendix E.

Comment B6:
Photo G: "Aerial photo from Fox Run to the proposed site" is missing.

Josh Tane, Letter dated 7/26/10

Response B6:
Exhibit III.B-1 has been updated accordingly and is attached in Appendix E.

Comment B7:
III.-B. 2. Anticipated Impacts. Applicant states existing trees in areas between off-site homes and site homes will remain. But according to site plan, it seems these trees will need to be cut down to make way for Roads B and C. *"In Applicant's opinion, there are no significant adverse impacts to visual resources anticipated."* I beg to differ and would hope that the Board would not accept the Applicant's opinion as fact but rather make their own assessment. I invite Planning Board to come stand in my backyard and look at the project site to see anticipated visual impacts.

Josh Tane, Letter dated 7/26/10

Response B7:
As noted previously, the proposed development of the property would be for residential uses which are consistent with the zoning for the site and the surrounding neighborhood. The Proposed Action contemplates the use of clustering techniques to reduce overall site development impacts. In addition, the Applicant has reserved certain sections of the site such as the area between Road B and the existing stonewall, so that landscaping could be provided. Based on the Tree Plan in Conservation Plan set in Appendix H of the FEIS, a 16 inch DBH Oak, 14 inch DBH Maple and a 14 inch DBH Oak will remain adjacent to the commenter's property.

Comment B8:

III.B-1 – 2nd ¶ - Explain more fully how the architecture of the proposed townhouses will "coordinate" with the existing adjacent residential neighborhood.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response B8:
The Applicant has not designed the proposed buildings. It is contemplated that once the Applicant is prepared to pursue development of the site specific details of the units would be prepared. The coordination discussed is anticipated to involve type of materials used, coloration, mass, height, bulk, scale, etc.

Comment B9:
III.B-3 – 4th full ¶ - It is not clear that the architectural style of the proposed townhouses is consistent with the surrounding area. The housing style may in fact conflict with the existing character of the well-established detached single-family residential neighborhood, and as such should be addressed accordingly as a project impact.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response:
Comment noted. The Applicant is not prepared to develop detailed architectural elevations. Those will be prepared once the Applicant is in a position to begin marketing the site for development.

Comment B10:
If necessary, architectural design mitigation measures or other measures, such as project modifications, may have to be established in the project Findings or via plan revisions, in order to properly mitigate this potential impact. Additional documentation is required to establish the significance of this potential impact.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response:
Comment noted. See response to Comment B9.

Comment C1:
I don't think it looks at steep slopes in figuring out the number of houses that could be built.
Board Member Keith Rosner, Public Hearing Transcript 6/21/10

Response C1:

The manner in which steep slopes disturbance was taken into consideration in the layout of the Conventional Plan and the reasons a density of 16 lots meets the standards of the Steep Slopes Law are set forth in detail in the Executive Summary, under "Conventional and Conservation Subdivision Layouts."

Comment C2:
Does this proposed conservation plan address some of these steep slope concerns along with the – I think they proposed also boundaries, rock boundaries and partition.
Board Member Denis McCarthy, Public Hearing Transcript 6/21/10

Response C2:
As Table C2 below shows, the proposed conservation plan included in the DEIS addressed the Board's steep slopes concerns because it involved less steep slope disturbance category-by-category and less overall disturbance than the DEIS Conventional Plan: 15-25%, 30% reduction; 25-35%, 52% reduction; greater than 35%, 20% reduction; and overall disturbance, 13% reduction. The FEIS Conservation Plan achieves even greater reductions in steep slopes disturbance by virtue of the adjustments to the road and lot alignments/layouts. When comparing areas of disturbance on the FEIS Conventional Plan to those on the FEIS Conservation Plan, it can be seen that the FEIS Conservation Plan requires significantly less disturbance of slopes. The reduction of disturbance is 26.2% for Steep Slopes (15% - 25%), 50.9% for Very Steep Slopes (25% - 35%), and 30.4% for Excessively Steep Slopes (greater than 35%). Additionally the FEIS Conservation Plan layout reduces the overall disturbance to the project site when compared to the FEIS Conventional Plan by 18.7%. Therefore, the preferred action embodied in the FEIS Conservation Plan minimizes steep slopes disturbance substantially.

Table C2

Slope Range	DEIS Conventional	FEIS Conventional	DEIS Conservation	FEIS Conservation
0% - 15%	6.24 acres	6.17 acres	6.52	5.70 acres
15% - 25%	3.58 acres	3.36 acres	2.50	2.48 acres
25% - 35%	1.24 acres	1.16 acres	0.59	0.57 acres
➢ 35%	0.50 acres	0.46 acres	0.40	0.32 acres
Total Disturbance	11.56 acres	11.15 acres	10.10 acres	9.07 acres

Source: WSP Sells

Further, the rock outcrops that exist along the east side and south-central portions of the property that would be disturbed in the construction of the FEIS Conventional Plan will be avoided under the FEIS Conservation Plan.

At the request of the Lead Agency, an alternative plan, refer to Exhibit C2 (the "Alternative Conservation Plan"), has been prepared which reconfigures Lots 6, 7 and 8. The Alternative Conservation Plan relocates Lot 6 to a point on the east side of Road A south of Lots 11 and 12. As a result of relocating Lot 6 and relocating the driveway to Lot 8 to Road C, the cul-de sac for Road B was eliminated. The access driveway to Lot 7 now comes off the intersection of Roads B and C. In addition, each of Lots 6, 7, and 8 has been reduced in area. As a result of these design modifications the buffer between the proposed lots and the property line adjacent to the Taconic State Parkway increases from approximately 15 feet to a minimum of 175± feet and the amount of Open Space increases from 9.55 acres to 10.09 acres. Further, the Open Space exists in a contiguous wooded band which maximizes its utility for wildlife habitat and vegetated buffer purposes. Table C2a provides a comparison of the FEIS Conservation Plan (Exhibit I-2) with the Alternative Conservation Plan (Exhibit C2).

Table C2a
Comparison of Impacts

Impact Category	FEIS Conservation Layout (±)	Alternate Layout (±)
Slope Range		
0-15%	5.7 acres	5.60 acres
15-25%	2.48 acres	1.75 acres
25-35%	0.57 acres	0.40 acres
>35%	0.32 acres	0.25 acres
Total Disturbance	9.07 acres	8.00 acres
Impervious Surface	2.85 acres	2.46 acres
Open Space	9.55 acres	10.09 acres

Source: WSP Sells

Comment C3:
On page I-3, Section I.D-3: The topography is described on – it also slopes to the west with the ridgeline approximately down the center running north/south. This is not described, but since I'm downhill from that side of it, from my property, I'm very aware of it. It's one of my biggest concerns – there's high control of stormwater runoff.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response C3:

The ridgeline in the geographic area where the project site is located is located west of the subject property on the adjacent property owned by John and Lisa Manuele at approximately elevation 440 (see DEIS, page III.C-11 (6)). The highest elevation on the project site is approximately elevation 380. The Applicant acknowledges its responsibility to propose a stormwater management plan that results in a zero net increase in the rate of stormwater runoff post-development. These design parameters will be reviewed by the Town of Mount Pleasant Engineer along with the submission of the Notice of Intent (NOI) and final SWPPP, which will be reviewed for compliance with NYSDEC regulations with regard to water quality and water

Exhibit C-2

GRADING DRAINAGE AND UTILITY PLAN CONSERVATION ALTERNATIVE

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

SLOPES LEGEND	SLOPE RANGES	ACREAGE
	0–15%	5.60
	15–25%	1.75
	25–35%	0.40
	>35%	0.25
TOTALS		8.00

SOURCE: WSP Sells

Exhibit IIIC-2a

STEEP SLOPES PLAN
CONSERVATION ALTERNATIVE

TACONIC TRACT
Town of Mount Pleasant, New York

VHB Saccardi & Schiff

quantity. These stormwater standards and the measures that will be included in the SWPPP are designed to mitigate any impacts resulting from the increase in impervious surfaces in the subdivision. The final version of the SWPPP will be submitted once lot count has been established and before final approval of the subdivision is issued. Therefore, increased stormwater runoff must and will be addressed at every location on the site and should not be a concern with regard to construction.

Comment C4:
Page III.C-3, Table III.C-1, notes that CSD and CRC soils are mostly categorized as very limited for a variety of reasons for most of the relevant applications listed. So doesn't this create a greater need for stormwater management?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response C4:

The answer is "no." The soils type classifications are not intended to dictate whether construction on the soil types can occur but, rather, are intended to highlight the different types of construction measures that should be employed to construct on those soils in a reasonable and safe manner. On this site, the soil limitations that fall into the very limited category are generally due to slopes and depth to bedrock. These conditions were taken into account when planning the project through the use of detailed erosion and sediment control measures and the siting of structures. Impacts to slopes have been further reduced in the FEIS Conservation Plan layout (See Response C2). The road profiles and site grading have been revised to greatly reduce the amount of cut required (40,200± cy for the DEIS Conservation Plan versus 13,335± cy for the FEIS Conservation Plan), which in turn reduces the need for rock removal.

Please refer to Response to Comment C3 with respect to stormwater.

Comment C5:
The statement is this: Can be overcome by stringent erosion control measures. I would ask that "can" be replaced with "shall".

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response C5:

Comment noted.

Comment C6:
Quote, "therefore the ridgeline provisions do not apply to this site". I would question the definition of ridgeline. There's a ridgeline near (indiscernible) Drive, (indiscernible) the hill, but there's also a north/south ridgeline that can be clearly seen from the vicinity of 145 and 144 Washburn looking east from the Taconic Parkway.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response C6:

As the Applicant explained in the DEIS, page III.C-11 (6),the contours of the project site slope upward from the southeast corner of the property to the northwest with the lowest elevation of approximately 250± feet to the highest elevation of 380± feet. This gradual slope continues northwest beyond the property to an elevation of 440±. DEIS Exhibit III.C-3, Topography of the Site, accurately illustrates these elevations and confirms that the ridgeline originates off the subject property. See also Response C14 regarding the finished elevation of houses in relation to that ridge.

The Town of Mt. Pleasant Code defines ridgeline as an area 75 feet down slope on either side of the center line of a ridge. The Applicant's interpretation of the ridgeline ordinance measures the distance from the center of the ridgeline extending out horizontally 75 feet from the ridgeline. The Lead Agency believes that the definition includes all area starting from the top of the ridgeline and descending vertically by 75 feet. (The Lead Agency notes that this resulted in the project being designated a Type I action pursuant to Section 180-6 of the Town Code.) In either case, a portion of the northwest corner of the Project Site falls within the regulated area but no structures are proposed in this area of the project site. This is the area proposed to provide access from Carleton Avenue.

Comment C7:
Exhibit III.C-2, the grading plan omits one of the catch basins at the property line between the Applicant's lot 2 and 144 Washburn Road. It's right on our fence line. Exhibit III.C-3 Topography of Site omits the same catch basin.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response C7:

The basemap has been updated to depict the existing drainage system that extends from beyond proposed Lot 1 across properties at 136 Todd Lane and 144 Washburn Road towards Washburn Road; discharging to the existing catch basin along Washburn Road just west of the existing driveway. The existing drainage system is more fully described in Response E3. The catch basin is now present on the basemap and can be seen on the updated plans. Refer to Appendix H.

Comment C8:
The map (in Appendix I, Test Pit and Soil Boring Results) labels two test pits as TP3. It's unclear which of those is actually TP1. So I would like to clarification on that. The question is: Why were all of the test pits dug only on the east side of the north/south ridgeline and the [s]oil probes only on the west side? Isn't this an incomplete sampling not to done it on both sides?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response C8:

The test pit labeled TP-3 to the left of test pit TP-1 should be labeled "TP-2".

The deep test pits and soil probes were performed to sample specific locations where the depth to bedrock would impact the project layout. Based on soil data and field observations the following locations were selected for the deep test pits: TP-1 and TP-2 centered along Road C between already identified rock outcrops; TP-3 at the proposed location of the detention pond; and TP-4 along Road B at the end of the cul-de-sac just north of the identified rock outcrops. The soil probes were performed in the rear of proposed lots 3, 4 and 5 and along Road B adjacent to lot 5, an area west of the identified rock outcrops. It was decided to perform soil probes in this area because they are much less disruptive and are sufficient since the intent was only to determine the depth to rock, not the soil stratum.

Comment C9:
It seems like there are a variety of significant challenges with respect to shallow bedrock and poor soils.

Alan Crosswell, letter dated 7/20/10

Response C9:

The construction challenges posed by shallow bedrock and soils conditions on the project site are addressed and minimized by implementation of the mitigation measures proposed and discussed on page III.C-8 under Soil Limitations. Stringent erosion control measures will be implemented, and plant cover will be established immediately after disturbance in an area is substantially complete in order to mitigate slope impacts.

Site specific investigations regarding blasting and more precise house locations will be reviewed during the site plan process when the Applicant has advanced the house design after lot count is established. Road profiles have been modified to more closely follow the natural contours of the property. Refer to Appendix H for updated plan sheets. The detention basin was situated in a flatter area of the site where embankments can be provided to detain the water; seepage can be mitigated by providing a clay barrier within the basin.

Comment C10:
Is it a fact or the Board's opinion that regrading blends in?

Alan Crosswell, letter dated 7/20/10

Response C10:

The grading of the site is designed to blend back in to the original grades, therefore it is a fact that the regrading blends in. The Proposed Action has been further modified to reduce the overall disturbance and the net volume that results from the cut and fill sections. Refer to Appendix H for updated plan sheets.

Comment C11:
I.-D. 3. 2nd par. cites Steep Slope Plan - Conventional Layout in Appendix D. But Appen D. is "Water and Sewer Plans". Steep slopes are App. F.

Josh Tane, Letter dated 7/26/10

Response C11:

Correct; I-3 D.3.¶ 1, as well as ¶ 2 should reference "Appendix F".

Comment C12:
III.C-5 – 2nd full ¶ - This paragraph concludes that the predominant soil types (Chatfield/Charlton) are primarily limited due to slopes and bedrock. According to Table III.C-1, they are also very limited regarding seepage. This is important given the disturbance in these soil areas for proposed drainage facilities (0.27 acres). This impact should be more fully addressed.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C12:

See Response C9. During the development of the final SWPPP for the project further soil testing will be conducted in the area of the proposed detention basin to determine the permeability of the soil and its suitability for detaining stormwater. If necessary, clay barriers and liners would be incorporated into the basin's design to overcome these limitations.

Comment C13:
III.C-10 - #4 – The 14.4' cut required for Road B, and the 13.2' cut required for Road C appear excessive, and clearly do not follow the "natural topography to the greatest extent possible" as required in the steep slope ordinance.

Options to minimize road cut and perhaps adjust the grading or configuration of lots should be explored.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C13:

The proposed action has been revised to reconfigure the roads more closely to the natural topography and utilize the existing stone wall that presently divides the manicured lawn from the existing road and forested acres. The updated Road Profile Plans are included in Appendix H.
The proposed Road A results in required cuts of no more than 3± feet at any one section. Road B has also been redesigned so that the profile more closely resembles the existing ground and shows average cuts of 3± feet with an area of 6± feet where Road C intersects. And Road C's deepest cut occurs at the intersection with Road B of 7± feet with the profile steadily increasing to meet existing grade.

These changes are evident in the proposed action volume analysis. The total cut required has been reduced from 40,200± cubic yards to 13,335± cubic yards and the total fill has increase slightly from 10,100± cubic yards to 11,610± cubic yards. However, this has resulted in a more

balanced earthwork volume with a net cut of 1,725± cubic yards (in comparison to the DEIS volume of a net cut volume of 10,300± cubic yards), a reduction of approximately 83 percent.

Comment C14:
III.C-11 - #6 – While it is acknowledged that the highest elevation of the site is 380' (60 feet below the ridgeline to the north), clarify that no development activity, including grading, home construction, etc. would result in improvements that extend up above the 440' elevation of the ridgeline.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C14:

The highest first floor elevation proposed in the revised FEIS Conservation Plan is 360.5 (lot 11). Zoning limits the build height to 35 feet, therefore the maximum elevation for the house would be 395.5, 45± feet below the ridgeline elevation of 440.

Comment C15:
III.C-11 - #7 – The statement that the proposed grading plan blends into the contours of the site appears to be at odds with the amount of cut and fill required to accommodate the proposed action.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C15:

The proposed action road alignments have been changed to better accommodate the natural topography of the site and blend in the proposed grading with the existing contours. The revised net cut for the proposed action has been significantly reduced to 1,725± cubic yards from the DEIS net cut volume of 10,300± cubic yards.
Please refer to Response C13.

Comment C16:
III.C-11 - #9 – Provide a summary of the extent of required retaining walls – total lineal feet, location of walls, height of walls, etc.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C16:

The use of retaining walls for the Proposed Action has been summarized in the table below:

Table C16

	Conservation Layout	
Retaining Wall	Total Length (ft)	Maximum Wall Height (ft)
Lot 2	100	5
Lot 2	116	5
Lot 7	115	6
Lot 7	73	5
Lot 7	130	6

Lot 7	178	6
Lot 8	48	4.5
Road A	147	2.5
Road A	406	5.5
Road B	79	4.5

Source: WSP Sells

Comment C17:
III.C-12 - #10 – The response does not indicate if the cut and fill slopes meet the setback standards.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C17:

The majority of the cut and fill slopes relate to the installation of the roads; the structures are outside of the cut and fill setback requirements as the grading around them is predominantly meeting existing grades. However, in areas where the setback requirements for slopes could not be met without significant disturbance of the site, retaining walls have been proposed. The locations of these walls are designed to meet recommended setback distances.

Comment C18:
III.C-14 - #21 – How does the applicant propose to guarantee that specific house types (i.e. split/stepped levels, garage under or walkout basements) – which are discussed as specific mitigation measures – are actually constructed by the purchasers of the lots in question?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C18:

Each lot with an attached single family unit will be subject to site plan review prior to any building permit being issued. The Applicant envisions that if the Board determines that mitigation is required to reduce impacts on slopes on particular lots, its Findings Statement would so indicate and the Board's Resolution of Approval would specify that mitigation measures (including with respect to house layout design) should be considered during site plan review where appropriate based upon the improvements proposed by the Applicant. At this point, the Applicant has not made any architectural selections and it would not make any sense to do so until lot count has been established.

Comment C19:
III.C-14 – #22 – This response must be clarified. Are *all* proposed improvements located within areas of the site that have been previously disturbed and improved? The response suggests that this is the case.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C19:

LOT #	PREVIOUSLY DEVELOPED (SF)
1	26,085
2	12,200
3	36,512
4	50,438
5	56,903
6	13,785
7	18,956
8	5,039
9	5,281
10	0
11	910
12	4,255
13	1,882
14	1,340
15	1,961
16	2,287

PREVIOUSLY DEVELOPED AREAS

EXISTING ASPHALT PATHWAYS

Exhibit III-C.19

PREVIOUSLY DEVELOPED AREAS CONSERVATION PLAN

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

In general, throughout the years, the entire site has been disturbed by construction of internal paths and special plantings/landscaping. A comparison of the Proposed Actions' areas of disturbance with the existing conditions plan shows that with the exception of Lot 10, each lot has a portion of it that contains either lawn area or an existing paved path/driveway. The Proposed Action was designed to utilize the majority of the already disturbed areas and allow the treed areas to remain as open space.

Comment C20:
III.C-15 - As noted in #21 above, excessive cuts (10,300 cubic yards) as presently proposed, require adjustments to the proposed action, or extensive mitigation measures, which are not addressed in the mitigation section.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C20:

The proposed action has been modified to significantly reduce the amount of disturbance and net cut volume – from 10,300 cubic yards to 1,725 cubic yards. Refer to Response C13 for explanation of changes and resulting cut and fill volumes.

Comment C21:
Exhibit III.C-2 – Excessive grading along Lots 12, 13 & 14 represents a concern warranting the implementation of mitigation, including site grading or substantial layout adjustments.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response C21:

The Proposed Action has been modified to significantly reduce the amount of disturbance, specifically with respect to Lots 12, 13 and 14 (i.e. 10,300 c.y. to 1,725 c.y.). Road C was shortened bringing all of the properties further north; the road profiles were modified to more closely follow existing grades; and a retaining wall was added along the back yard of these properties to minimize the amount of grading that is required between them and Road A. The changes to Road A's alignment and profile also reduced the amount of cut required for Roads A, B and C. Refer to Response C13 for explanation of changes and resulting cut and fill volumes.

Comment D1:
I have a question on Page III.C-21, item 13. There's a statement about New York State DEC regulations and town regulations, and the question is: Does one supersede the other?

Alan Crosswell, Public Hearing Transcript 6/21/10

Response D1:
In general, the Town regulations follow the New York State DEC regulations. The Town may propose more stringent regulations at its discretion, and would therefore govern.

Comment D2:
I don't know if this is relevant, but none of the field work appears to have happened after dusk.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response D2:
As indicated in the Natural Resources Survey included as Appendix G of the DEIS, the timeframes for when surveys were conducted are generally accepted by biologists as the appropriate periods for conducting reliable natural resources surveys and are consistent with accepted guidelines from NYS DEC for threatened and endangered species. One of the surveys in August 2009 was conducted at dusk. The biologist looks for the actual species as well as its habitat. Thus, the survey is multi-dimensional. The biologist understands that and the failure to observe a particular species is not indicative that it does not exist on the Property and bases his/her conclusions on all the information collected from the multi-dimensional surveys.

Comment D3:
Quote, "this method accounts for trees with a DBH of ten inches or larger". Table III.D-3, Removal of Trees of DBH greater than 24 inches on the prior page only lists of 24 inch DBH and larger. Shouldn't this table show data for trees ten inches and larger?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response D3:
Refer to Response to Comment D13.

Comment D4:
Table III.D-4 is incomplete. The quality column is blank. Should the Quality column be blank?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response D4:
The proposed planting list was provided to illustrate the types of landscape planting material that could be used as part of the site development. However, the Applicant does not have a specific proposal for implementation at this time, thus the quantity column has been left blank.

Comment D5:
Quote, "the Applicant anticipates that pesticide and fertilizer use on the proposed lots will be typical". Given this is undeveloped land right now, this is a significant increase in fertilizer, herbicide and pesticide (indiscernible) relevant to the current natural (state).

Alan Crosswell, Public Hearing Transcript 6/21/10

Response D5:
The Applicant has proposed that a Homeowners Association be formed to contract for the landscape maintenance of the grounds. As indicated in the DEIS, any pesticide or fertilizer application will be made in compliance with all applicable Federal, State, County and local laws, rules and regulations and best management practices.

Comment D6:
NYSDEC correspondence recommends checking back in a year from the date of the letter of April 27th, 2009 to update the response with the most current information available from NYSDEC. Has that been done?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response D6:
A letter has been prepared and sent to NYS DEC asking them to update with any more current information. A response from DEC is provided in Appendix I.

Comment D7:
Specific impacts of fertilizer, herbicide and pesticide runoff to the properties to the west and south, wetlands to the east of the parcel and especially the duck pond into which the existing storm drains flow are not adequately addressed per the Scoping Document.

Alan Crosswell, letter dated 7/20/10

Response D7:
The Applicant contends that proper application of fertilizer, herbicides and pesticide will not create an adverse impact. Proper application, when and if required, would mean that there would be proper absorption and no residual runoff anticipated. As noted in the DEIS, the Applicant has committed to using a reputable landscape contractor experienced in lawn and landscape maintenance acting on behalf of the proposed homeowners association.

Comment D8:
NYSDEC Environmental Resource Map indicates portion of the property are in a Wetland Checkzone. Is this the same as the Town and State definition of a Wetland Buffer?

Alan Crosswell, letter dated 7/20/10

Response D8:

No, the wetland checkzone is approximately 500 feet and is meant only to advise of possible State regulated wetland resources. The Applicant's biologist delineated State, Town, and federal regulated wetlands immediately adjacent to the site. The New York

State Department of Environmental Conservation (NYSDEC) wetland and the 100 foot regulated Adjacent Area were field verified by Heather Gierloff biologist with the NYSDEC. The wetland validation block on the wetland map was signed by Ms. Gierloff certifying the State regulated wetland boundary and 100 foot Adjacent Area. There are no wetlands located on the property.

Comment D9:
Recommendation number 3 "To avoid impacts to potential Indiana Bats tree-clearing activities for those trees meeting…should be limited to the timeframe of November 15 to March 31." This recommendation is missing in DEIS Section III.D.3.a.

Alan Crosswell, letter dated 7/20/10

Response D9:
Comment noted. As noted in the Natural Resource Report (DEIS Appendix G) tree-clearing activities for those trees meeting the minimum criteria for roosting or maternal colony use should be limited to the timeframe of November 15 to March 31. As noted on the tree clearing plan, tree #'s 118, 253, 282 1999 (Shagbark Hickory) are all located outside of any potential clearing area and will remain on site.

Comment D10:
I.-D. 4. 2nd par. "reforestation plan" in Appendix E. While the list shows which trees remain, it doesn't tell us where these trees are? This affects item I.-D. 2 above (views of abutting homes). Shouldn't tree survey pinpoint location of trees to be removed and those to remain?

Josh Tane, Letter dated 7/26/10

Response D10:
The applicant had 2,543 existing trees with a dbh of 4" and larger surveyed for the entire subject property. Each tree is identified by a number that is shown on Sheets 12 and 13 of 14 "Tree Plan – East Side" and "Tree Plan – West Side" respectively. Sheet 14 "Existing Tree List" lists each of the 2,543 trees by number "NO.", "SIZE (INCHES)", "TYPE", condition "COND.", and ASSESSMENT.

Comment D11:
III.-D. 1. b. Wildlife. No mention of deer. I have observed many deer on site property during every season.

Josh Tane, Letter dated 7/26/10

Response D11:
Comment noted. The Applicant's Natural Resource Consultant has conducted extensive surveys and made observations relative to wildlife on-site. These observations did not include the presence of deer. White tailed deer especially females and fawns are social animals and tend to travel in groups with a territory of about a square mile Whitetail deer are diurnal, with a crepuscular bias. This means that undisturbed deer will move both during the day and at night, but mainly in the hours near dusk and dawn. When hunted or otherwise disturbed regularly, they may become almost totally nocturnal. This species is hard to detect unless on the move because of their cryptic coloration that blends into the surrounding environment. Given the proximity to

the Taconic State Parkway and constant disturbances it is likely that deer in the area are evident only at night or by chance observation. However, while this species most likely travels through the property, no evidence such as scat, browse, or hair was observed on the property nor, as previously mentioned, were any actual deer personally observed on the property.

Comment D12:
III.D-3 – 4th full ¶ - Clarify if the list of species observed represents actual animal observations or observations of evidence (i.e. nests, scat, etc.)

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response D12:
As noted in the Section III.D.1.b. of the DEIS and in the Natural Resources Report (Appendix G of the DEIS) the list is for species that were observed on the property as well as evidence supporting a species use of the property. An example is the mink. Although not directly observed on the property the anecdotal evidence of pheasant kills leads to the conclusion that a mink or pair of minks had been on the property.

Comment D13:
III.D-4 – 2nd ¶ - Provide the sizes of the 491 trees to be removed.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response D13:
A table listing the sizes of the 491 trees to be removed is provided below.

TREES TO BE REMOVED FOR PROPOSED ACTION		
TREE DBH (IN)	NUMBER OF TREES TO BE REMOVED	NUMBER OF DEAD TREES TO BE REMOVED
4	51	0
6	73	0
8	49	0
SUBTOTAL (4" - 10" DBH)	173	0
10	76	5
12	89	3
14	68	0
16	52	2
18	66	1
20	30	0
22	28	0
24	22	0
26	9	0
28	10	0
30	6	0
32	3	0
36	1	0
38	1	0
40+	1	0
SUBTOTAL (10"+ DBH)	462	11
TOTAL	635	11

Source: WSP Sells

Comment D14:
III.D-6 – Table III.D-4 – Some general description of how the proposed plantings will be utilized and located on the site is required.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response D14:
As indicated in the DEIS, the plant list shown on Table III D4 will be used to develop landscape plans for site plan review. The Applicant has identified on page III D-8 of the DEIS, specific plantings to be used for detention basins and moist sites, restoration mix for dry sites and establishing turf.

Comment D15:
The landscaping plan includes use of native plants. The use of native plants in preserving habitat is an important component of good environmental planning and we commend the applicant for including it in the plan. We also recommend that provisions are made to assure the continued use of native plants by the residents association as well as implementing an organic lawn maintenance plan that would eliminate the use of pesticides.

Mount Pleasant Conservation Advisory Council, Letter undated
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response D15:
Comment noted.

Comment D16:
In addition, specific measures to prevent invasive plant encroachment during construction should be employed, particularly at edges of the wooded open space areas.

Mount Pleasant Conservation Advisory Council, Letter undated

Response D16:
Comment noted.

Comment D17:
The flora and fauna report includes typical species commonly found in a suburban setting. No threatened or endangered species were observed but remarkably neither were any deer, which is extremely unusual and raises questions on the thoroughness of the field survey.

Mount Pleasant Conservation Advisory Council, Letter undated
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response D17:
See Response D11. The Applicant's Natural Resource Consultant has conducted extensive surveys and made observations relative to wildlife on-site including multiple methodologies for determining on-site species. These observations did not include the presence of deer. The Applicant's Natural Resource Consultant has provided his professional credentials including his resume and NYSDEC license. See DEIS Appendix G.

Comment D18:
The fauna report concludes there will be an inevitable loss of species diversity from the habitat destruction however "habitat values will be dependent on landscape planting schemes and maintenance regimes of the developed lots and…protective cover for wildlife." The use of native plants in landscape plans could mitigate the impact. A detailed plan for the continued use of native plants should be included. Measures to reduce or eliminate use of pesticides would

maintain species richness and should be detailed. This would be particularly valuable for residents as well, if well water is being used.

Mount Pleasant Conservation Advisory Council, Letter undated
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response D18:
As noted on page III.D-6 and on Table III.D-4 in the DEIS, the proposed planting plan was developed that consists of plants native to Westchester County and a strong emphasis on plant material found in an Appalachian Oak-Hickory Forest ecological community.

Comment D19:
The rock outcrops on the south east of the property are noted as micro habitats. The flora and fauna report suggests they should be protected where possible. We strongly recommend that since these rock outcrops are part of the open space, specific measures should be taken that will preserve this important ecological feature.

Mount Pleasant Conservation Advisory Council, Letter undated
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response D19:
Comment noted.

Comment D20:
Indiana Bat habitat features should also be protected as described in the DEIS.

Mount Pleasant Conservation Advisory Council, Letter undated
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response D20:
As noted by the Applicant's Natural Resource Consultant in the report included as Appendix G of the DEIS, the Subject Site has several trees that are greater than 9 inches dbh and have loose exfoliating bark, crevices, cavities or holes. See also Response to Comment D9. In addition, many of the trees greater than 9 inches dbh will remain on the site post development.

Comment D21:
Reforestation with native species is noted and a positive measure.

Mount Pleasant Conservation Advisory Council, Letter undated

Response D21:
Comment noted.

Comment D22:
As a result of the open space provision, the plan meets the Tree Reforestation requirement. As noted, the open space is a positive measure. However, 48 significantly large trees (24 inches dbh and over) are proposed to be removed. These include several oak, maple and locust 28-40 inches and a 48" maple.

While tree density is being preserved per the local law, the site of the homes should be closely reviewed to see if additional large trees can be preserved. The 48" maple appears to be located in the access road from Washburn and this tree deserves special attention to see what measures can be taken to prevent its destruction.

Mount Pleasant Conservation Advisory Council, Letter undated

Response D22:
The Applicant has revised the configuration of the proposed access road from Carleton Avenue in an attempt to preserve some of the larger trees in that location. (See Appendix H) At the time of site plan approval for individual lots, the Applicant will be able to better evaluate house design and location so as to further address the tree preservation issue.

Comment D23:
The Landscaping plan: We commend the landscaping plan. We note it includes the use of native plants, and the use of native plants in preserving habitat is an important component of good environmental planning. We commend the applicant for including it in the plan.

Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response D23:
Comment noted.

Comment E1:
On page I-4, Section I.D-5, second paragraph identifies lots six and seven as not draining towards the proposed detention basin, but what about lots 1 through 5 which are on the south and west drainage slopes, they can't possibly drain towards the detention basin that's uphill.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E1:
The site layout and road design have been modified to reduce the impacts of the proposed action. Under this new design a subsurface detention system under Road A near its intersection with Washburn Road has been proposed for detention purposes. The Applicant has prepared a stormwater management system that includes components other than the detention basin mentioned by the commenter. These systems include the use of dry swales, plunge pools and dry wells/infiltration chambers. These stormwater management techniques are described in Section III E-3 of the DEIS. Stormwater runoff from proposed lots 1 through 5 will discharge to infiltration galleries on those lots intended to receive first flush runoff volumes.

Comment E2:
Is the stormwater management plan accurate to be reflective of the existing conditions of drainage and stormwater runoff mitigation which crosses my property and into what's identified on the map as lot 1 and further up? The plan fails to take into account the pre-existing drainage conditions mentioned.

Alan Crosswell, Public Hearing Transcript 6/21/10

Response E2:

The basemap has been updated to depict the existing drainage system that extends from beyond proposed Lot 1 across properties at 136 Todd Lane and 144 Washburn Road towards Washburn Road; discharging to the existing catch basin along Washburn Road just west of the existing driveway. The existing drainage system is more fully described in response E3 below. The proposed drainage design as shown in the DEIS had no impact on these conditions. Refer to Appendix H for the updated plan sheets; sheet 2 shows the existing drainage system.

Comment E3:
The project background site history failed to mention an extensive stormwater drainage system was installed by a prior owner.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E3:

The existing stormwater drainage system has been updated on the basemap; refer to Appendix H for the updated plan sheets. This existing stormwater drainage system that was installed by a prior owner collects overland flow from the maintenance garage area, proposed Lot 1, rear lot of 136 Todd Lane and rear/side lot of 144 Washburn Road; ultimately discharging to the existing catch basin along Washburn Road just west of the existing driveway. The paved area southwest

of the maintenance garage is collected through a series of catch basins. The catch basins then flow to a catch basin located in the middle of proposed Lot 1 through an 18" CMP; there is also a 6" PVC pipe that enters this basin from the west. This basin discharges south through an 18" CMP to a catch basin just south of the rear abutting property line for 144 Washburn Road and proposed Lot 1. It flows southeast to another catch basin through an 18" CMP still within the side/rear yard of 144 Washburn Road, which then flows to the last catch basin on that property located in the front/side yard through an 18" CMP. This last catch basin also has a 12" CMP connected on its west wall and a 4" CPP on the north wall; it flows out the east wall through an 18" CMP to the catch basin in Washburn Road.

This system has been taken into consideration in the stormwater design. As necessary, modifications to the existing facilities located on the Applicant's property will be made to accommodate the new design. Stormwater mitigation measures will ensure that there is no increase in the rate of runoff to the existing system.

Comment E4:
Conservation Plan fails to indicate the proposed retention pond (Exhibit II-3). So I guess the question formed is: Where's the retention pond on this exhibit?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E4:
Exhibit II-3 in the DEIS illustrates the proposed layout of the Conservation Plan. The proposed detention basin is illustrated on Exhibit C-2 and Exhibit F-1 in the DEIS and in Appendix B of the DEIS.

Comment E5:
The quote is: The SWPPP (Stormwater Pollution Prevention Plan) has been designed to provide a zero increase in deep runoff through adjacent areas and the municipal system. What municipal system?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E5:

The municipal system being referenced is the drainage system along Washburn Road that is owned and maintained by the Village of Briarcliff Manor.

Comment E6:
Will the house construction interrupt the drainage that connects to those catch basins?

Alan Crosswell, Public Hearing Transcript 6/21/10

Response E6:
The Stormwater Pollution Prevention Plan (SWPPP) is designed to prevent any disruption to the existing drainage system. The plan is intended to capture all sediment prior to outletting the stormwater into the municipal system.

Comment E7:
Page III.E-1 through E-1 (?), this is a more specific reference to the lack of documentation of the drainage structure. There's also – it says there's a ditch on the north side of Washburn Road uphill of the basin, and I don't see a ditch. Where is the ditch?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E7:

The ditch described is not intended to reference a well-formed roadside ditch; it is describing the natural ditch formed by the road's contour and how the edge of the travel lane abuts the asphalt curb.

Comment E8:
An analysis of the drainage basin was done. Did this analysis include all of the existing drainage basins, given that at least one of them is not even on the survey map?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E8:

We believe the commenter is misinterpreting what the term "drainage basin" means in the statement regarding the analysis. In this case, the drainage basin is the geographical area that drains to a particular point, not a physical structure such as a catch basin. In the stormwater computations, the drainage basin analysis included all contributing watersheds. The drainage analysis was performed using USGS mapping; a standard practice when analyzing contributing watersheds. This allows for all contributing watershed areas to be analyzed without having detailed topographic survey mapping for the entire watershed.

Comment E9:
Page III.E-4, under the section on proposed mitigation which talks about grass, soils, plunge pools, diversion structures and so on; how will all those mitigations be maintained over time such that their performance doesn't degrade to the point of failure?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E9:
The Applicant proposes to have a homeowners' association established as part of the development. The HOA would be responsible for maintaining the stormwater systems; a maintenance plan for the stormwater management system is required as part of the final SWPPP, which will be reviewed by the Town of Mount Pleasant for compliance with NYSDEC regulations in order to obtain approval for a SPDES General Permit. The final version will be submitted once lot count has been established, before final subdivision approval is granted and before any construction may begin.

Comment E10:
Page III.E-6: The statement is, "the use of infiltrator chambers was recommended". Should the statement be "is required"?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response E11:
Comment noted. There are alternative stormwater management practices that could be used to treat rooftop runoff for water quality. The requirement of specific mitigation measures is under the purview of the Planning Board and, ultimately the specific measures will be approved by the Planning Board.

Comment E12:
My concern is, of course, if there's going to be more water running into the duck pond. We have soap suds that are now coming into the pond from up in the hills. I don't know whose property its coming from, but it's coming in. So that is a very big concern because the land is saturated now. I mean, it's so wet and damp. So that's one of the major problems. So I wanted to bring that to your attention to look into it, please.

Danny Heller, Public Hearing Transcript 6/21/10

Response E12:

As part of the proposed action, the existing stormwater drainage system will continue to collect stormwater runoff from 144 Washburn Rd, 136 Todd Lane and the proposed Lots 1 and 2. The stormwater drainage system for the Subdivision is designed to provide water quality and water quantity measures as required per NYSDEC regulations. Runoff from the roads would be collected in a series of catch basins along the roads and discharged as follows: Road "A" will be captured in an underground detention system that will discharge to a new manhole built over the existing 18" CMP that runs along Washburn Road; Road "B" to the detention basin; Road "C" to the detention basin. Runoff from the driveways and homes on the individual lots would be collected and discharged as follows: proposed Lots 1 to 7 discharge to infiltration galleries intended to receive the first flush runoff volume; proposed Lots 8 to 11 discharge overland to the water quality swales which ultimately discharge to the detention basin; proposed Lots 12 to 16 discharge overland to the water quality swale that leads to a plunge pool which overflows to the proposed stormwater drainage system along Road A.

The Applicant further inspected the catch basin at the base of the existing Washburn Road driveway to the Property and the manner in which flows discharge from it. The catch basin collects stormwater runoff from the Road and from an existing storm drainage system that originates on the Project Site and crosses the Crosswell property (i.e., 144 Washburn Road. The catch basin contains two discharge pipes, one that extends under Washburn Road and leads to the pond on the Heller property and a second that extends down the north side of Washburn Road into a catch basin at the end of the Road and ultimately into the DEC wetland to the southeast of the pond on the Heller property. The Applicant proposes to abandon the discharge pipe that goes under Washburn Road and feeds the pond on the Heller property thereby decreasing flows to that

pond when compared to the predevelopment condition. All flows from the catch basin at the end of the existing Washburn Road driveway entrance to the Property will then be directed down the north side of Washburn Road and ultimately into the DEC wetland. It is noted that any stormwater runoff from the proposed development will receive water quality treatment and mitigation of peak runoff rates prior to the connection to the municipal system.

The Applicant also investigated the repeated assertion by Mr. Heller of soap suds in the pond on the Heller property. As was noted by neighbor Alan Croswell several times during the DEIS review hearings and comment period, an existing storm drainage system on the Property crosses his property; that storm system includes a catch basin on the Croswell property. The Applicant learned from its engineers that the catch basin on the Croswell property has three pipes from the Croswell property feeding into it. Although the Applicant and its engineers cannot identify the precise nature of the flows from the Croswell property into the storm drain system, Mr. Croswell advised Mr. Andrew Saunders that he was aware of a grey water connection between the Croswell house and the storm drainage system and that Mr. Heller was aware of the connection because Messrs. Croswell and Heller had discussed it in the past. According to Mr. Croswell, he corrected the connection in the recent past. A letter from Mr. Saunders to Mr. Croswell confirming the discussion is included in Appendix D.

Comment E13:
There is a home across from us on the left on Carleton and then there's a lovely short of a fence, and clearly the topography is that water runs down the hill as it is.

Lilly Rombach, Public Hearing Transcript 6/21/10

Response E13:
Comment Noted.

Comment E14:
Is the existing underground storm drain that has continuous water flow year round considered a subsurface watercourse?

Alan Crosswell, letter dated 7/20/10;
Mount Pleasant Conservation Advisory Council, Letter undated

Response E14:

The existing underground stormwater drainage system is not a subsurface watercourse. The stormwater connections that lead to the catch basin on the northern side of Washburn Road come from yard drains located within the properties of 144 Washburn Road and 136 Todd Lane and proposed Lots 1 and 2. These yard drains collect overland flow; they do not act to route any existing subsurface watercourse. Refer to Response E3 for decsription of the existing stormwater drainage system.

Comment E15:
Stormwater mitigation is a significant concern of mine and I am especially concerned that the existing conditions survey seems to have totally glossed over the existing drainage network that crosses my property from the Applicant's.

Alan Crosswell, letter dated 7/20/10

Response E15:

Please refer to Response E3 for description of the existing stormwater drainage system.

Comment E16:
Page VIII-1, 3rd bullet: This increase in impervious surfaces will strain already sub-standard drainage patterns.

Alan Crosswell, letter dated 7/20/10

Response E16:

It is the responsibility of the Applicant to propose a stormwater mitigation plan that results in a zero net increase in the rate of stormwater runoff; these design parameters will be reviewed by the Town of Mount Pleasant Engineer along with the submission of the Notice of Intent (NOI) and final SWPPP, which will be reviewed for compliance with NYSDEC regulations with regard to water quality and water quantity. These stormwater measures will mitigate any impacts resulting from the increase in imperviousness. The final version will be submitted once lot count has been established and before any construction may begin.

Comment E17:
VIII. Third bullet. What protection will there be for neighboring properties against flooding and excessive runoff due to this increase in impervious surfaces? Board should note the increase in severe flooding throughout Westchester County in the last several years due to the increase in intensity of storms vis-a-vis the decrease in pervious surfaces needed to absorb runoff.

Josh Tane, Letter dated 7/26/10

Response E17:

Please refer to Response E16.

Comment E18:
III.E-1 – 5th ¶ - The high point of the site identified in this section (415') is inconsistent with the high point identified on page III.C-11 (380'). This is an important piece of existing site data to correct as it may impact the potential for the project to affect the ridgeline.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response E18:

III.E-1 – 5th ¶ should read:
"…The highest elevation on the project site is found at the western edge of the property near the existing tennis courts, at elevation 380.0 feet. The lowest area…"

Comment E19:
III.E-5 – Will the grassed swales be located on individual private lots? If so, how can their continued maintenance be assured?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response E19:

It is the intention of the proposed action to have grassed swales located on individual lots; the HOA would be responsible for maintaining the stormwater systems. A maintenance plan for the stormwater management system is required as part of the final SWPPP, which will be reviewed by the Town of Mount Pleasant Engineer for compliance with NYSDEC regulations in order to obtain approval for SPDES General Permit # GP-0-10-001. The final version will be submitted once lot count has been established, before final subdivision approval is granted and before any construction may begin. Continued maintenance of the grass swales will be provided for by the covenants and restrictions recorded against the lots on which they are located.

Comment E20:
III.E-5 – Exhibit III.E-1 was not included.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response E20:
Exhibit III- E1 is included in this FEIS.

Comment E21:
III.E-5 – 1st ¶ - Provide back-up documentation on how the water demand was established.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response E21:
The water demand calculations have been provided in Appendix O of the DEIS.

Comment E22:
The use of municipal water from the Village of Briarcliff Manor, as acknowledged in the DEIS, has not been approved. Considering the Village recently declined to provide municipal water to a 3-lot subdivision on Chappaqua road without the creation of a water district, we believe it is not likely for this subdivision.

As an alternative, the applicant proposes using well water for the homes. The CAC questions the impact of the proposed storm water management plan on ground water recharge since the fully developed site with large amounts of impervious surfaces and a stormwater management plan will divert water off site.
Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response E22:

It should be emphasized that wells are proposed as an alternative; it is the Applicant's preference to connect to the existing municipal water system (please refer to the Water Supply Section of the Executive Summary with regard to the discovery of the existing water main connection from

Carleton Avenue to the subject property). However, based on determinations by the Applicant's Engineering Consultant, if wells are deemed necessary, no modification to the layout and configuration of the subdivision and associated improvements would be required.

The stormwater management plan is not intended to divert water off site; it is designed for a zero net increase in the rate of runoff. The proposed action maintains 9.55 acres of open space in addition to lawn area created at each lot. The proposed action proposes use of infiltration galleries to mitigate the increase of runoff due to the increase of impervious surface created by the houses and driveways. These units will provide for the infiltration of runoff into the groundwater system. Dwellings which do not drain directly to the detention basin watershed will be provided with infiltration trenches and grassed swales, which are intended to infiltrate the average annual rainfall runoff rather than divert it.

Comment E23:
The CAC suggests the use of low impact storm water systems including grates, pipes and drains designed to protect wildlife from being drawn into the system, use of pervious pavers, rain gardens and other sustainable methods. These should be detailed in the FEIS and incorporated into the site plan where possible.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response E23:

Comment Noted. The SWPPP will be submitted to the Town of Mount Pleasant for review and approval during final design; the level of detail provided for sustainable methods set forth in the New York State Stormwater Management Design Manual, June 2010 will be addressed at this time. A copy of the SWPPP will be forwarded for the NYSDEC's review when the NOI for SPDES General Permit # GP-0-10-001 is submitted for approval.

Comment E24:
An existing stormwater system on the property, referred to as "inlets", is briefly described in the DEIS. The system appears to be a series of storm drains and pipes that send stormwater directly into the NYSDEC wetlands and a neighbor's pond without any treatment.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response E24:

Comment Noted. Under the proposed action, runoff from the project site will receive water quality treatment as well as peak runoff mitigation prior to exiting the property and flowing to the NYSDEC wetlands.

Comment E25:
During the site walk, Mr. Saunders, a principal in the project, indicated the existing system would be used for drainage around the clustered homes. Specific details on this system need to

= DETENTION BASIN

= INFILTRATION GALLERIES

= CATCH BASIN

= DIVERSION STRUCTURE

= PLUNGE POOL

= WATER QUALITY SWALE

= STORM SEWER

Exhibit E-1

PROPOSED DRAINAGE FACILITIES CONSERVATION LAYOUT

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

be provided. Will this system be integrated into the stormwater management plan? Is the neighbor's pond intended to be used as a retention basin and is there an existing agreement with the neighbor for that use? In fact, the stormwater drains are noted on a few of the drawings but there's no dedicated drawing.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response E25:

The Grading, Drainage and Utility Plans (Sheet 6 of 14 for both the Conventional and Conservation plan sets) have been revised to show the proposed drainage. There is no intention to use the neighbor's pond as a retention basin. Please refer to Responses E12 and E24.

Comment E26:
The water issues are a major concern. Presently, there are soap suds that come into my pond and water that saturates my property from the top of Washburn Road. The addition of any more water would have major effects on my property and the wetlands and could cause more erosion to my property line.

Danny Heller, Letter dated 10/4/10

Response E26:
Please refer to Response E12.

Comment E27:
During a series of casual inspections that – as I said, I walk by the site on a regular basis. I did notice that there is almost always water in the storm drain under the catch basins on Washburn and almost always – in fact I can't recall really recall an instance where I didn't see water running through – sometimes it trickles, sometimes it's a fair amount – regardless of the recent weather conditions. We recommend that there should be further investigation by a hydrologist or other professional with the expertise to make this determination.

Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response E27:
The drainage system on the applicant's property, 136 Todd Lane and 144 Washburn Road has been investigated and documented by WSP ▪ SELLS, a professional engineering firm with expertise in the field of stormwater. Please refer to Responses E3, E12 and E14.

Comment E28:
Anticipated Impacts and Table III.E-2 – Shouldn't the proposed conservation layout be analyzed, not the conventional layout?

Alan Crosswell, letter dated 7/20/10

Response E28:
The use of the conventional layout for the DEIS stormwater analysis is a more conservative approach in that it contains a greater amount of impervious surfaces and disturbance, which

would result in higher peak runoff flows and water quality impacts than the conservation layout. Thus the stormwater measures proposed for the conventional layout would adequately mitigate impacts from the conservation layout. Additionally, the revisions to the conservation layout contained in the FEIS create larger reductions in the impervious and disturbance areas.

Comment F1:
The Village water supply is limited to supplying water for consumption solely within the Village, and to existing connections to properties located outside of the Village boundaries that are specified in the Agreement; the proposed project is not included on the list of authorized connections.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response F1:
As discussed in the Executive Summary, an existing connection exists on Parcel D that was incorrectly omitted from the list of authorized connections in the Village of Briarcliff Manor-DEP Agreement referred to in the comment. In conjunction with conducting additional surveys for the Project Site, WSP Sells discovered an existing utility manhole on Parcel D which houses an existing water meter for an 8-inch water main connection from the existing main in Carleton Avenue to Parcel D and Lot 40. There is also a water valve and meter on the line prior to the pumphouse on Lot 40. The list of "authorized connections" attached to the Agreement was supposed to include all existing service connections but overlooked the one on Parcel D and Lot 40. The Applicant has advised the Village of its discovery and provided it with details about the improvements and met with the Village Manager and Water Department Superintendent. The Applicant believes that the existing main and service connection take the provision of water to its subdivision out of the "new connections" category and is pursuing the matter further with the Village Administration as well as the Town. At the direction of the Town Supervisor's office, the Applicant consulted with Town Engineer James Vanoli regarding the formation of a Water District for the project. Town Engineer Vanoli has advised the Applicant that the Town Board has no objection to forming a District for new subdivisions and that the Town would be willing to take over responsibility for the water mains in the subdivision upon the formation of such a district, provided the Applicant installed all infrastructure for the main extension, including master meter(s) at each end of the subdivision. The Applicant is prepared to install the master meters and its engineers have so advised the Town Engineer.

Comment F2:

The DEP has stated to the Village that it will not permit any new service connections to any properties located outside of the Village boundaries in the Town of Mount Pleasant (the "Town") absent the creation of a water district or districts by the Town covering all existing service connections to properties in the Town receiving water from the Village.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response F2:
See Executive Summary and Response F1 above.

Comment F3:
All permits and approvals needed from the Village relating to the extension of the Village water supply (i.e. approval of the extension, road-opening permit, etc.) should be discussed in the context of Town-wide water district(s) which may include the project.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response F3:
See Executive Summary and Response F1 above.

Comment F4:
In addition, the Applicant should provide illustrations showing the location of the existing water main in Washburn Road.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response F4:
The existing water main is shown on the plans in Appendix H, but is clearly depicted on Exhibit F-5 "Off-Site Utility Plan".

Comment F5:
The Applicant should provide illustrations showing the location of the existing sewer mains in the vicinity of the project site. Additionally, the illustrations of the proposed sewer mains, including the location of off-site connections to existing infrastructure, should also be included.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response F5:
Please refer to Exhibit F-5 for a larger overview of the surrounding area that includes the location of the existing sanitary sewer adjacent to the subject property.

Comment F6:
Further, the DEIS is silent on who will ultimately be responsible for ownership and maintenance of the proposed sewer main extension located within the village.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response F6:
The Applicant anticipates that it will be responsible for the installation of the sewer main extension in the Village, that it will transfer ownership of the main to the Village of Briarcliff Manor and that the Village will maintain the extension the same as it does for all other mains in the sewer system.

Comment F7:
There are a number of issues raised in correspondence that are not fully addressed in the DEIS. I think in particular from the Village of Briarcliff Manor on the water issue and there's a communication from a tax payer regarding certain topography or steep slopes, concerns that apparently…should be restudied in terms of layout.

Board Member John Cohen, Public Hearing 6/21/10

Response F7:
See Executive Summary and Response F1 regarding the water supply issue and Executive Summary regarding steep slopes and topography.

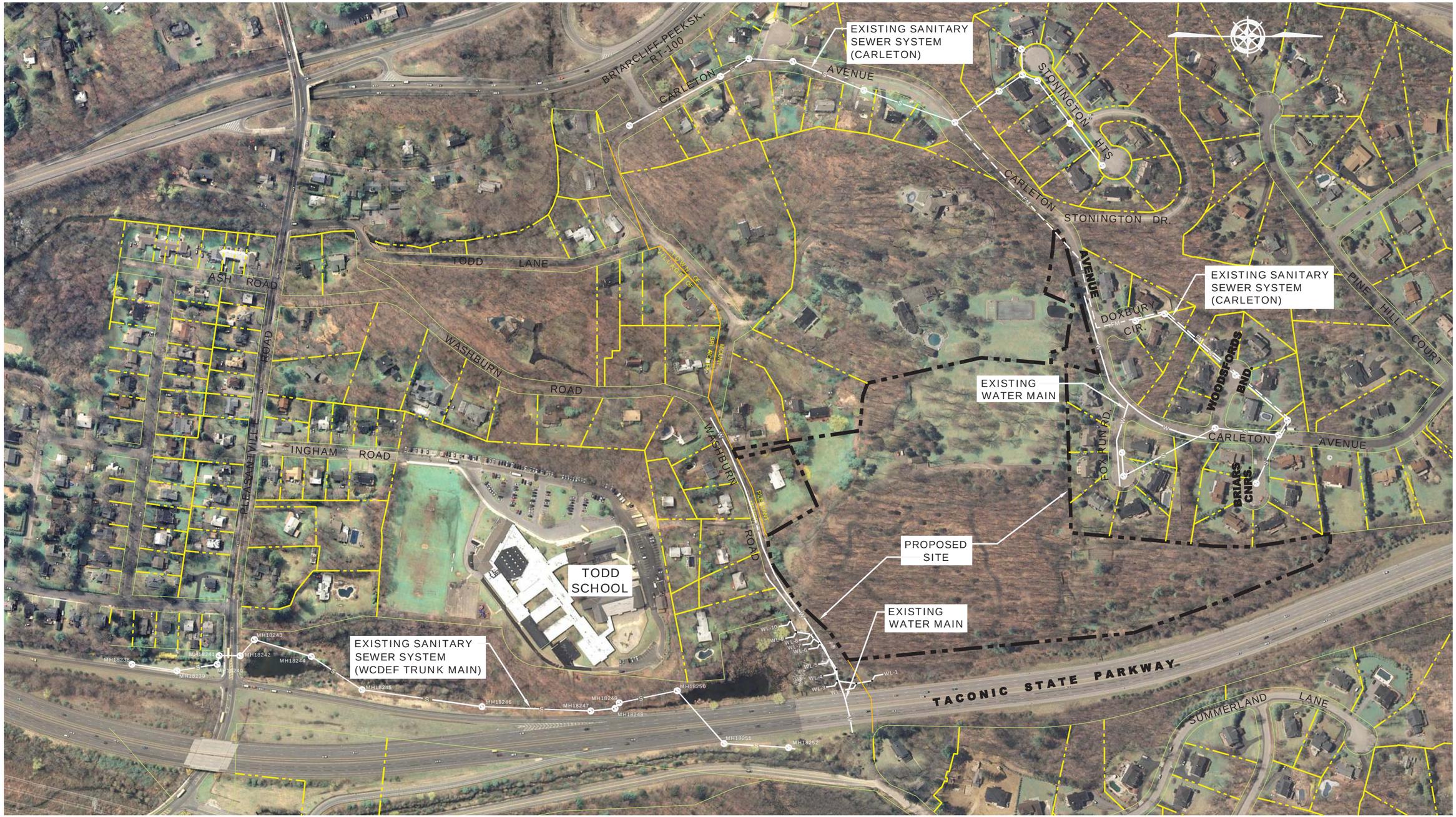


Exhibit F-5

OFF-SITE UTILITY PLAN

TACONIC TRACT

Town of Mount Pleasant, New York

VHB Saccardi & Schiff

SOURCE: WSP Sells

Comment F8:
Page I-5, Section I.D-7, second paragraph: Water and sanitary service demands states a recommended one-inch irrigation per week by Cornell University. While this is recommended, is it common practice? Again, this is going to be a homeowner's association, likely sprinklered – anecdotally (indiscernible) lawn sprinklers and professional grounds management frequently over water. I'm concerned about whether the estimate which was used to lead to the whole stormwater management plan is a good estimate. In other words, do we use this Cornell recommendation as to how much you should water your lawn or should we be using an idea of how much might actually be watered or worst case scenario.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response F8:
The Applicant's Engineer used a standard industry practice recommendation relative to irrigation requirements and demands.

Comment F9:
On page III.C-1 under Existing Conditions; the question I have about whether the underground so-called storm drain, is actually a storm drain or a subsurface watercourse. Why does the document not adequately address this water course or storm drain?

Alan Crosswell, Public Hearing Transcript 6/21/10

Response F9:
Please refer to Responses E3 and E14.

Comment F10:
Why did it miss a fire hydrant that's in front of 144 Washburn Road?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response F10:
The original survey was completed by aerial; it could have been mislabeled or not picked up. The fire hydrant has been added to the base map.

Comment F11:
And, then in Alternative 2, Applicant proposes using existing water main under Taconic. But this main is 2". Is Applicant proposing using this small main? Wouldn't site's 16 mains (8" or 4") running into a 2" main present complications? What is the feasibility of this proposal? And, has Village of Briarcliff Manor consented to use of existing main or approved viability of its use for sewer purposes?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10;
Josh Tane, Letter dated 7/26/10

Response F11:
The proposed water main connections are to the existing water mains in Washburn Road and Carleton Avenue. Reference to the existing water main that runs under the Taconic State Parkway is in regard to the proposed sanitary sewer connection to the existing Westchester County Department of Environmental Facilities (WCDEF) 16" trunk sewer which runs along Chappaqua Road. The Applicant proposes to utilize the existing pipe corridor, which has been abandoned, to reduce the potential for problems when jacking and to avoid disturbance to the NYSDEC regulated wetlands adjacent to the Taconic just south of the subject property.

The proposed sanitary sewer main is not intended to be 2"; it is the pipe corridor that will be used, not the pipe itself.

Comment F12:
If individual wells are required of issues of septic cross-contamination, might there be given a lack of sewers for adjacent properties?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response F12:
In the event that individual wells are required, the Applicant could still pursue connection to the municipal sanitary sewer system which could preclude any issue of cross contamination.

Comment F13:
What is the status and scope of discussions of creating a Town-wide Water District? What if this doesn't happen? Shouldn't there be a more detailed contingency plan?

Alan Crosswell, letter dated 7/20/10

Response F13:
The Applicant understands from discussions with the Town Engineer that discussions between the Town and the Village about the creation of a Town-wide Water District are stalled. However, as explained in the Executive Summary and Response F1, the Applicant believes that the matter of a Town-wide District may not bear on the Village's provision of water service to the Subdivision because the recently discovered existing water main and service connection takes the Subdivision out of the realm of "new connections" supposedly required to be addressed by a Town-wide District. Further, as explained in Response F1, the Applicant has been advised that the Town Board has no objection to forming a Water District for the Subdivision nor would it object to being responsible for the main and master meters installed for the Subdivision provided the Applicant installs all of the infrastructure.

The Applicant clearly prefers to find a way for public water to be provided to the new homes and will continue to pursue that form of water service. If water from Briarcliff Manor is not able to be provided, the Applicant will provide water supply from individual wells. More than sufficient information with respect to private wells has been provided. Based upon WSP Sells' calculations of water demand for a single family residential project, individual wells will need to produce approximately 3.6 gallons per minute per household per day. An analysis of the potential groundwater supply available on the site was provided in the DEIS and it shows that one

groundwater well alone on the subject site was tested and yields 55 gallons per minute. (There are 5 existing groundwater wells on the site.) While tested well will not be the sole source of supply for the entire subdivision, its yield demonstrates the availability of groundwater on the site and in its vicinity to support individual wells.

There is plenty of land area within the Subdivision in which to locate individual wells. Given that sewage disposal will be provided for through a municipal system, no separation distance from septic systems within the Project Site must be adhered to when siting the individual wells. Further, because all surrounding properties obtain their water from the Village of Briarcliff Manor, no analysis is needed to examine the potential of on-site wells to influence off-site water supplies.

The provision of water and sewage service is a matter within the jurisdiction of the Westchester County Department of Health. At the time the Health Department reviews the Subdivision and before a building permit could be obtained for any lot, the Applicant will have to demonstrate that a well can be developed on such lot. Under the circumstances where neighboring properties are served by public water, the information regarding wells that has been provided to date in the DEIS is more than typically required at this juncture of a project.

Comment F14:
I.-D. 7. 6th par. (*Water and Sanitary Service Demands*): village can only supply water if a water district is formed in Mount Pleasant but applicant does not detail how district will be formed, status of formation, plans for formation, etc. Perhaps the most important issue yet very little is mentioned about this. Water district cannot be formed without a majority of residences' approval. It is my understanding that Taconic could not form its own water district but would have to be part of a larger Town of Mount Pleasant Water District consisting of existing customers who reside outside the Village of Briarcliff Manor.

Josh Tane, Letter dated 7/26/10

Response F14:
See Executive Summary and Responses F1 and F13 above.

Comment F15:
I.-D. 10. All structures would have sprinklers. Is this fact added into water usage calculations?

Josh Tane, Letter dated 7/26/10

Response F15:
Sprinklers in residences will be provided if required by the governing code. Sprinklers would be used only during a fire related event in an individual unit and, therefore, fire sprinklers, if installed, would have no impact on water usage calculations.

Comment F16:
III.-D. 3. "Applicant anticipates that pesticide and fertilizer use on …lots will be typical…." Should Applicant need to resort to wells to provide water to each residence, what would impact be on well-water of pesticide and fertilizer use?

Josh Tane, Letter dated 7/26/10

Response F16:
Please refer to Responses F1, F2 and F13; the Applicant does not foresee the water main connection as an issue due to recent findings as identified in the above responses, therefore, wells are not anticipated to be required. However, in the event that wells are required, the location of the wells will consider where the areas that would require the use of pesticides and fertilizers are relative to the potential for contamination. Also, there are pesticides and fertilizers that can be used to prevent contamination.

Comment F17:
III.-F. 1. Same (3) Connection to Village Water Supply. Applicant states Village and Town are in discussion about creation of Water District. It is my understanding that discussions are on hold and formation of any district is not in the works.

Josh Tane, Letter dated 7/26/10

Response F17:
See Executive Summary and Responses F1 and F13 above.

Comment F18:
c. Proposed Mitigation, second paragraph. "If an agreement cannot be reached at the time of construction…." Shouldn't this issue be resolved way before "time of construction?" Isn't that way too late in the game? As the Planning Board has mentioned several times, water source is the most important factor in this project yet Applicant is not sure of water source. Furthermore there is nothing detailing depth of wells, how wells would be connected to homes, no specifics whatsoever about wells.

Josh Tane, Letter dated 7/26/10

Response F18:
See Response F13 above. The Applicant believes that the suggestion that additional information regarding wells to serve the Project is needed is mistaken.

Comment F19:
Applicant tested one existing well. Where are these results appended? While there would be 16 individual wells, isn't all water essentially from same source/aquifer? Wouldn't water usage of 16 homes then impact gpm and decrease available water supply?

Josh Tane, Letter dated 7/26/10

Response F19:
The Applicant tested the highest performance well – labeled the "blue well" to show the efficiency of the pump. Pump rates are known for each of the wells based on information provided by the Applicant. If additional information is required of the existing wells based on WCDOH regulations for well design, such testing will be performed at that time. However, the Applicant does not foresee wells as the proposed alternative; please refer to Responses F1, F2 and F13.

The existing well information is provided in Appendix J along with the flow test performed by Foley's Pump Service, Inc. The water demand calculations have been performed and show that the water supply demand is 3.6 gpm per household per day. As stated in III.F.3.c. "the yield of the existing wells demonstrates that an adequate groundwater supply exists on the property to support individual wells for both domestic use and lawn irrigation".

Comment F20:
Wells would need approval and certification from Department Of Health yet this step and procedures for approval are not noted here.

Josh Tane, Letter dated 7/26/10

Response F20:
The Applicant has noted on Table I-1 that Westchester County Department of Health is a permitting agency relative to water supply. Application to the Department of Health is not made until after preliminary subdivision approval is granted. However, it should be noted that the Health Department is an interested agency under SEQRA and has received the DEIS and notices of the public hearing so it has been kept informed of the application and afforded an opportunity to comment on the Project.

Comment F21:
III.-F. 2. Sanitary Sewage b. Anticipated Impacts (2) Proposed Sewer System. In earlier paragraphs Applicant notes existing conditions of surrounding residences that are on Town sewer system use 8" gravity lines. But here Applicant does not describe proposed size of sewer lines in project site. Would these be 8"? 4"?

Josh Tane, Letter dated 7/26/10

Response F21:
The sanitary sewer mains were not indicated on the plans. It is assumed that 4" service connections will be installed with an 8" main connecting to the 16" WCDEF trunk sewer. Calculations for sizing will be approved by the WCDEF.

Comment F22:
(3) Growth Potential. …"properties situate(d) north of the intersection of proposed Road A with Washburn Road…. This area encompasses approximately 18 existing properties…." But this geographic area described is the new site project that currently has no existing properties. This description makes no sense.

Josh Tane, Letter dated 7/26/10

Response F22:
Comment noted. The 18 properties in question are located west of the intersection of Road A and Washburn Road.

Comment F23:
c. Proposed Mitigation. "There will be the possibility of a gravity feed for sanitary sewer to the public connections on Carleton Avenue." Where on Carleton? At the earlier described

"northwest of the intersection of Briars Corner and Carleton?" How would proposed site connection get to this existing connection? Through existing residences' property? Along proposed Road B? Elevation between aforementioned connection and project site is higher than project site. How would a gravity fed connection surmount elevation obstacle? Shouldn't this proposed mitigation have much more detail?

Josh Tane, Letter dated 7/26/10

Response F23:
There is no proposed sewer connection to Carleton Avenue. The reference to Carleton Avenue in the DEIS should have been to Washburn Road.

Comment F24:
No mention of cable or telephone services. One would assume they would be available but where would hook-ups be? Would they originate on Carleton or Washburn and how would they travel into site?

Josh Tane, Letter dated 7/26/10

Response F24:
The Applicant will work with the service provider to bring service into the site from the most convenient location available.

Comment F25:
III.F-2 – Appendix D could not be located.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response F25:
Appendix D consists of a graphic exhibit entitled: Water and Sanitary Sewer Plan and was included in the DEIS.

Comment F26:
III.F-2 - #3 – The issues (and limitations) associated with the potential connection to the Briarcliff Manor Water District must be more fully documented.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response F26:
See Executive Summary and Response F1 above.

Comment F27:
III.F-3 – 2nd ¶ - If the installation of wells may be necessary, a more fully developed discussion of the potential impacts of installing the wells should be provided, including such issues as potential draw down impacts on surrounding wells.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response F27:
See Response F13 above. There are no surrounding wells that would be impacted by onsite wells and surrounding properties are served by public water by the Village of Briarcliff Manor. For these reasons, the Applicant maintains that the information that has been provided sufficiently addresses the alternative of onsite wells.

Comment F28:
III.F-4 – 3rd ¶ - How was the lawn irrigation system water demand of 27,026 gpd calculated? Is this figure based on existing irrigation rates?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response F28:
The irrigation rates used in the calculation are based on 1" irrigation per week as recommended by the Cornell University Department of Horticulture.

Comment F29:
III.F-4 – The comparisons of the two sewer alternatives should include factors such as amounts of grading, cut & fill, tree removal, etc.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response F29:
There is nothing to compare quantitatively between two sanitary sewer alternatives. Both alternatives impact the site equally as the main exits the site in the same fashion and redirects its path onto Washburn at the same location regardless of the point of connection. As far as cut/fill quantities, the two alternatives would result in a trench that will be restored to its original condition and therefore the cut/fill is not pertinent. Tree impact cannot be quantified as the differing impact for either alternative is off-site and survey is not complete for these areas. The connection through the wetland would result in approximately an additional 190 feet of length in comparison to utilizing the existing water main under the Taconic.

Comment F30:
III.F-5 – 1st ¶ - Is sufficient capacity available in the County Trunk Sewer Main to accommodate the additional 18 homes?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response F30:
Based on discussions with the WCDEF, there is sufficient capacity in the existing WCDEF trunk sewer for the additional 18 homes.

Comment F31:
Considering the lack of public water available to the site at this time, I think we might want to consider sprinkler systems, particularly in the attached housing.

Board Member Joan Lederman, Public Hearing Transcript 8/5/10

Response F31:
Comment noted. Whether public water is available or not, there are hydrants with adequate pressure and capacity along Washburne Road and Carleton Avenue, within 130' of the entrance roads that could be utilized for firefighting in the subdivision. However, if sprinkler systems are required by the governing codes, they will be considered. Also, please refer to Responses F1, F2 and F3.

Comment F32:
There is a water issue. Where will the water be drawn from?

Theresa and Vincent Marchica, Letter dated 10/1/10

Response F32:
Refer to Executive Summary and Responses F1 and F13 above.

Comment G1:
In addition, Section G should indicate that a curb cut permit for access to Washburn Road must be obtained from the Village.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response G1:
Comment noted. A curb cut permit must be applied for from the Village of Briarcliff Manor.

Comment G2:
Page I-6, Section I.D-8, the traffic and transportation section does not reference existing right-of-way for pedestrian access to Todd Elementary School.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response G2:
Comment noted. There is an existing 50-foot right-of-way from Washburn Road to Todd Elementary School located west of the proposed Road A access point. This right-of-way is primarily for emergency access to the school property; however, in practice, it is also used for access to the site by pedestrians from the Washburn Road/Todd Lane area. The referenced section of the DEIS discusses generally pedestrian traffic in the study area which includes Washburn Road. In addition, DEIS Section III.G.1, page III.G-5, addresses pedestrian traffic during morning and afternoon periods, which cover school arrival and dismissal times, respectively, and includes the actual pedestrian counts recorded by the Traffic Engineering staff.

Comment G4:
The statement is: The roadways in the vicinity of the site are generally standard widths. Is this correct? I believe the town standard for a roadway width is 24 feet and these roadways are generally 18 feet wide or less.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Dan and Catherine Taylor, Letter dated 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response G4:
While the current Town standard for new public roads is 24 feet, this statement is referring to the industry accepted standard for local roads and streets as defined by the American Association of State Highway and Transportation Officials (AASHTO). Table III G-1 of the DEIS lists the widths of the existing roads to be 24 feet with the exception of Todd Lane and Washburn Road, which are listed as 18 feet. AASHTO defines standard widths based on design speed and traffic volumes and for road such as Todd Lane and Washburn Road (Design Speed <40mph and AADT<400), the standard width is 18 feet.[1]

[1] *A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition*, American Association of State Highway and Transportation Officials, Exhibit 5-5, pg. 388

Comment G5:
Page III.G-2, Table III.G-1, on road descriptions. The footnote says, pavement on Washburn Road at two locations is less than 18 feet, see appendix. Which appendix? How much less than 18 feet? Where are these bottlenecks, and what impact do they have on traffic flow and pedestrian safety?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response G5:
The Traffic Impact Assessment Report in DEIS Appendix C (Traffic Report B on the Town's website) includes a sketch showing road widths along Washburn Road based upon scaled widths and actual measurements taken by WSP Sells (Mr. Dan Briar) on October 1, 2008. Another copy of this drawing has been included in Appendix M of the FEIS). The area of Washburn Road that measures less than 18 feet in width is limited to an approximately 200-foot long section in the vicinity of the proposed Road A entrance. In this narrower area, Washburn Road ranges in width from 17 feet, 10 inches to 17 feet, 0 inches. While the sections less than 18 feet in width are less than the standard width, the condition is an existing one and has functioned in an acceptable manner over the years. The 50-foot right-of-way providing emergency access to the Todd Elementary School is east of a section of the substandard roadway width. In addition, there are 8 single family homes and the Project Site along and further east of where the substandard roadway width occurs.

Large commercial service vehicles and equipment have been able to access Washburn Road, the residential properties and the Project Site over the years for maintenance and repairs of the Road, the residential properties and the Project Site. The Applicant's maintenance and/or repair of the maintenance shed, paved paths, extensive trees, irrigation system, wells, and garden on the Project Site has required the use of substantial commercial vehicles and equipment, such as tractor trailers, cranes, tree removal equipment, and delivery trucks, which have had to travel over the narrower section of Washburn Road. According to the Applicant, the vehicles and/or equipment have been able to access the Project Site without a problem or incident.

The area in which the Road narrows to below 18 feet is straight and has good vertical sight distance; under such circumstances, commercial vehicles and equipment (which are limited to 8-1/2 feet in width) and passenger vehicles (which are typically 6 feet wide) can pass one another safely at the narrower sections of the Road. As a practical matter, where two vehicles meet at a point where both cannot fit for any reason, one driver extends the courtesy of yielding the right of way to the other.

Given the low traffic volumes projected for the Proposed Action (23 vehicle trips during the A.M. peak hour period and 22 vehicle trips during the P.M. peak hour period, or approximately one trip every three minutes) even assuming all vehicles pass through the Washburn Road entrance (which is not expected to be the case), the additional traffic from the Proposed Action is not expected to affect the manner in which traffic flows or the safety of pedestrians at those few points where the Road narrows to less than 18 feet.

Comment G6:
Page III.G-5, the Use of Area Roads, second paragraph states that school buses travel along Washburn Road to access the Todd Elementary School. This needs to be checked, because that's just inaccurate.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response G6:
The text should have read Todd Lane.

Comment G7:
I believe letters were sent to the Mount Pleasant Police Department. Was correspondence sent to the Briarcliff (Manor) Police Department? Finally the paragraph just ends. The accident data, there's missing text. So where's the missing text?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response G7:
The sentence should have read "No accident data was received from the Police Departments in response to the requests."

Subsequent to the submission of the DEIS, the Applicant's Traffic Engineer made additional requests to the Village and Town Police Departments for their respective accident data. Information for the years January 1, 2005 to December 31, 2007, the most recent past three years available and the same period as the NYSDOT data, was finally obtained. A review of the Village and Town reports revealed that the only data relevant to the project study area that was not contained in the NYSDOT data were four accidents at the Todd Lane and Pleasantville Road intersection (Village reports) and two at the Route 9A and Carleton Avenue intersection (Town reports). Having received the additional data, the Applicant's Traffic Engineer prepared a Technical Memorandum for this FEIS evaluating all accident data for the intersection, which included the additional accidents, for the purpose of determining whether any change to the Traffic Engineer's original conclusion regarding the project's impact on the safety of study area intersections was required. The Technical Memorandum and all accident data (NYSDOT, Town and Village) are included in Appendix N.

Of the four accidents at the Todd Lane/Pleasantville road intersection (that were in addition to the three contained in the NYSDOT data), one was caused by construction occurring at the intersection (the vehicle slid on construction plates), two were rear-end collisions cause by vehicles stopping to make left turns, and the fourth was a right turn collision whose report had no accident detail. None of these accidents involved injuries and each had less than $1,000 in damage. (It should be noted that one of the accidents in the NYSDOT report was a vehicle hitting a deer and therefore should not be considered an intersection related incident.) Thus a total of five intersection related accidents occurred during the three year period.

Given the additional accidents, the Traffic Engineer recalculated the accident rate for this intersection. In doing so, he found that two of the seven accidents for which data had been received were not appropriate to include in the accident rate calculation – the one reflected in the NYSDOT data that involved hitting a deer and the one from the Village data that involved an accident as a result of skidding on construction plates.

The recalculation of the accident rate (based upon 5 trips) is as follows:

$$\text{Accident Rate} = \frac{(\text{total accidents in X years}) * (1{,}000{,}000)}{(365\ \text{days/yr})*(\text{X years})*(\text{AADT veh/day})}$$

$$\text{Accident Rate} = \frac{(5\ \text{accidents}) * (1{,}000{,}000)}{(365\ \text{days/yr})*(3\ \text{years})*(18{,}227\ \text{veh/day})}$$

$$= 0.25 \text{ accidents per million entering vehicles}$$

As explained in the DEIS, the statewide average accident rate for this intersection type is 0.16 accidents per million entering vehicles. Although the Todd Lane at Pleasantville Road intersection exceeds this rate, no demonstrable pattern of accidents is observed that would indicate a problem with the safety of the intersection. In fact, each of the additional accidents was minor, injury-free, and involved damage of less than $1,000. There being no identifiable pattern to the accidents, the fact that there were a few more than the data originally showed which caused the accident rate to increase slightly does not change the Traffic Engineer's original conclusion in the DEIS that the small amount of additional traffic at area intersections, including Todd Lane at Pleasantville Road, will not adversely affect vehicular safety at study area intersections.

At the Carleton Avenue/Route 9A intersection there were two accidents that were a result of a vehicle turning from Carleton Avenue into Route 9A. Based on the high traffic volumes on Route 9A, the accident rate for the intersection is below the state average.

Comment G8:
On page III.G-6, Traffic Volumes, trip generation data was developed for 16 units. What number of occupants was that trip generation data developed for? Was it based on the records study, two drivers per house?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response G8:
As explained in the Traffic Impact Assessment in Appendix C of the DEIS, the trip generation data was based on the industry accepted standards as published by the Institute of Transportation Engineers (ITE). Trip generation rates are based on land use studies conducted at hundreds of locations with continual updating for changes in trip patterns. The study was based on single-family detached housing, which includes all single-family detached homes on individual lots. The ITE rates account for multiple drivers per household. This is the accepted methodology for

calculating projected traffic volumes and the ITE is the accepted source/authority for trip generation figures used in such a calculation.

Comment G9:
The trip distribution for the proposed projected traffic volumes was based on a worst-case scenario in which most vehicles were traveling to and from Pleasantville Road. Shouldn't that be a likely scenario? I mean, where else are they going to go besides Pleasantville Road?

Alan Crosswell, Public Hearing Transcript 6/21/10

Response G9:
Vehicles could continue on Carleton Avenue to either Route 9A or Chappaqua Road. In any event, by assuming a worst case scenario where most of the vehicles would travel to and from Pleasantville Road, the condition referred to by the speaker is covered.

Comment G10:
Quote "Minimal pedestrian traffic". This minimal pedestrian traffic includes school kids walking to and from Todd Elementary School and to and from the bus stop at the corner of Todd Lane and Carleton Avenue, which is where the older kids have to wait for the school bus.

Alan Crosswell, Public Hearing Transcript 6/21/10

Response G10:
The Traffic Impact Assessment specifically states that the study was done to correspond to school arrival and dismissal times. DEIS Appendix C, page III.G-5. The quoted statement was based on actual pedestrian counts.

Comment G11:
On IV-1, Section B, long term impacts. Should the Board require that a second bullet be added to identify the increased risks to pedestrians, especially school kids walking to Todd School and the Washburn cross and bus stop caused by the additional traffic?

Alan Crosswell, Public Hearing Transcript 6/21/10

Response G11:
There is no objective, reliable, empirical basis to assume that an extremely modest increase in traffic from the proposed subdivision will increase risks to pedestrians and school children. Drivers (including existing residents in the neighborhood) who obey speed limits and follow other municipal traffic regulations, do not pose an undue hazard to pedestrians and should not make conditions for pedestrians and school children less safe.

Based upon existing and projected traffic volumes, the condition of area roadways, and pedestrian counts taken during school arrival and dismissal times, the Traffic Impact Assessment concluded that vehicular traffic generated by the proposed development will not significantly affect pedestrian operations and safety. There is no long term impact.

Comment G12:
Now, could you manage a school bus confronting an 18-wheeler or one of these earth mover, someone has to give in, there's no place for them to go. Traffic is a problem.

Vincent Marcheca, Public Hearing Transcript 6/21/10

Response G12:
The scheduling of when large pieces of construction equipment could be brought onto the Site can be coordinated around typical school pick up and drop off times for this neighborhood. School buses are restricted by the US government to 98 inches (8'-2") and commercial vehicles to 102 inches (8'-6"). A typical passenger vehicle is approximately 6 feet wide and a van 6.5 feet (the maximum manufactured automobile width is 6.6 feet). It is evident from these dimensions that these vehicles could pass each other on the existing roads.

Comment G13:
There's a concern of an entrance on Carleton and there's concern of an entrance on Washburn as you've heard tonight. So my question is: The Applicant has an entrance at 124, I believe its Todd or Washburn Road, that's his entrance to his property. My question is: Why wouldn't that be considered an entrance to this development at all?

Danny Heller, Public Hearing Transcript 6/21/10

Response G13:
The access driveway to Lot 40 (owned by Sharon Saunders) is constructed for private residential use for a few homes and is over land owned by Mrs. Saunders as well as a right-of-way which she does not own but over which she holds an easement in common with two other property owners who obtain access to their properties over the right-of-way. The right-of-way is only approximately 20-feet wide and would not be sufficient for a road meeting Town road standards. Nor could a road meeting the maximum length for a cul-de-sac be constructed using the 124 Todd Lane driveway for the Subdivision road entrance. Still further, there are substantial above-ground and subsurface improvements on Mrs. Saunders' Property that would be destroyed if a road were to be constructed from the right-of-way giving access to her property to the proposed Subdivision.

Comment G14:
We are directly in front of the new road that would be – so I'm very concerned.

Lilly Rombach, Public Hearing Transcript 6/21/10

Response G14:
Comment noted.

Comment G15:
The traffic would be, I mean, quadrupled. Again I can't imagine. As it is, I think Carleton has become somewhat of a pass-through for people who kind of figured out they can avoid the 9A traffic and pick up Carleton right off the Taconic. So to invite more traffic would be again, would be a large problem.

Lilly Rombach, Public Hearing Transcript 6/21/10

Response G15:
The volume of traffic would not quadruple due to the proposed action. The traffic analysis, which is based on actual vehicular counts, shows the volume of traffic on Carleton at the Road B

entrance in the build year of 2011 to be 25 vehicles northbound (towards Chappaqua Road) and 60 vehicles southbound during the AM peak hour (85 vehicles total); and 47 vehicles northbound (towards Chappaqua Road) and 35 vehicles southbound during the PM peak hour (82 vehicles total). The proposed development would generate 24 total vehicles during the AM peak hour (17 out and 6 in) and 22 total vehicles during the PM peak hour (8 out and 14 in). This represents an increase of approximately 25% on Carleton Avenue. Furthermore, the traffic impact analysis showed that the increase in traffic will not affect the level of service on Carleton Avenue.

Comment G16:
My main concern, and it's outlined in the letter that I delivered today, is really with traffic on Carleton Avenue and the condition of Carleton Avenue, which in some new areas at the top of the hill is perhaps 24-foot road, but on the southern portion coming down the hill going towards the 9A connector and then up to the Todd and Washburn intersection, measures—and I put a tape on it – as narrow as 17 and a half and 18 feet in places. In some areas with steep ruts, with blind corners, very poor visibility, and it's a road that is substantially deteriorating in the southern section. I think it's heavily fractured with developing potholes, and I suspect the base itself needs to be rebuilt because a lot of water comes up through the road at certain times and the pavement is actually buckled where the main weight of the vehicles go over it as they go by. So I won't go into all of the issues in detail because they're outlined in my letter, but I think that Carleton Avenue is not in its present condition, able to support the traffic in a physical sense or from the standpoint of safety for motorists and pedestrians.

Dan Taylor, Public Hearing Transcript 6/21/10;
Dan and Catherine Taylor, Letter dated 6/21/10

Response G16:
The proposed traffic volumes will not increase sufficiently enough so that they would affect the existing condition of Carleton Avenue. Existing sight distances on the road will not be impacted by the proposed development.

Comment G17:
The DEIS description of Carleton Avenue is incomplete and somewhat misleading. The lower (southern) portion of Carleton Avenue has heavily fractured pavement, eroding shoulders, and developing potholes. This portion of Carleton Avenue is in need of a new road base and repaving; it cannot stand up to the construction traffic required for the project.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G17:
Comment noted. The description was referring to the condition of Carleton in the vicinity of the proposed access Road B intersection. Carleton Avenue is intended to be a through road in which normal delivery and heavy service truck traffic frequents regularly (i.e. fire, garbage and landscaping trucks, school buses and delivery trucks), therefore there is no reason to assume that it cannot stand up to the construction traffic required for the project. The existing condition of Carleton Avenue from the intersection with Route 9A to Fox Run Road has been documented in Exhibit G17.

Comment G18:
We have long been concerned about the excessive speeds used both by some residents of the upper hillside area and "cut through" motorists. Traffic speeds of 45-50 mph and higher are common on the south hill, and these speeding motorists frequently cross center lines due to their high speeds around curves. These conditions are not mentioned in the DEIS.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G18:
The roadways in the vicinity of the Project Site are signed for speed limits of 30 mph. The issue of speeding on local roadways is a matter of enforcement for the responsible police department.

Comment G19:
The DEIS states that the Route 9A northbound and Carleton Avenue intersection is controlled by a stop sign at the Carleton Avenue side. This information is incomplete. This indicated stop sign controls traffic *exiting* the neighborhood via the connecting road onto Route 9A northbound. There is no traffic sign controlling traffic *entering* the neighborhood via the Carleton Avenue connector, which forms a "T" intersection with the rest of Carleton Avenue. Visibility to the south at this uncontrolled "T" intersection is poor due to the adjacent "hairpin" curve on Carleton Avenue immediately to the south; visibility to the north is poor due to the curve of Carleton Avenue.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G19:
The DEIS is correct in its statement since it was describing the intersection of the connector road and Route 9A, where there is a stop sign on the connector road. The lack of a stop sign at the other end of the connector road where it met Carleton Avenue does not affect the conclusions reached in the traffic analysis.

Comment G20:
The DEIS concedes that the 3-way intersection of Carleton, Washburn ad Todd has a "skewed" geometry and is not controlled by any traffic signs. However, the DEIS does not mention (1) the very poor visibility from Todd Lane towards oncoming Washburn Road traffic, or (2) the difficulty most drivers have in staying within their lane when making the turn from Carleton Avenue onto Todd Lane due to the road angles.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G20:
See Response 18.

Comment G21:
The Todd Lane Bridge and intersection with Pleasantville Road section of Todd Lane presents greater traffic problems that the DEIS indicates. The rebuilt Todd Lane Bridge still does not readily or smoothly accommodate cars travelling from both directions. Two-way traffic is not feasible at all when a car and a truck or school bus approach at the same time.

INTERSECTION OF CARLETON AVENUE AND FOX RUN ROAD

INTERSECTION OF CARLETON AVENUE AND FOX RUN ROAD

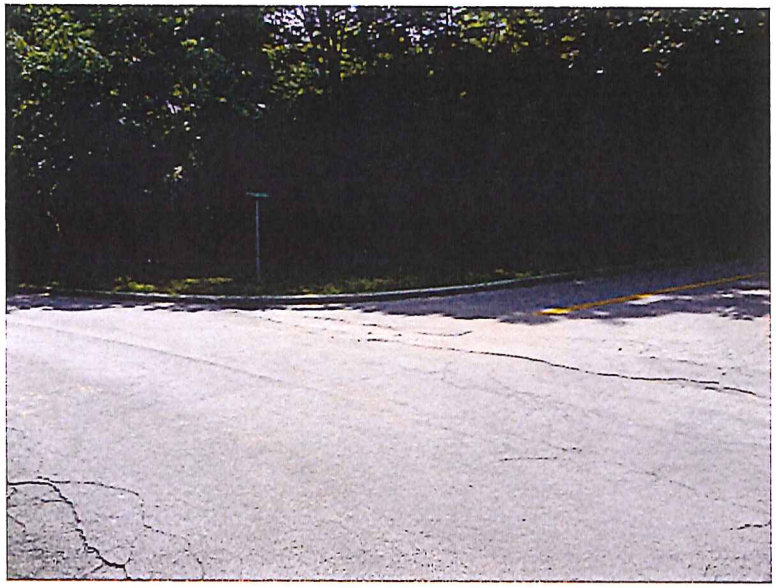
ALONG CARLETON AVENUE BETWEEN FOX RUN ROAD AND DOXBURY CIRCLE

INTERSECTION OF CARLETON AVENUE AND DOXBURY CIRCLE

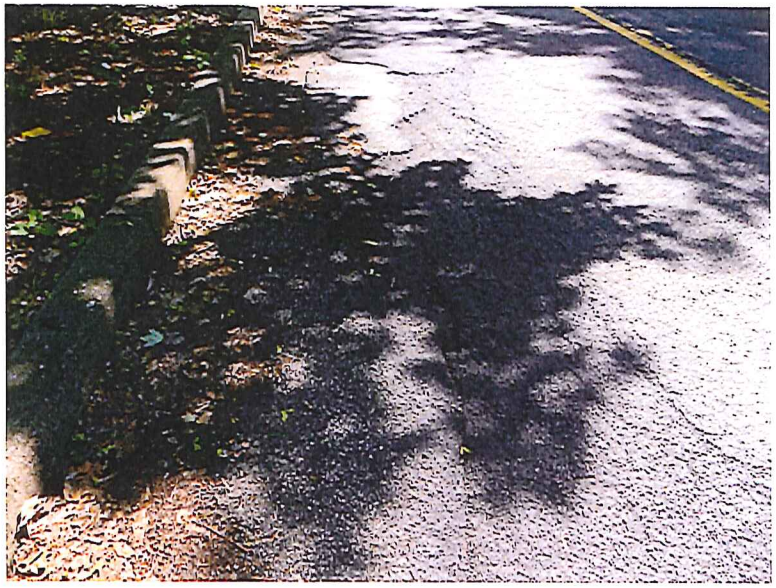
ALONG CARLETON AVENUE BETWEEN DOXBURY CIRCLE AND STONINGTON HEIGHTS DRIVE

ALONG CARLETON AVENUE BETWEEN DOXBURY CIRCLE AND STONINGTON HEIGHTS DRIVE

INTERSECTION OF CARLETON AVENUE AND STONINGTON HEIGHTS DRIVE



ALONG CARLETON AVENUE BETWEEN STONINGTON HEIGHTS DRIVE AND PATRICIA LANE



ALONG CARLETON AVENUE BETWEEN STONINGTON HEIGHTS DRIVE AND PATRICIA LANE

ALONG CARLETON AVENUE BETWEEN STONINGTON HEIGHTS DRIVE AND PATRICIA LANE

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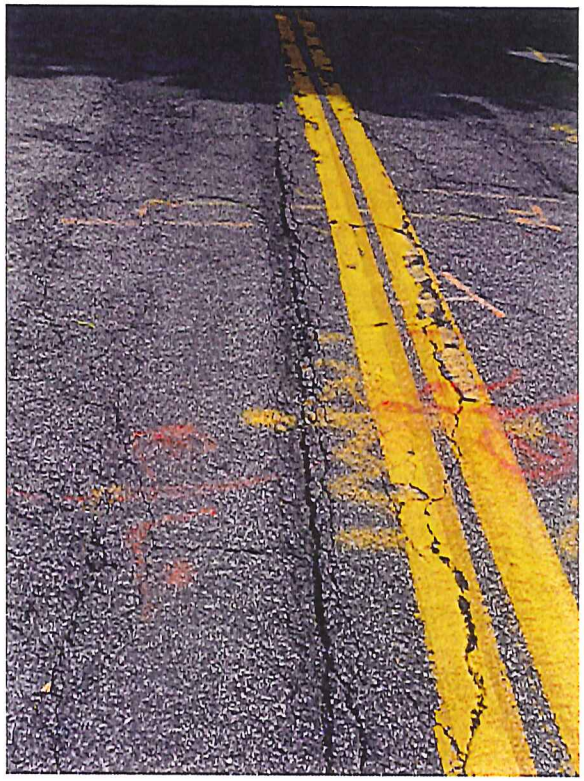
ALONG CARLETON AVENUE BETWEEN STONINGTON HEIGHTS DRIVE AND PATRICIA LANE

INTERSECTION OF CARLETON AVENUE AND PATRICIA LANE

CARLETON AVENUE PARALLEL TO PATRICIA LANE

CARLETON AVENUE PARALLEL TO PATRICIA LANE

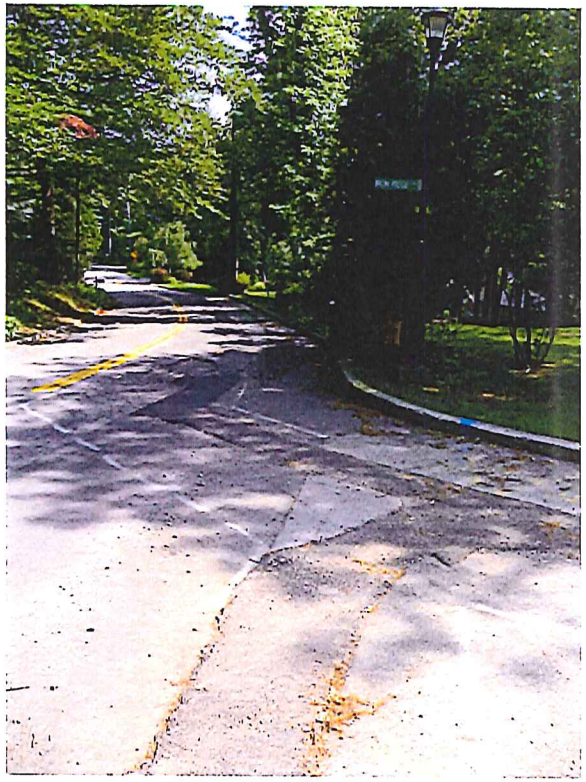
ALONG CARLETON AVENUE BETWEEN PATRICIA LANE AND IRON RIDGE OVAL



ALONG CARLETON AVENUE BETWEEN PATRICIA LANE AND IRON RIDGE OVAL

INTERSECTION OF CARLETON AVENUE AND IRON RIDGE OVAL

INTERSECTION OF CARLETON AVENUE AND IRON RIDGE OVAL



ALONG CARLETON AVENUE BETWEEN IRON RIDGE OVAL AND ROUTE 9A ACCESS

Todd Lane, turning left (east) onto Pleasantville Road is very difficult during the school/work rush hours. East-bound traffic on Pleasantville (Road) during this time is usually very heavy and has long backups. Generally, a left turn is not possible at all unless an eastbound motorist stops to provide access. These conditions regularly create long delays and backups at the Todd Lane exit.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G21:
The rebuilt Todd Lane Bridge meets all roadway standards with respect to pavement width and turning movements as prescribed by the New York State Department of Transportation.

The traffic analysis came to the same conclusion for left turns from Todd Lane to Pleasantville Road during the peak (rush) hours. The study also showed that there will be a minimal increase in delay due to the proposed action (approximately 3 seconds).

Comment G22:
The DEIS understates existing road, traffic and safety issues in the project area. These problems for the neighborhood's residents would only be exacerbated by construction traffic and additional motorists if the project were approved in its present form.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G22:
The Traffic Impact Assessment examined how area intersections function under existing, future no-build (existing traffic adjusted for growth), and future build (existing traffic adjusted for growth plus project traffic) conditions, and examined accident data for the study area intersections and surrounding roadways. The analysis and conclusions in the DEIS are based upon site visits and empirical data derived from actual traffic counts as well as State-maintained accident data.

With respect to how area intersections currently function and are projected to function without and with project traffic, the data shows as follows: (i) under existing conditions, all intersections except for the southbound approach to the Todd Lane/Pleasantville Road intersection and the westbound approach to the Carleton Avenue/Route 9 intersection would operate at LOS A, the highest and best level of service possible (Traffic Impact Assessment, DEIS Appendix C, Table 1, p. 8); (ii) the projected growth under the no-build scenario would cause a change in only one intersection in the study area, the southbound approach to the Todd Lane/Pleasantville Road intersection, which would experience a LOS D operation during the A.M. and P.M. peak hour period (Traffic Impact Assessment, DEIS Appendix C, Table 2, p. 12); and (iii) under the build scenario, there would be no change in the operation at any of the intersections in the study area compared to the no-build condition, with the overwhelming majority of such intersections continuing to operate at LOS A (Traffic Impact Assessment, DEIS Appendix C, Table 4, p. 19).

As discussed in Response G7 above, with respect to safety of area roadways, while there have been accidents at some study area intersections, most have been at the intersection of Todd Lane and Pleasantville Road. However, no particular trend or cluster was observed for the accidents and, therefore, there is no basis to conclude that the small amount of additional traffic projected

from the Subdivision will have an adverse impact on vehicle safety or traffic either during construction or afterwards. (See Appendix N)

Comment G23:
We believe that the Town and the Applicant should consider making a number of road and traffic safety improvements, including the following:

The damaged portions of Carleton Avenue should be given a new base and paving.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G23:
Existing conditions that need repair are separate from and not related to the Proposed Action and, therefore, the Applicant is not responsible to repair them. The maintenance of the road is the responsibility of the Town Highway Department and should be addressed by it.

Comment G24:
The Police Department should monitor and enforce speeds on Carleton Avenue.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G24:
Comment noted. However, the comment relates to matters outside the scope of the Proposed Action, which are not relevant impacts to be considered on this application.

Comment G25:
The "hairpin" turn on Carleton Avenue (leading to the Washburn/Todd intersection) should be widened, and shoulders with white edge lines added to protect pedestrians and motorists in the opposite lane.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G25:
The condition referred to in the comment is an existing condition outside the Project Site and will not be impacted as a result of the approval and construction of the Proposed Action. Therefore, it is beyond the scope of the Proposed Action and the comment is not relevant.

Comment G26:
The Carleton/Todd/Washburn intersection should have appropriate stop signs, including a stop sign for the Washburn Avenue traffic, due to poor visibility from Todd Lane.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G26:
See Response G25 above. The municipality with jurisdiction over the intersection has the legal authority to install stop signs and local residents could petition for their installation.

Comment G27:
A traffic signal should be added for the Pleasantville Road/Todd Lane intersection, with operating signals at least for the school/work rush hour period.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G27:
See Response G25 above. It should be noted that according to discussions with the Office of the Building Inspector of the Village of Briarcliff Manor, the Village commissioned a study for improvements at the Pleasantville Road/Ingham Road intersection, which concluded that a signal would be warranted at this location. The proposed signal has not been installed due to the School District's failure to contribute funding to the work. Signal installation at this intersection would improve turning movements at Todd Lane/Pleasantville Road, as it would create gaps in the traffic that would facilitate turns.

Comment G28:
Traffic signs should indicate the possible need to yield at the Todd Lane Bridge.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G28:
The Todd Lane Bridge was recently reconstructed and meets all NYSDOT standards and does not warrant the installation of yield signs. See Response G25 above.

Comment G29:
The Route 9A connector intersection with Carleton Avenue should have a stop sign due to poor visibility and traffic conditions.

Dan and Catherine Taylor, Letter dated 6/21/10

Response G29:
See Response G25 above. Nevertheless, the municipality with jurisdiction over the intersection has the legal authority to install stop signs and local residents could petition for their installation.

Comment G30:
Given the economy will eventually recover, shouldn't one plan for increased traffic and not take advantage of a short-term decrease in traffic volume when planning for future impacts?

Alan Crosswell, letter dated 7/20/10

Response G30:
Traffic counts were conducted in 2007, prior to the decrease in the economy. To verify this, Average Daily Traffic (ADT) volumes were obtained from the Westchester County Department of Public Works for Pleasantville Road in the vicinity of Larch Road. The ADT counts show a significant drop in traffic from 2006 to 2008 and 2009 (see Table). The traffic analysis, including the future No-Build projection, is based on the higher traffic volumes.

Date	Eastbound ADT	Westbound ADT
July 17, 2006	14,068	13,449
May 12, 2008	8,628	9,318
May 4, 2009	7,874	8,228

Notably, for all intersections but two, which are currently operating at marginal levels, all intersections studied will keep the same "A" or "B" levels of service with the Project traffic even under the Build Scenarios. Level A is the best level of service possible with Level B being an acceptable level. These results demonstrate that the increased traffic from the Proposed Action will be relatively insignificant and not affect how area intersections function.

Comment G31:
Page IV-1: B Long Term Impacts. Add to the 2nd bullet the increased risk to pedestrians.

Alan Crosswell, letter dated 7/20/10

Response G31:
See response G-11.

Comment G32:
I.-C Required Approvals: Table I-1. Village of Briarcliff Manor is listed only as pertaining to Extension of Water Service. Applicant fails to note Village's jurisdiction and authority over other aspects of project, specifically the portion of Washburn Road at the proposed gated entrance to Site. As noted in letter from Village to Planning Board, dated January 14th, 2009 (copy attached) the Village has specific approval authority for any *"…curb cut for access to Washburn Road, a road opening permit for installation of a sewer line…"* as well as connection to water supply. And I would believe that any required and/or proposed alteration and widening of Washburn Road would also need Village approval.

Josh Tane, Letter dated 7/26/10

Response G32:
Comment noted. See response to Comment II-1 in this FEIS.

Comment G33:
I.-D. 8. Traffic and Transportation. 2nd par. Once again, appendices citing is incorrect, notes B as traffic when it's Appendix C. Why was there no traffic study of Washburn Road?!

Josh Tane, Letter dated 7/26/10

Response G33:
Correction of the Appendix reference is noted. The traffic study did include Washburn Road. Turning movement counts at the Todd Lane/Carleton Avenue intersection captured traffic coming from and going to Washburn Road. This was used to determine the impacts of the Proposed Action on Washburn Road as well as the entire study area. *See* DEIS, Exhibits III.G-2 through III.G-10.

Comment G34:
I.-D. 8. 3rd par. "…the southbound approach on Pleasantville Road to Todd Lane." Pleasantville road runs east and west at this intersection so how can there be a "southbound" approach on this street? Furthermore, the letters associated with level of service (A, C, D, etc.) are not defined. What do those letters mean?

Josh Tane, Letter dated 7/26/10

Response G34:
Comment noted. The text should have read "the southbound approach of Todd Lane to Pleasantville Road." The information was correctly presented in Section III.G of the DEIS. The definition of the letters associated with level of service can be found in the Traffic Impact Assessment, DEIS, Appendix C, page 4. The definition contained in that report is as follows:

> The unsignalized intersection capacity analysis method utilized in this report was performed in accordance with the procedures described in the 2000 Highway Capacity Manual. The procedure is based on total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. The average total delay for any particular critical movement is a function of the service rate or capacity of the approach and the degree of saturation. In order to identify the Level of Service (LOS), the average amount of vehicle delay is computed for each critical movement to the intersection. The LOS for unsignalized intersections is described as follows:

LOS	Average Delay
A	<10.0 seconds
B	10.1-15.0 seconds
C	15.1-25.0 seconds
D	25.1-35.0 seconds
E	35.1-50.0 seconds
F	>50 seconds

Comment G35:
I.-D. 12. "failed conditions at critical intersections." What exactly does this mean? Can this be further defined?

Josh Tane, Letter dated 7/26/10

Response G35:
For evaluation of air quality issues, one of the threshold conditions is failing, or level of service F conditions, see also response G34 above.

Comment G36:
III.-G. Traffic and Transportation. In this section Applicant states primary access to subdivision will be through new access road, "Road A" from Carleton Avenue. But in section I-8 as well as on all plans appended and in Exhibits in this section, such road is listed as "Road B." And in the Appendix C figure 10, etc. roads are listed a third way AA, BB and CC. So, which is it? Applicant further states here that subdivision will also contain another proposed access road, "Road B" located to the east of Road A. Is Applicant actually referring to Road C as shown on map? There seems to be a lot of errors here rendering this opening paragraph misleading and useless.

Josh Tane, Letter dated 7/26/10

Response G36:
Corrected figures are contained in Appendix O.

Comment G37:
Study areas Exhibit III.G-1: Why has Applicant omitted intersection of Todd Lane and Carleton Ave from study? Applicant describes intersection in par. 9 but neglects to study it. There is no stop sign here and this is somewhat of a blind intersection in that cars coming from the south on Todd wishing to turn left onto Carleton have very limited sight distance to the east. This is a relatively heavily trafficked intersection, which would gain much additional traffic from all project site residents wishing to access Pleasantville Road. They would undoubtedly leave project south to Washburn, head west on Washburn to Todd, then continue left on Todd to Pleasantville Road. Additionally, if they wanted to access 9A north, they would also pass through this intersection.

Josh Tane, Letter dated 7/26/10

Response G37:
The Todd Lane and Carleton Avenue intersection was not included in the Scoping Document as an intersection to be analyzed. However, in order to study traffic impacts of the proposed development on the surrounding roads, traffic counts were in fact taken at this intersection. Furthermore, both Todd Lane and Carleton Avenue were examined for conditions and for meeting roadway standards. Traffic impacts were analyzed for several intersections in the area, including the proposed entrances to the development and no significant impacts due to the development were found.

Comment G38:
III.-G.1 par. 2: "…roadways in the vicinity…with standard lane markings for two lane roads." This is not accurate. Two-lane yellow line markings are on only one section of Carleton, from its intersection with Todd to Stonington. There are two other very short (25 feet or so) markings on Todd on either side of its intersection with Carleton. Is there another type of two-lane road marking Applicant is referring to?

Josh Tane, Letter dated 7/26/10

Response G38:
It is not standard for local roads such as Carleton Avenue and Todd Lane to have painted lane markings.

Comment G39:
par. 8: "…intersection is controlled by a stop sign…." Incorrect. There is no stop sign at this intersection although there should be. In the summer months, during full foliage, cars exiting 9A to turn on to Carleton cannot see cars driving south on Carleton without slowly "creeping" out onto Carleton.

Josh Tane, Letter dated 7/26/10

Response G39:
See Responses G19 and G29.

Comment G40:
par. 13: study times were 7:30-8:30 AM, and 5:00 PM and 6:00 PM according to Applicant because these times are when the greatest amount of trips would be generated by project. But I submit that study times should be broadened. I refer Board to our submission dated April 20, 2009, by Adler Consulting requesting traffic study hours be 7:00 AM – 9:30 AM for this more accurately reflects when people head to work as well as school, and 2:00 PM to 6:30 PM.

Josh Tane, Letter dated 7/26/10

Response G40:
Traffic counts using automatic traffic recorders (ATR) were taken for 15 minute periods for an entire week, which included the 24-hour period corresponding to when the manual turning movement counts were obtained. The manual counts were conducted between the hours of 7:00 and 9:00 AM and 5:00 and 7:00 PM. The ATR counts were used to determine which consecutive four 15-minute periods (one hour) had the maximum traffic volumes. These were the peak hours used in the traffic analysis.

Comment G41:
"use of area roads" par. Applicant fails to note two bus stops on either side
of Project entrance at Carleton. One bus stop is at Doxbury and Carleton and the other is at Fox Run and Carleton. Busses stop here four times a day: approx. 7:15 AM, 8:00 AM, 2:45 PM, 3:15 PM. Applicant notes that construction traffic and deliveries would directly conflict with these times.

Josh Tane, Letter dated 7/26/10

Response G41:
Comment noted with respect to the hours of the bus stops. See also Response G12.

Comment G42:
It should further be noted that children from the site who need bus service would most likely have to travel by car to the existing bus stop at Carleton and Doxbury which would be just west of the project entrance since busses are prohibited from entering private developments. Thus, all children from site would have to be driven to this bus stop and this would result in an extra increase in car traffic at the site entrance by residents who would then have to use Doxbury or Fox Run Rd. as a turnaround to return to site entrance.

Josh Tane, Letter dated 7/26/10

Response G42:
The location of where children will be picked up by school buses will be determined by the School District and may or may not be at the location stated.

Comment G43:
III.-G.2. Anticipate Impacts par 2: "…cutting back slope…along east side of Washburn…." But Washburn has either or north or south side as it runs east and west so this description makes no sense. Furthermore, any road alteration proposed here would require approval of Village of Briarcliff Manor. Applicant does not offer alternative if no approval is granted.

Josh Tane, Letter dated 7/26/10

Response G43:
The text should have read "… within the right-of-way east of the entrance along the north side of Washburn to obtain …" The Commenter is correct that work within the right-of-way will require the approval of the Village of Briarcliff Manor, however portions of the work will take place on the applicant's property. We do not see any reason why the Village would not permit the work necessary to provide the require sight distance.

Comment G44:
"Traffic Volumes" paragraph 2: States that Table III.G-2 shows trip generation but this notation is incorrect. It is Table III.G-3.

Josh Tane, Letter dated 7/26/10

Response G44:
Comment noted.

Comment G45:
III.-G.3. Proposed Mitigation. The Applicant says increased volume will not, in Applicant's opinion, significantly impact traffic conditions at the study area intersections…." Applicant should not be offering an opinion if this is supposed to be factual. In fact, I would argue that an increase of upwards of 30-35 cars possibly exiting and entering the site at Carleton Ave would have a significant impact. Exhibits III. G-9 &10 (2011 Build AM & PM Traffic Volumes): The low numbers of vehicle estimated to be entering and leaving project site at main entrance (Carleton and Road B) during AM and PM seems very low (7 and 4 respectively) given that there will be at a minimum 32 cars on site. This cannot be possible and seems skewed artificially low.

Josh Tane, Letter dated 7/26/10

Response G45:
The Applicant's statement is based on the factual results of the traffic study and analysis. The number of cars to be entering and exiting the project site was estimated using an industry accepted standard methodology developed by the ITE. The methodology projects traffic based on studies conducted at other sites with similar proposed land uses. Analysis is done by comparing traffic conditions based on actual vehicle counts to those with the traffic generated by the proposed action added in. The analysis is done for peak hour periods, where traffic conditions would be the worst case. The number of trips generated represents the number of vehicles from the proposed development during that peak hour only and not the total number of vehicle trips for an entire day.

Comment G46:
III.G-1 – 1st ¶ - Has the 0.07 acre Saunders parcel been acquired yet? If this acquisition does not occur, how would access to the site be modified?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G46:
The proposed action will work only if Parcel D is acquired. As stated in the DEIS, Taconic Tract has a commitment from Sharon Saunders to convey that parcel and Sharon Saunders has consented in writing to the proposed action. This is no different from the case where a contract vendee is the Applicant. The action is processed on the basis of a belief the transaction will be consummated. If it isn't, the applicant cannot act on the approvals.

Comment G47:
III.G-1 – 1st ¶ - Why is it that Road B is indicated to provide access to only seven single-family dwellings? First, it appears that only 3 lots front on Road B. Additionally, Roads A & B intersect, and as such provide access to all of the proposed lots on both roads.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G47:
This was referring to the fact that in the conventional layout from the DEIS, there are seven lots which gain access from Road B. It is correct that the proposed lots can access both Roads A and B. The traffic analysis took this into consideration when the traffic generated by the proposed development was distributed to the abutting roadways.

Comment G48:
III.G-1 – 3rd ¶ - Provide the dimensions of the roads that are described as "standard width."
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G48:
Table III G-1 lists the width of Carleton Avenue, Fox Run Road, Doxbury Circle, Woodsford Bend, and Briars Corners as 24 feet. Washburn Road and Todd Lane are listed as 18 feet, with a footnote stating that two portions of Washburn Lane are less than 18 feet. The AASHTO standard for a local road with an ADT of less than 250 vehicles and a design speed of up to 30 mph is 18 feet. A 24 foot width is not required until the Hourly Volume exceeds 400 vehicles for a 30 mph road. These roads meet AASHTO standards. It is noted however that the Town has a standard width of 24 feet for all new public road construction.

Comment G49:
III.G-1 – 4th¶ - Identify the governmental jurisdictions of Route 100 and Pleasantville Road.
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G49:
Route 100 is under the jurisdiction of NYSDOT and Pleasantville Road the County of Westchester.

Comment G50:
III-G-1 - 6th ¶ - Define a "Local/Urban/Road."
Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G50:

A "Local/Urban/Road" is the lowest road classification. It primarily permits direct access to abutting lands and connections to higher order road systems (classifications). It offers the lowest level of mobility and service to through-traffic movements usually is deliberately discouraged.

Comment G51:
III.G-2 – Table III.G-1 – Identify the location from which sight distance measurements were taken.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G51:
The sight distance measurements were taken at the location of the proposed entrances to the development.

Comment G52:
III.G-3 – 6th ¶ - Provide the dates and days of the week when the manual and ATR traffic counts were conducted.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G52:
Traffic counts were conducted on Wednesday, May 22, 2007 and ATR counts between May 16 and May 23, 2007.

Comment G53:
III.G-4 – 1st full ¶ - This paragraph is written to suggest that the LOS C at the southbound approach to Todd Lane is the worst operating condition in the study area. Table III.G-2 indicates that the westbound approach to Carleton Avenue operates at LOS D.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G53:
Comment noted. The westbound approach for Carleton Avenue onto Route 9A does have the worst LOS, however this is mainly due to the extremely high volume of traffic on Route 9A when compared to the local roads in the study area.

Comment G54:
III.G-5 – 2nd ¶ - This paragraph is incomplete. Provide accident documentation from the Mt. Pleasant and Village of Briarcliff Manor Police Departments.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G54:
See Response G7.

Comment G55:
III.G-5-6 – 6th ¶ - The discussion of improving the sight distance at the new access road on Washburn Road – eastbound. How much grading is required? Will materials be removed? How

many cubic yards? Define tree removal. What additional work can be done to improve sight distances beyond the 240' minimum distance?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G55:
To achieve the 240 feet required for a minimum sight distance, approximately 4,150 square feet of the slope adjacent to the north side of Washburn Road will require regrading. This work will entail the removal of eight 7" to 14" white pine and spruce trees and a cut of 233± cubic yards of material. To improve the sight distance beyond the 240 feet, additional cutting of the slope, as well as the removal of several deciduous trees (oaks, locusts, and maples) would be necessary. The need for improving the sight distance beyond the 240 feet would accomplish very little as it would bring the sight line into the cul-de-sac area of Washburn Road, where much lower vehicle speeds would be encountered. The 240 foot sight distance extends to approximately opposite the last driveway on Washburn Road.

Comment G56:
III.G-6 – 1st full ¶ - Does the trip generation rate for single family homes apply to the attached townhouse units proposed for this project?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G56:
The trip generation rates for single family homes represent the highest level of traffic per unit. Construction of townhouses would result in lower volumes of generated traffic and therefore would not change the findings of the traffic analysis.

Comment G57:
III.G-6 – The trip distribution figure presented in Exhibit III,.G-6 & III.G-7 are in percentages, while in III.G-8 it is presented in actual trip numbers. Convert III.G-8 to percentages.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G57:
Figures III.G-7 and III.G-8 should contain actual trip numbers, as they represent the AM and PM peak generated volume distribution used in the analysis. These vehicle numbers were based on the percentages shown on Figure III.G-6, which represents the weekday trip distribution for both AM and PM peaks. Figure III.G-7 erroneously showed percentages, a revised figure is attached in Appendix O.

Comment G58:
III.G-6 – 4th ¶ - The rationale for the trip distribution assignments presented in Exhibit III.G6-8 should be further supported. Given the sites central location, obvious trip routes are not apparent. The prevalence of trips toward Todd Lane should be further documented.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G58:
The trip distribution assignments were based on an analysis of turning movement counts taken during the traffic study.

Comment G59:
III.G-7 – 3rd full ¶ - Clarify what is meant by "additional mitigation measures are beyond the scope of the project." Does this mean geographically? Financially?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response G59:
The Applicant means that additional mitigation at measures at the Todd Lane/Pleasantville Road intersection are legally, geographically and financially beyond the scope of the Proposed Action. The only intersection in the study area which operates at a marginal level is the southbound approach at the Todd Lane/Pleasantville Road intersection. That intersection currently operates at LOS C and is projected to operate at LOS D under the No-Build scenario regardless of traffic from the Proposed Action. With the Project traffic, the southbound approach will continue to operate at LOS D, which means that the Project traffic will not have any adverse material impact on the function or operation of the intersection. Under the SEQRA Regulations (6 N.Y.C.R.R. Section 617.2(x)), mitigation "means a way to avoid or minimize adverse environmental impacts" from an action. Since the Project traffic will not adversely affect the operation of the Todd Lane/Pleasantville Road intersection, there is no legal requirement for the Applicant to consider, let alone propose, mitigation and no basis for the Town to require it.

Further, Todd Lane/Pleasantville Road intersection is ½ mile from the Project Site. The authority to impose off-site mitigation for an existing condition occurring ½ mile from the Proposed Action is, in the Applicant's view, tenuous.

Finally, the operational issues at the Todd Lane/Pleasantville Road intersection are of a regional nature and would require extraordinary improvements such as the construction of additional turn lanes, widening of the roadway, and the provision of a signalized intersection (which alone could cost hundreds of thousands of dollars). The cost of such improvements to address the regional problem would be extensive and grossly out of proportion to the negligible increase in traffic travelling through the intersection as a result of the Project. Even if additional traffic from the Project were construed to add to the problems at the intersection, there is no nexus between the potential incremental increase and the magnitude of the cost of the improvements that would be required to correct the problems

Comment G60:
Access to the site across a parcel that had been deeded as open space is a serious concern from a conservation perspective as well as a legal issue that the Town needs to clarify. The notion that deeded open space can be arbitrarily used for a road undermines the long term goals and the purpose of conservation planning. The Town has an obligation to review and determine if, as suggested in the DEIS, previous improper use or an abandonment of a restrictive covenant or easement in the chain of title, permits use for an access road to a 16 lot subdivision.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response G60:
See Executive Summary, Responses A11, A15, A16, A25, A27, A28, A29, A41, and A42, and the letter of Hocherman Tortorella & Wekstein, LLP to the Planning Board and Town Attorney, dated October 21, 2010, contained in Appendix B.

Comment G61:
If it is determined that this land, deeded in perpetuity for common open space use by the residents cannot be used for a road, then access to the site is problematic. The only other frontage is along Washburn Road where there are serious sight distance and substandard road issues, along with pedestrian safety concerns with foot traffic from the elementary school walking path across the street.

This issue must be resolved and the CAC is strongly opposed to using deeded open space for private development purposes.

Mount Pleasant Conservation Advisory Council, Letter undated;
Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response G61:
See Response G60 above.

Comment G62:
And does the applicant have other suggested means of egress?

Thomas Kane, Public Hearing Transcript 8/5/10

Response G62:
The two access locations are the only ones where an entrance road could be constructed that meets the Town standards without requiring major regarding of the area adjacent to the proposed road.

Comment G63:
The roads in this area are another large issue. The roads leading to and from Pleasantville Road to Todd Lane and Washburn Road are too narrow to accommodate earth movers, flat bed trucks, cement mixers, tractor trailers and any oversized vehicles. The average road width is about 17' to 18' with no shoulders but ruts. The curve on Carleton Avenue is very narrow and sharp. There is no way any large vehicle could turn here without commanding the entire road. There is no dividing line on Todd Lane coming from Pleasantville Road across the Bridge to Washburn Road except for the intersection at Todd and Carlton. I believe dividing lines were not painted on Todd Lane because the roads are narrow and cars would have to ride partially in the ruts when passing each other. Should not the Briarcliff Manor Highway Department be involved here?

Theresa and Vincent Marchica, Letter dated 10/1/10

Response G63:
The DEIS was sent to the Village of Briarcliff and comments were received from the Village Engineer. They did not contain any recommended improvements to the adjacent roads. Carleton Avenue is in the Town of Mt. Pleasant. Refer also to Responses G4, G12, G16, G21, and G38.

Comment G64:
Why [is it that] the access to this site, being that the developer wishes to develop, isn't through the entrance at 124 Washburn Road. The reason is that Taconic Tract wants to retain his privacy at the expense and inconvenience of others. The Board should be aware of the other access roads to be unusable for a development of this size. If the developer were to build 17 homes on this site with an average of 3000 square feet per home it is a certainty that there will be in excess of 2 cars per home resulting in 30-50 cars on a full time basis coming from this development, and this is not including guests. Being that the access road on Washburn Road has no night lights and has blind curves this would be an accident waiting to happen.

Danny Heller, Letter dated 10/4/10

Response G64:
See Responses G13 and G40.

Comment G65:
Washburn Road is a very narrow 'country road' (about 17 feet across in some places). There is a blind corner when you turn from Todd Lane to Washburn Road. Washburn and Todd have no sidewalks, so stop signs, no street lights, and Washburn has very steep hills. Our children – as well as other children – walk to and from school on this road: an endeavor already made less than optimal by those from outside the immediate neighborhood who drive too fast as they deliver children to the school.

We are very concerned that increased traffic from construction vehicles and, eventually, new residents would further endanger our children if Washburn Road became an accessway for the Taconic Tract Development.

Maria and Daniel Laguardia, Letter dated 10/5/10

Response G65:
See Responses G10 and G12.

Comment H1:
So wouldn't it make more sense to use local demographic data which was supplied by the local school board in 2006 and was updated in 2008 to specifically assess the impact of the Taconic Tract development, which I have right here along with projections, calculations, updates, study, March 2008, which actually addresses Taconic Tract in it, because in 2006, the applicant requested a copy of this demographic study, but then chose to use the Rutgers study instead.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response H1:
The Applicant has relied upon the document *Residential Demographic Multipliers Report, 2006* prepared by Rutgers University Center for Urban Policy with statistical projections for the New York markets. The demographic fields used in the projections include housing type, housing size and housing price. The multipliers contained therein are calculated for new housing units in both attached and detached configurations, by number of bedrooms and value. While eight of the units are being marketed/designed as empty nester units, to be conservative they were treated as if they could be occupied by families that may have school age children. It is noted that table III.H-6 in the DEIS utilizes projections for public school age children.

It is noted that Briarcliff Manor School District commissioned an Enrollment Projections Calculations Update Study dated March 2008 (see Appendix K). The methodology therein assumes a total of 17 new residential units, that none of the units would be occupied by seasonal residents, across the board use of household size regardless of bedroom configuration and that none of the prospective students would attend private or parochial school. Making an adjustment to account for 16 as opposed to 17 new units and taking into account just the public school age children (grades K-12) accounts for approximately 12 total school age children. This is comparable to the projected 12 total school age children projected by the Applicant in Section III H1.b. of the DEIS

The Applicant contends that based upon the extent of the research conducted on behalf of the Rutgers University study that a conservative analysis relative to anticipated impacts to the school district has been presented.

Comment H2:
The impact for the number of schoolchildren would be like 5 to 16 houses. That doesn't sound realistic. We normally assume that's two per household, so 16 houses would be about 32.

Board Member Keith Rosner, Public Hearing Transcript 6/21/10

Response H2:
Refer to Response to Comment H1.

Comment H3:
There's a general lack of completeness for citations in the literature (indiscernible) basis of certain claims making it difficult for one to independently verify the statements made. For example, the Rutgers University Center for Urban Policy Research Residential Demographic

Multipliers Study, but the year of publication is not. This is a study that's published every ten years, so I don't know which version they were using. In fact, I couldn't find the current version.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response H3:
As indicated on Tables III.H-5 and III.H-6 of the DEIS, population and public school age are properly sourced using *Rutgers University, Center for Urban Policy Research, Residential Demographic Multiplies Report* dated 2006. A copy of the report is included in Appendix L of this FEIS.

Comment H4:
Page I-7, 1.D-10: The school's paragraph claims nine public school children. This number is not supported by demographic statistics – is this number supported by the demographic statistics?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response H4:
Refer to Response to Comment H1

Comment H5:
How do you get 22 empty-nesters to fit in eight houses? And what is the area described by the Rutgers Residential Demographic Multipliers Study? What year was this study published? Where can one find a copy? These statewide averages likely do not reflect our unique region, especially highly-ranked school districts.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response H5:
As noted on page III.H-3 of the DEIS, the population projections for the proposed empty nester units assumed that they could be occupied by residents who may have school age children and thus made for a more conservative analysis. Refer to Appendix L in the FEIS for a copy of the 2006 Rutgers Study.

Comment H6:
The proposed action is anticipated to generate $535,000 in tax revenue. How is this calculated? "Show your work" wasn't done, so I don't know how that was calculated.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response H6:
Table III.H-7, III.H-8 and III.H-9 of the DEIS and the accompanying text detail the dialog and the calculations necessary to arrive at projected tax revenue.

Comment H7:
Has the town tax assessment office reviewed and embedded the provided calculations?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response H7:
Tax records from the Town of Mount Pleasant Tax Assessment Office were obtained and used to provide conservative estimates on tax revenue projections.

Comment H8:
Given this empty-nester assertion is being used to reduce the claimed impacts on population, I feel it is reasonable to challenge it and ask the Board direct that the demographic estimates be scaled up appropriately.

Alan Crosswell, letter dated 7/20/10

Response H8:
As noted on page III.I-3 the Applicant has assumed that the empty nester units could be occupied by families with school age children. A worst-case analysis to this effect was prepared as part of the DEIS. As indicated in Response H1, a comparable report and projection was prepared on behalf of the School District with comparable results to the projections prepared by the Applicant.

Comment H9:
Even assuming that 8 houses will be empty-nesters, the Briarcliff Schools estimate would still yield 16.4 students. Further, in the more recent *Enrollment Projection Calculations Update Study for the Briarcliff Manor Union Free School District* (March 2008. Paul M. Seversky. Page 22ff), a specific analysis of the impact of the proposed development was prepared and estimated an impact of approximately 18 new students.

Alan Crosswell, letter dated 7/20/10

Response H9:
Refer to Response H1. In addition, it is important to note that the 2008 Enrollment Projection prepared on behalf of the Briarcliff Manor School District used 17 new single family units as part of their projections. Further, while the 2008 report claims that there would be an increase in school age population by about 18 students, the report included 4 children under five years old which would not be enrolled in the Briarcliff Manor School District. Accounting for these corrections brings the potential school age children projection to approximately 12, consistent with the projections prepared by the Applicant in the DEIS.

Comment H10:
I.-D. 9. "…result in an increase of 51 persons…." I would disagree. I would point to the Rosecliff development in Briarcliff. This was initially built for and marketed to empty nesters but as they have sold and moved out, their homes have tended to be bought by young families with school-aged children.

Josh Tane, Letter dated 7/26/10

Response H10:
It is unclear how the Commentor can state that the Rosecliff Development was marketed to empty nesters. The 116 unit single-family gated community has primarily three- and four-bedroom units. The complex includes a clubhouse, a pool and tennis courts for resident use. The population projections used in the DEIS provide a worst case scenario if the units were to be occupied by families with school age children

Comment H11:
I.-D. 10. "schools": "units to be marketed to empty nester couples." Applicant shows no comparable dwellings in BM purchased by empty nesters to support this.

Josh Tane, Letter dated 7/26/10

Response H11:
Comment noted. The Applicant contends that there is no comparable residential product in the Briarcliff Community for the proposed empty nester lifestyle envisioned.

Comment H12:
III.I-3. Schools. Applicant predicts 9 school age children but this estimate seems to ignore the correspondence received from the Board of Education, which estimates 2.2 children per home. This would result in 35 students and if only 8 homes are inhabited by empty-nesters then result would still be 17.6 new students. Applicant further ignores school's prediction of a possible new teacher and increase in bussing.

Josh Tane, Letter dated 7/26/10

Response H12:
The Applicant has relied upon credible sources of information for predicting school age children and has used a worst-case scenario as part of the projections. As indicated in Response to Comment H1, the School District prepared an Enrollment Projections Update Study that produced results comparable to those projected by the Applicant in Sections III.I-3. of the DEIS. Refer also to Response H9 of this FEIS.

Comment H13:
III.H-3 – 1st ¶ - This paragraph indicates that "for worst-case projection purposes, it has been assumed that all units would have market rate characteristics," yet the empty nester population projection is utilized resulting in a total project population of 51 residents rather than 59 in the worst-case scenario.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response H13:
Table III.H-5 in the DEIS uses Table 1-1 All persons in Unit from the 2006 Rutgers University Residential Demographic Multipliers reports for a total of 3.18 persons per unit. The text should have indicated that the projection of public school age children are included as part of that projection.

Comments H14
III.H-3 – The school age children generation rates in Table III.H-6 indicate that "worst case projections" have been applied. However, as noted above in comment #57, if standard rates were applied, the generation would increase notably.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response H14:
See Response to Comments H1and H9.

Comment H15:
The issue regards the schools must be mentioned here. Our schools are full to their limit. Our school taxes are beyond belief. They are the highest in the country. Can we sustain another large influx of children. Will the taxes collected be enough to cover this additional burden?

Theresa and Vincent Marchica, Letter dated 10/1/10

Response H15:
As indicated in Section III H of the DEIS, projections were made relative to public school age children along with projected costs and tax revenues generated by development of site. As indicated in Section III H.2.b of the DEIS projected tax revenue to the school district exceeds projected costs associated with the generation of additional public school age children.

Comment I1:
The DEIS references the Village's 2007 Comprehensive Plan in support of its determination that the proposed project would have minimal impact on the BMFD (Briarcliff Manor Fire Department); no mention of impacts to the Briarcliff Manor Ambulance Corps is made. The Applicant should seek written confirmation from both the BMFD and Briarcliff Manor Ambulance Corps to confirm that they both have adequate capacity, equipment, and staff to serve the proposed project. In addition, response times to the project site should be included and detailed site plans should be sent to the Village Building Department for review to ensure that all proposed roadways meet Fire Department Standards.

David J. Turiano, PE, Building Engineering Department, Letter dated 6/11/10

Response I1:
Correspondence dated April 27, 2009 was sent to the Village of Briarcliff Manor Fire Department requesting information and comment. In addition, attempts have been made to reach the service providers by phone. A response to continued outreach was provided on January 7, 2011, refer to Appendix I. Response time to the Project site is estimated a 4 minutes for initial personnel and 6 to 8 minutes for initial suppression apparatus. Refer also to Response to Comment I5.

Comment I2:
Why is there a discrepancy, because on page III.I-3 of the DEIS: The school district's own estimate is 6.7 percent of school eligible district residents attending private or parochial schools cited.

Alan Crosswell, Public Hearing Transcript 6/21/10

Response I2:
Comment noted. The Applicant used the public school-age children multipliers from the *2006 Rutgers University Residential Demographic Multipliers* study. In the event the in district rate of 6.7% students attending private or parochial school is utilized this would bring the projected public school age child generation rate to approximately 12 public school age children. Based on the per pupil cost in local tax dollars of $24,053 an estimated cost of $264,583 is anticipated, which is still well below projected school district tax revenues of $412,200.

Comment I3:
I believe letters were sent to the Mount Pleasant Police Department. Was correspondence sent to the Briarcliff (Manor) Police Department? Finally the paragraph just ends. The accident data, there's missing text. So where's the missing text?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response I3:
The project site is located within the Town of Mount Pleasant and as such that Department is responsible for providing patrols and service. Refer also to Response to Comment G7 and Comment G54.

Comment I4:

Page III.I-4, second paragraph, is this private or municipal solid waste pickup?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response I4:
As part of the responsibilities of the Home Owners Association, they will be charged with providing private solid waste pickup.

Comment I5:
Appendix J, Correspondence. No response is shown to the letter addressed to the Briarcliff Manor Volunteer Fire Department. If the fire chief failed to respond, is there some requirement to contact the Village Manager or the Village Board?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response I5:
Correspondence dated April 27, 2009, was sent to the Briarcliff Manor Fire Department (BMFD) requesting information and response. A copy of the DEIS was provided to the Village of Briarcliff Manor, their comments on the DEIS are provided in Appendix A of this FEIS. The Applicant corresponded with the BMFD and received a response dated January 7, 2011, refer to Appendix I.

Comment I6:
Apparently the School District was not asked to provide demographic data to support the anticipated number of students to come out of the proposed development but in fact did provide a then-current 2006 study as well as an estimate of 35 school-age children based on that study.

Alan Crosswell, letter dated 7/20/10

Response I6:
A copy of the Enrollment Projection Calculation Update Study for the Briarcliff Manor Union Free School District, dated March 2008, is provided in Appendix K of the FEIS. As noted in more detail in Response to Comments H1 and H9 of this FEIS, the 2006 study and the subsequent update in 2008 produced school age child generation figures comparable to the Rutgers University 2006 generation rates. It is important to note that the Proposed Action was not contemplated back in 2006 and thus still could not be included in those projections. Further the 2006 Briarcliff Manor Enrollment Projection/Demographic Study recognizes on page 21 that over one-third of the owner-occupied housing units in the district are occupied by an age group who is generally referred to as empty nesters who typically consider downsizing their homes sometime in their post age 55 years. This is consistent with the Applicant's intention of providing a different housing product to the local market.

Comment I7:
Existing Conditions should also list Village of Briarcliff Manor parks and facilities as these facilities are available to all residents of the School District.

Alan Crosswell, letter dated 7/20/10

Response I7:
Comment noted. Table III.I-7 includes a listing of the Village of Briarcliff Manor parks and facilities available to prospective residents.

Table III.I-2
Mount Pleasant and Briarcliff Manor Parks and Facilities

	Parks and Facilities	Tennis	Soccer	Bocce	Basketball	Baseball/ Softball	Volleyball	Swimming	Fishing	Ice Skating	Picnicking	Camping	Hiking Trails	Nature Study	Playground	Community Center	Shelter	Acres	
																		Passive	Active
Town of Mount Pleasant																			
1	Hardscrabble Wilderness Area											3	6	1				235	
2	Mountain Trail Park												1					5	
3	Bear Ridge Lake								1	1	1								2
4	Old Farm Hill Park	**UNDEVELOPED**																22	
5	Water District Field		1			1													6
6	Opperman's Pond								1	1	1							2	4
7	Mt. Pleasant Town Pool and Community Center			2	1		1	1			1				1	1			12
8	Broadway Field				3	1	1								1		1		6
9	Pheasant Run Park	**UNDEVELOPED**																16	
10	Carroll Park					1			1	1	1				1			5	7
11	Westlake HS	4	3		2	4													20
12	Stonegate Park				1	1					1		1	1			1	9	3
13	Valhalla HS	4	1			1													
14	Bradhurst Park and Community Center					1	1				1				1	1			7
15	Lakeside Park		2																6
16	Pat Henry Field					1													2
17	Hawthorne Elementary School					2									1			10	7
18	Columbus Ave. School					1									1			10	6
Village of Briarcliff Manor																			

19	Chilmark Park	6	1		1	1									1			8.3
20	Jackson Road Park				2										1			4.76
21	Kate Kennard Strail												1					1
22	Law Memorial Park	6						2							1			7
23	Lynne McCrum Field		2															n/a
24	Neighborhood Park				1	1									1			5
25	Nichols Nature Center													1				3.8
26	Old Croton Aqueduct Trail												1					n/a
27	Pine Road Park	**UNDEVELOPED**																66
28	Pocantico Park												1					70.9
29	Recreation Center															1		n/a
30	Scarborough Park								1		1							n/a
32	Westchester County Bike Trail												1					n/a

Source: Town of Mount Pleasant (http://www.mtpleasantny.com/Pages/MountPleasantNY_Recreation/Forms/Facilities.pdf) and Village of Briarcliff Manor (http://www.briarcliffmanor.org/Pages/BriarcliffManorNY_Recreation/GenInfo/RecreationFacilities&Parks) websites

Comment I8:
Furthermore, there is no evidence of correspondence with the Village of Briarcliff Manor Police Department for whom Washburn Road and Todd Lane are solely within their jurisdiction. At the time of publication of the DEIS, there was also no evidence of correspondence with the Village of Briarcliff Manor regarding water service nor to confirm the claim of alignment with the Village Comprehensive Plan made on page III.A-4 of the DEIS.

Alan Crosswell, letter dated 7/20/10

Response I8:
The Village of Briarcliff Manor has provided the Lead Agency with comments on the DEIS, refer to Appendix A correspondence.

Comment I9:
III.I-1 – 5th ¶ - Provide additional documentation regarding the private security patrols.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response I9:
The Applicant intends to contract with a private security firm that would come through the community approximately two times per day. The benefit of the security patrols is that they would be able to check on unoccupied units when residents are out of town for extended periods.

Comment I10:
III.I-3 – 2nd full ¶ - The response from the Briarcliff Manor School District is necessary to adequately evaluate school impacts.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response I10:
Correspondence dated April 27, 2009 was sent to the Briarcliff School District requesting information and input. The Applicant has reviewed, and included as part of this FEIS, enrollment projection reports prepared on behalf of the School District.

Comment I11:
III.I-4 - 2nd ¶ - How will recycling be handled?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response I11:
The Applicant proposes to have a private contractor pick up both solid waste and recyclable materials.

Comment I12:
III.I-5 – How does the applicant propose to address the park reservation standards set forth in section A227-27A of the Subdivision Regulations?

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response I12:
The Applicant proposes to set aside approximately 9.55 acres of the ±30-acre tract for open space and passive recreation. An existing paved walking trail will be relocated on site around the proposed residential community to be used as an asset for future residents of the project. The reservation of open space exceeds the 15 percent of the gross area of the subdivision outlines in Section S227-27A of the Town of Mount Pleasant subdivision regulations.

Comment I13:
Many of the children in our area are walkers. They do not live far enough to take the bus. Will our roads be safe for them?

Theresa and Vincent Marchica, Letter dated 10/1/10

Response I13:
There is no objective, reliable, empirical basis to assume that an extremely modest increase in traffic from the proposed subdivision will increase risks to pedestrians and school children. If people (including existing residents in the neighborhood) follow traffic signals, conditions for pedestrians and school children should not become less safe.

Comment J1:
Page I-3, Section I.D-11: Why is the historic house at 140 Todd Lane not represented?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response J1:
Section I-D-11 of the DEIS provides an executive summary of the DEIS document. For specific discussion relative to 140 Washburn Road, refer to Appendix H in the DEIS, Cultural Resources Report.

Comment J2:
III.-J. 1. a. references stone walls surrounding the site property. Would like to see assurance that Applicant will not disturb stone walls as they sit on border of neighboring existing residences and provide some limited visual barrier.

Josh Tane, Letter dated 7/26/10

Response J2:
Comment noted. With the exception of modifying the existing stonewalls to provide access, the Applicant intends to keep the stonewalls intact.

Comment J3:
III.-J. 2. Anticipated Impacts. Affect of project on Taconic Pkwy. States Parkway will be visually affected. Appendix H notes Parkway is listed on National Register of Historic Places and that project will visually impact Parkway and states that impacts could be reduced by plantings. But in Exhibit III.B-3 Visualization B shows superimposed view of houses when looking west from Parkway. These houses are clearly in view of Parkway so one would assume this schematic would be in violation of Historic Designation.

Josh Tane, Letter dated 7/26/10

Response J3:
As noted by the Applicant's cultural resource consultant, the potential impacts could be significantly reduced by plantings including evergreens and broad leaf evergreens, such as rhododendrons, that would effectively screen the parkway from the development. The Applicant's proposed planting list, refer to Table III.D-4 in the DEIS, identifies a series of evergreens and broadleaf evergreens that could be included as part of a landscape plan.

Comment L1:
Page I-8, Section I.D-13: Third paragraph. The statement is because relatively few truck trips are anticipated at peak hours, significant impacts from construction vehicles not expected. I ask that the Board consider imposing a moratorium on truck traffic during Todd Elementary School's arrival and departure hours, giving pedestrian traffic (indiscernible) Washburn Road as I just described.

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response L1:
The imposition of when certain site construction activities can take place is a matter for the Planning Board to determine.

Comment L2:
Phase IV house construction. In a recent meeting here at this Board, reference was made to two unfinished home construction projects off Hardscrabble Road resulting in unsightly holes in the ground, foundations for many years because the construction was started and then the builder ran out of funds, apparently. Does the Board have the ability to require the applicant to post performance bonds to ensure that a similar problem doesn't happen at this development?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response L2:
The Town has the authority to require security to be posted for the construction of the stormwater pollution prevention plan improvements and to stabilize exposed soils and other parts of the site in the event of an interruption in construction. The Applicant does not believe the Town has the authority to require security to enable the Town to complete construction of unfinished residences.

Comment L3:
Page III.E-7, referencing the anti-tracking apron at the side entrance. Vehicles will be required to wash their wheels. What agency has the responsibility to make this happen?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response L3:
The Town of Mt. Pleasant Building Department is responsible for enforcing site construction activities.

Comment L4:
Is the Board able to require mitigation measures to require the use of ultra clean diesel, high quality mufflers, quiet backup alarms?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response L4:
The Planning Board is authorized under SEQRA to impose mitigation that minimizes or avoid adverse environmental impacts. Conditions which are not demonstrated to be adverse environmental impacts are not a proper subject of mitigation. In addition, mitigation measures need to be reasonable and not arbitrary or capricious. The Applicant does not believe that the mitigation referred to in the comment is tied to any demonstrable adverse environmental impacts expected from the development of the project. Indeed, the Applicant questions the efficacy of at least one of the measures – quiet back-up alarms. Presumably back up alarms are maintained on construction vehicles in order to be heard, not to be quiet.

Comment L5:
Has the potential impact of ground transmission of shock waves from blasting been studied as a potential structural risk to the historic Washburn House at 140 Todd Lane, or my not so historic house at 144 Washburn Road and others nearby?

Alan Crosswell, Public Hearing Transcript 6/21/10;
Alan Crosswell, letter dated 7/20/10

Response L5:
The Mt. Pleasant Basting Ordinance, provided in Appendix K of the DEIS outlines the protocols and precautions required prior to and during any blasting activity should it be required.

Comment L6:
Also in terms of the construction, I'm very concerned about what's going to go on there in terms of the health of the children in the area, in terms of fill that might be under there.

Lilly Rombach, Public Hearing Transcript 6/21/10

Response L6:
Comment noted.

Comment L7:
It seems that blasting will be required for significant parts of the road construction and if these homes are to have footings below the minimum 48" needed to get below the frost line, even if they have no basements.

Alan Crosswell, letter dated 7/20/10

Response L7:
The Applicant has indicated that in the event that blasting is required to remove rock it will be required to follow the regulations outlined in the Town of Mt. Pleasant Blasting Ordinance. A copy of which was provided in Appendix K of the DEIS.

Comment L8:
I.-D. 5. 3rd par. "…no more than 5 acres disturbed at any one time. …structural and vegetative measures used during construction…." How will all of this be verified? Do town personnel supervise this?

Josh Tane, Letter dated 7/26/10

Response L8:
The construction sequencing plan developed by the project engineer is geared towards meeting, if not being more stringent than, the 5-acre limitation, (refer to Appendix Q Preliminary Construction Schedule). The contractor building the project is required to certify that it read the SWPPP, understands it and will abide by it. In addition, the Applicant's project engineer will perform periodic inspections of the erosion control measures and stormwater management controls throughout construction, during which it will be mindful of the 5-acre limitation and the stabilization requirements for disturbed areas. Still further, the Town's representative (e.g. Town Engineer) will have the right to and is expected to conduct periodic inspections of the construction site and monitors the status of construction.

The Town, acting as the regulated MS4 for this project, shall approve the Stormwater Pollution Prevention Plan (SWPPP) by signing the MS4 Acceptance Form to be submitted with the Notice of Intent (NOI) to the New York State Department of Environmental Conservation (NYSDEC) in order to obtain a SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). Part IV of the general permit details the specific inspection and maintenance requirements that the owner/applicant shall comply with. Specifically, Part IV.C states that "The owner or operator shall have a qualified inspector conduct site inspections".
The Town shall conduct site visits to assure that the required documentation is being maintained at the construction site, which includes a copy of the inspections being performed in accordance with Part IV of the General Permit. The NYSDEC also reserves the same rights. Please refer to Appendix P for a copy of the NYSDEC SPDES General Permit, GP-0-10-001.

Comment L9:
I.-D. 13. 3rd par. Construction hours 8am-6pm. I would expect that morning construction traffic would be at its peak at the beginning of the day. This directly conflicts with school bus pickups on Carleton. Applicant does not suggest any way to mitigate traffic build-up caused by large trucks interfering with school bus stops.

Josh Tane, Letter dated 7/26/10

Response L9:
As stated in Section III.L.2, there are certain construction impacts that cannot be avoided, such as construction-related traffic. However, alternate routes or time restrictions can be considered if there are traffic concerns with respect to deliveries or general construction traffic accessing the site.

Comment L10:
Blasting: "…limited to those areas requiring rock removal of greater than four feet in depth." Shouldn't we know those areas now? And shouldn't they be specifically listed?

Josh Tane, Letter dated 7/26/10

Response L10:
The Profiles created for the roads provide an indication of where the majority of the cuts would be required. Also, the Grading, Drainage & Utility Plans display the existing and proposed

contours. Depth of cut for any given area can be determined by reviewing these plans. Providing a list of the specific areas that require removal of greater than four feet of rock exceeds the requirements of the Scoping Document.

Comment L11:
III.-C. 1. C. Blasting. Is there a minimum distance from existing neighboring residences that blasting can occur? What remedies will there be should any blasting disturb neighboring foundations or result in any exterior or interior damage to neighboring residences?

Josh Tane, Letter dated 7/26/10

Response L11:
A copy of the Mt. Pleasant Blasting Ordinance was provided as Appendix K of the DEIS. The Applicant will be required to follow all applicable standards outlined in that ordinance.

Comment L12:
III.-E. 3. Proposed Mitigation. Anti-tracking Apron at Site Entrance. "During muddy conditions, drivers of construction vehicles will be required to wash their wheels before exiting the site." Specifically, at Carleton Ave entrance, where will run-off from wheel washing go?

Josh Tane, Letter dated 7/26/10

Response L12:
Within the SWPPP, the contractor shall be directed to prevent any construction wash-off from entering the existing drainage system and any existing water bodies or streams. It is also included that the existing roadways must be kept clean of all construction debris, swept clean daily to remove any excess mud, dirt or rock tracked from the site. Generally, the contractor shall create a temporary sediment basin adjacent to the wash-area to intercept sediment-laden runoff and to trap and retain the sediment. The maintenance of the site during construction will be part of the regular inspections as indicated in Response L8.

Comment L13:
III.-L. 2. Construction limited to 8:00 AM to 6:00 PM, Mondays through Saturdays. Can this be modified to have a later start time on Saturdays? How is this construction schedule monitored? Who do we complain to if violated?

Josh Tane, Letter dated 7/26/10

Response L13:
No, later commencement times on Saturdays cannot be required. The law needs to be applied and enforced in a uniform manner. Construction schedule is monitored by the Applicant, contractor, Town and neighbors. Complaints would be made in the same manner as other zoning complaints are made.

Comment L14:
We would like to see more detail about – particularly with the steep slopes construction and how this might be mitigated, these new sustainable methods.

Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response L14:
Refer to Response to Comment C1 and C2 in this FEIS.

Comment L15:
If in fact there is some underground stream or some other water course that appears there, we may have some issues with regard to the foundations and other construction measures.

Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response L15:
Refer to Response E3 of the FEIS.

Comment L16:
New home construction offers a great opportunity for use of the most energy efficient materials reducing energy consumption and (inaudible). Homes should include CFC lighting and other LEDS type measures which would significantly add both to the environmental and market value of the development from reduced energy costs and the reduced environmental impacts of these new homes.

Steven Cavy, CAC member, Public Hearing Transcript 8/5/10

Response L16:
The Applicant has not made any interior or exterior architectural design selections as lot count has not been established.

Comment V1:
V.-A. Alternatives, No Action. An "increase in housing stock of the town" is not necessarily a benefit. This is really an opinion of the Applicant, no?

Josh Tane, Letter dated 7/26/10

Response V1:
As indicated in Response to Comment I-6 of this FEIS, there is a significant segment of the local population that are considered to be empty nesters (approximately one-third of owner occupied housing) who typically consider downsizing their homes sometime in their post-55 years. In the Applicant's opinion, providing for a different type of housing product targeted towards empty nesters allows those people who have lived in the community an opportunity to remain.

Comment V2:
Exhibit V-3 Reduced Impact Layout. This layout shows no houses or lots. Is that an error?

Josh Tane, Letter dated 7/26/10

Response V2:
As indicated in the adopted scoping outline and Section V.E of the DEIS, a reduced density subdivision was to be prepared so as to avoid steep slopes, ridgelines, and other site constraints. As indicated on Exhibit V-3 of the DEIS, access to the interior of the property could not be achieved without disturbing steep slopes.

Comment V3:
V-1 – The analysis of all of the alternative plans should more thoroughly address the specific impacts associated with each alternative. A comparative table should be provided, documenting the differences between each alternative. Site plans should also be provided for each alternative.

Patrick Cleary, AICP, PP, LEED AP, Cleary Consulting, Letter dated 08/04/10

Response V3:
Comment noted. Table V3 has been prepared to provide a summary of impacts associated with each alternative analyzed.

Comment V4:
I would like to see – maybe this isn't required, but I would like to see something in the final or some other correspondence where the applicant is suggesting some sort of alternative, or if access is denied through parcel G, what does the applicant suggest they do?

Thomas Kane, Public Hearing Transcript 8/5/10

Response V4:
The Alternatives Section of the DEIS, Section D, provides a description along with a graphic of an alternate plan with access from Washburn Road only.

Table V-3
Comparison of Impacts

FEIS Review Items	Proposed Action	Conventional Layout	Conservation Layout with All Homes Clustered	Alternative Site Access (No Through Road)	Reduced density subdivision that avoids steep slopes, ridgelines and other site constraints
Site Disturbance	• ±9.07 acres of total disturbance	• ± 11.15 acres of total disturbance	• ±9.07 acres of total disturbance • ±0.89 acres of disturbance on slopes greater than 25%	± 8.92 acres ± 1.87 acres disturbance on slopes greater than 25%	• No disturbance would occur on any slopes greater than 25%. Therefore, no roads would be constructed throughout the site, prohibiting access to any land that may be used for lots, preventing any development on the site.
	• ±0.89 acres of disturbance on slopes greater than 25%	• ±1.62 acres of disturbance on slopes greater than 25%			
Taxes/Socio-Economic	• Taxes Generated would be $535,000	• Taxes Generated would be approximately $621,448	• Taxes Generated would be approximately $535,408	Taxes generated would be approximately $545,408	
Traffic and Transportation	• Trip generation Peak AM is 23	• Trip generation Peak AM is 23	•Trip Generation would be similar to the Proposed Action	• Trip generation Peak AM is 22	
	• Trip generation Peak PM is 22	• Trip generation Peak PM is 22	•Trip Generation would be similar to the Proposed Action	• Trip generation Peak PM is 19	
Land Use and Zoning	• R-40 Single-Family Residential	• R-40 Single-Family Residential	• 16 new units - based on capacity of conventional plan	• 14 new units	
	• 16 new units - based on capacity of conventional plan	• As-of-right 16 lots			
		• Would utilize a road configuration comparable to the one contemplated for the Proposed Action with the exception of new Road C to access the proposed empty-nester residences			
Community Facilities and Services	• Approximately 9.55 acres of open space	• Approximately 1.37 acres of open space	• Approximately 10.7 acres of open space	• Approximately 5.06 acres of open space	
	• Approximately 51 new residents	• Approximately 58 new residents	• New Residents would be similar to Proposed Action	• Approximately 52 new residents	
	• Approximately 12 new school-aged children	Approximately 14 new public-school school-aged children	• New public-School school-aged children would be similar to Proposed Action	Approximately 13 new public-school school-aged children	

Appendix A

Public Hearing Transcripts/Written Correspondence on DEIS

TOWN OF MOUNT PLEASANT PLANNING BOARD

COUNTY OF WESTCHESTER

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PUBLIC HEARING FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT(DEIS) TACONIC TRACT 17-LOT SUBDIVISION APP. #926 (R-40 ZONE)

----------x

June 21, 2010

8:22 p.m.

One Town Hall Plaza

Valhalla, New York 10595

B E F O R E :

MICHAEL McLAUGHLIN, CHAIRMAN

DENIS McCARTHY, BOARD MEMBER

KEITH ROSNER, BOARD MEMBER

JOAN LEDERMAN, BOARD MEMBER

JOHN COHEN, BOARD MEMBER

REGINA PELLEGRINO, BOARD MEMBER

GEORGE PAPPAS, BOARD MEMBER

PATRICK CLEARY, PLANNING CONSULTANT

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8
9
10 ALSO PRESENT:
11 Susan Fasnacht, WSP Sells
12 Andrew Saunders,
13 Taconic Tract Development, LLC
14 David Smith, AICP,
15 Saccardi & Schiff, Inc.
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CHAIRMAN McLAUGHLIN: We'll go straight into item number 5, which is a Public Hearing for the Draft Environmental Statement, otherwise known as a DEIS, for the Taconic Tract 17-Lot Subdivision, Application Number 926 in the R-40 Zone at 140 Todd Lane, Briarcliff Manor, section, block and lot are 98.11-2-37, 38, 39, 42 and part of 40. The owner is Taconic Tract Development, LLC, engineer is Susan Fasnacht, WSP-Sells Engineers, the attorney is Geraldine N. Tortorella.

BOARD MEMBER PELLEGRINO: (Indiscernible).

CHAIRMAN McLAUGHLIN: We need a motion to waive the reading. Motion by Regina.

BOARD MEMBER PAPPAS: Second.

CHAIRMAN McLAUGHLIN: Seconded by George. John.

BOARD MEMBER COHEN: Aye.

CHAIRMAN McLAUGHLIN: Joan.

BOARD MEMBER LEDERMAN: Aye.

CHAIRMAN McLAUGHLIN: Keith.

BOARD MEMBER ROSNER: Aye.

CHAIRMAN McLAUGHLIN: Denis.

BOARD MEMBER McCARTHY: Aye.

CHAIRMAN McLAUGHLIN: George.

BOARD MEMBER PAPPAS: Aye.

CHAIRMAN McLAUGHLIN: Regina.

BOARD MEMBER PELLEGRINO: Aye.

CHAIRMAN McLAUGHLIN: Aye. That was a tough one.

MS. TORTORELLA: Thank you very much. Good evening. Geraldine Tortorella of Hocherman Tortorella & Wekstein of White Plains. We are counsel for the applicant, Taconic Tract Development, LLC on this subdivision. With me this evening are David Smith of Saccardi & Schiff, our planning consultant and Andrew Saunders of Taconic Tract Develop. You probably recognize both of them from prior appearances before your Board.

We prepared a Draft Environmental Impact Statement in response to the positive declaration that the Board adopted and in accordance with a scoping document that your Board adopted after a public input meeting. We submitted that Draft Environmental Impact Statement to the Board, and it was accepted as

complete earlier in April of this year, on April 1st.

At that time the Board scheduled a public hearing for May 17th. As required by law, we made a circulation of the Draft Environmental Impact Statement to all the involved and interested agencies, and we have provided you with proof of having made that circulation. We filed an affidavit of circulation with the Board.

We also filed copies of the Draft Environmental Impact Statement with the local library, and it was made available electronically through the link on the Town's Web site.

We provided notice of the acceptance of the Draft Environmental Impact Statement in the Environmental Notice Bulletin, which is required by law. We also published or arranged to have published a notice of the hearing in the local newspaper and the Journal News as required by New York Code, and we had notices of the public hearing provided sent to abutting neighbors, personally (indiscernible)

was provided to us, and that was all for the May 17th public hearing.

The subdivision regulations also required that we give notice of the application to a number of different agencies or boards or commissions that are involved in the town. That's pursuant to Section A227-8D as in dog, under subdivision regulations, and we gave that notification to those agencies prior to the public hearing scheduled for May 17th. Again, we provided proof of having accomplished all of those notice requirements to the Board.

There was no quorum for the meeting on May 17th, and the hearing was rescheduled for tonight's meeting. Out of an abundance of caution, we renoticed the hearing in all of those same manners. We republished in the ENB. We sent notices out to the abutting neighbors again, as under the Code, even though it wasn't clearly required, but we did it out of the abundance of caution. The hearing was published in the Journal News newspaper, and we also resent the notification

to the agencies and organizations and departments that are required under the subdivision regulation, and provided you with proof of having accomplished that.

The Draft Environmental Impact Statement that we prepared covers a number of different potential impacts; land use and zoning, visual resources, soils, topography and steep slopes, flora and fauna, surface water resources and storm water management, utilities, traffic and transportation. It looked at socio-economic and fiscal conditions, community facilities and services, historic and cultural resources, air quality and noise and construction impacts, and we looked at existing conditions with potential impacts of the project on those features and conditions of the environment and then proposed mitigation where we found it was appropriate, and all of that is documented in the Environmental Impact Statement.

The DEIS also examined significant impacts that are not able to be avoided; alternatives to our proposed action, growth inducing the cumulative and secondary impact

and impacts on energy use and consumption. It also looked at irretrievable and irreversible commitment of resources, which is a category under the law that we're required to examine.

We have appended to the document the technical and professional studies and other documentation upon which the Draft Environmental Impact Statement analyses are based, and tonight is the opportunity for the public to make substantive comments on the material in the Draft Environmental Impact Statement and the analogies in it.

As you noted, we have a stenographer here this evening who we brought who will be recording all of the comments and providing a transcript. By law we're required to respond to all substantive comments, and we will do so in a Final Environmental Impact Statement.

Tonight is really the public's opportunity to be heard, so unless there's a particular item that the Board wants us to address this evening, we would be inclined to address it in the Final Environmental Impact Statement and it will be done in writing in a

document that ultimately will have to be accepted the by this Board.

We had talked about the subdivision being a subdivision of 17 lots. It is really 16 building lots. There is are two existing lots already -- that exist already that could be built upon, so this is a creation of 14 new building lots. We are eager to pursue a conservation subdivision on a number of the lots. We would like to be able to pursue that with respect to nine lots, and we provided you with a conventional or as-of-right plan, as well as the conservation plan. And as we've indicated in the past, this would be a fully self-contained development, meaning that the road system would be private, the storm water management facilities would be private, all of the landscaping and other improvements would be privately held, a homeowners' association would be formed to be responsible for the maintenance and care of the roads and the storm water management facilities and the common areas and the open spaces on this subdivision.

So that in a nutshell is the proposal and what we've covered in the Environmental Impact Statement. If you at any time have any questions, we would be happy to address them, but again, we see this as the opportunity for the public to make comments only.

CHAIRMAN McLAUGHLIN: Comments or questions from Board members.

BOARD MEMBER ROSNER: Pat, a while ago one of the big issues was the access from Carlton.

MR. CLEARY: Correct.

BOARD MEMBER ROSNER: According to the deed that was read to us, it limits construction, that there is some limit to construction. Was that ever resolved?

MR. CLEARY: The applicant has responded to their position in the DEIS with respect to that.

MEMBER ROSNER: How do we proceed though when the --

CHAIRMAN McLAUGHLIN: Hold on. Hold on. If you can't hear, the first thing you should do is move up to the front. The second thing

we should do is speak louder, but what happens, folks, like it or not, is it -- move right up to the front, right up. The first row is reserved for dignitaries. What happens, folks, is we wind up inadvertently, as you know, speaking rather conversationally. So I would suggest that if you have any trouble, like myself, hearing, move right up or you can sit right up here in the front if you want.

UNIDENTIFIED SPEAKER: He can use a mike.

CHAIRMAN McLAUGHLIN: We have microphones up here. He will. You want a Board member to come down -- no. He will, he will, but if you're having difficulty, we are here because you're here. We are here to ensure that you understand what's going on. To ensure that you miss nothing, don't sit one row back, you can sit right up here in the front.

UNIDENTIFIED SPEAKER: I hear you clearly.

CHAIRMAN McLAUGHLIN: This is your -- you'll hear me clearly because I'm a loud mouth. I've been told that more than once. I

grew up with seven brothers and two sisters. I get heard. Keith, go ahead.

BOARD MEMBER ROSNER: Pat, how do we address that? I mean, do we assume that they're correct?

MR. CLEARY: No, you don't. And at this point in time, Keith, again, every issue that's raised is the obligation of the applicant to respond in the FEIS. So if you're unclear in the slightest way, simply repeat the question, it's the applicant's obligation to address that satisfactorily in the FEIS. So by virtue of your question, it will now receive another response.

BOARD MEMBER ROSNER: Thank you.

CHAIRMAN McLAUGHLIN: Did you get that?

UNIDENTIFIED SPEAKER: No. Can he use the microphone?

CHAIRMAN McLAUGHLIN: Pat.

MR. CLEARLY: Yes.

CHAIRMAN McLAUGHLIN: Can you move that microphone over closer to you?

MR. CLEARY: I will. Shall I repeat that comment and question?

CHAIRMAN McLAUGHLIN: Yes.

MR. CLEARY: Keith raised the comment about access, and the way this process works is that the formal responses to all the questions this evening will come in another book. So Keith raised the question, it will now be responded to, and the people that determine if that response is satisfactory are those seven folks at the front of the room. So simply raising the question tonight is really all you have to do. So Keith raised an important issue, it will be responded to.

CHAIRMAN McLAUGHLIN: We may have gone over this before, so some of you can take a nap, but the document that finally comes out is a document from this Board, it's not -- it'll be typed by, copied by, put together by others, the applicant, if the applicant wants to do something, but the whole thrust, direction of an Environmental Impact Statement is that it is the lead agency, and we are the lead agency in this case, the lead agency's document. In the typical case, because I've done this a few times before, is the applicant

will put in the word only, it will only be ten times more. BP will say it will only be ten times more oil than was ever in the Gulf and we'll tell them to take out the word only at the minimum, or we'll say boy, there will really be ten times more et cetera, that kind of stuff.

So, there won't be a whole lot of substantive change -- excuse me. There will be substantive change, but it may be subtle, and it may be subtle in the way the thing is worded. Okay. But it's our document when it comes out. It's not the applicant's document. Okay. Any other comments or questions from Board members?

BOARD MEMBER COHEN: There are a number of issues raised in correspondence that are not fully addressed in the DEIS. I think in particular from the Village of Briarcliff Manor on the water issue and there's a communication from a tax payer regarding certain topography concerns or steep sleeps --

CHAIRMAN McLAUGHLIN: Steep slopes.

BOARD MEMBER COHEN: -- concerns that apparently, according -- I can't disagree with them. Have not -- should be restudied in terms of layout. That seems to be a fairly fundamental issue that will have to be addressed. I'm not sure this is the time or an appropriate time to raise the issues, except I'm just curious about how the water issue got to this point without ever being addressed before this. Why did it take the 11th hour for this to come into being? It seems startling.

CHAIRMAN McLAUGHLIN: What John is referring to here is, we've received correspondence -- the applicant -- the applicant received correspondence from Briarcliff after review of the DEIS, and one of the things -- one of the most forceful, in my mind anyhow, certainly what John is talking about, was a comment that said that they're not going to supply water, and if Briarcliff is not going to supply water, then it's incumbent upon the applicant, it's incumbent upon the developer to provide water, wells for

instance. And to the extent that wells come into the picture, then there's a degree of study that needs to be done to ensure that the area can support that many wells, 17 wells, 16 wells, whatever it is, and the viability of that water. Now, the actual viability, whether it's potable or not, is a question that the health department, not this board, that the health department will make a determination of. This board is -- doesn't have the skills, doesn't have the authority, doesn't have the responsibility to rule on the potability of the water, that's a health department issue.

John also said that there were other issues that have been brought up such as steep slopes and the impact of cutting -- we have a steep slopes ordinance in the town, it's a relatively new ordinance, and as a matter of fact, this Board and other boards have been stepping up to understanding what do we need to do, what do we need to pay attention to, how do we ensure that the steep slopes ordinance is adhered to, and in this

1 particular case there are cuts that are going
2 to take place for the installation of roadways
3 and we need now to make sue that the steep
4 slopes ordinance is honored.
5 Specifically, one of the things that the
6 steep slopes ordinance guides the town to
7 prevent is impacts on -- what can I say,
8 folks --
9 MR. CLEARY: Ridge line.
10 CHAIRMAN McLAUGHLIN: -- from the ridge
11 line -- thank you -- impacts on the ridge
12 line.
13 If you have a phone, do what I'm going to
14 do right now, turn it off right now, because
15 this meeting is very important -- and we'll
16 have to make sure that there are no such
17 impacts, ridge line impacts, et cetera.
18 There are other issue, I'm sure, and some
19 will come up later on this evening, I'm quite
20 certain. Any other comments or questions from
21 board members?
22 BOARD MEMBER MCCARTHY: I'm just curious
23 with the cluster, was that ever suggested or
24 requested by the board or our consultants?

CHAIRMAN McLAUGHLIN: What's that?

BOARD MEMBER McCARTHY: The cluster conservation model.

CHAIRMAN McLAUGHLIN: Okay. That one is -- is Danny Taylor in the room?

MR. TAYLOR: Yes.

CHAIRMAN McLAUGHLIN: Okay. I'm not going to go through your whole letter, I'll let you do it, but that question came up in this gentleman's letter, clustering. There is -- it's on your desk.

BOARD MEMBER COHEN: But when did you read it?

CHAIRMAN McLAUGHLIN: Oh, I was here earlier tonight. There is clustering, I couldn't tell you what section. It seems to be 288.

MR. CLEARY: Yup.

CHAIRMAN McLAUGHLIN: Look at that, I've been here too long. Anyhow, it is covered in the Town Code. The rationale -- first of all, it's incumbent upon applicant to lay out his property and to demonstrate to us what's called an as-of-right. I can put 15, I can

put eight, I can put six, whatever it is. As-of-right, given the zoning, if it's R40, R10, whatever, demonstrates to this board, there are some key facts, for instance, for wetlands and steep slopes and stuff like that, but with all of that done, demonstrates that X number of parcels can be put to as-of-right. Then, for any number of reasons, not necessarily articulated in the Code, but mostly for the benefit of the town, for the benefit of the people who will live there, which is a benefit to the town because the town is the people, you know, all that stuff, what we're going to do is move them back and move them together so we'll leave all of this outer space, or all of this inner space or whatever, undeveloped.

MR. TAYLOR: May I respond, please?

CHAIRMAN McLAUGHLIN: No, no, no.

MR. TAYLOR: Okay.

CHAIRMAN McLAUGHLIN: I'm trying to explain to him. I'm going to give you a chance. Let me finish this. As for -- the clustering issue is in the Code and it roughly

follows the kind of guidance that I just gave you. There's some leeway but it's there.

Now, the reason why I'm not letting you respond right now is because right now we're at the point in the meeting where I'm taking input from the board. Once we finish that -- and the reason I do that is because it's very possible -- it's very possible that an issue that is burning in your mind has been addressed by this Board. Hopefully that will either set your mind at ease or maybe even better, keep you from bringing the subject up again, not always.

Once we finish with Board members, we will then go to the public. When we go to the public -- listen up, listen up. You're cheating. There's somebody talking in the back. When we go to the public, I'm going to ask you to raise your hand and take a number. Everybody gets a chance to talk, everybody. If you raise your hand, you get a number. If you get a number, you can talk. So if you're in the room, you can get a chance to address this Board, but you're going to have to A,

raise your hand and B, when you raise your hand, I will assign you a number, and then you'll get to talk when it's your turn. Okay. This way everybody gets a chance to be fully heard by everybody else. Under no circumstances will you argue with your neighbor. Under no circumstances will you argue with the applicant. You can argue with yourself if you want, but I'll ask you to take that argument outside. All right.

Comments or questions from Board members.

Board MEMBER ROSNER: Two other things: In Section B.III, it assumes that -- again, I apologize, I read this like four months ago, so I'm just looking at some scribbling that I made, that the impact for the number of school children would be like 5 to 16 houses. That doesn't sound realistic. We normally assume that's two per household, so 16 houses would be about 32. So Pat, if you can look into that.

And lastly, in the as-of-right computation, I don't think it looks at steep slopes in figuring out the number of houses

that could be built. So we should look into that.

CHAIRMAN McLAUGHLIN: All right. And if you were listening to Pat -- Pat Cleary is our consultant. If you were listening to what Pat said, if there is an issue that you think needs to be addressed, this is the time to bring it -- even if brought it out, you know, two months ago, three months ago, a year ago, whatever, this is the time to bring it out, because once it's on this record in the EIS process, it will have to be included, a comment, a response will have to be included to every substantive comment. I'll get to you in a minute.

UNIDENTIFIED SPEAKER: Can --

CHAIRMAN McLAUGHLIN: In a little while. In a little while. I was told recently I run a tight ship. Any other comments or questions from Board members?

Board MEMBER McCARTHY: Mr. Chairman or Pat, does this proposed conservation plan address some of these steep slope concerns along with the -- I think they proposed also

boundaries, rock boundaries and partition --

MR. CLEARY: They did. And just again, I think this is the first time you've been through this process. I'm not going to answer you, they're not going to answer you tonight. The answer will be provided in a written response in the FEIS. So your comment now has become a question, it goes into this magic box and there will be answer. So this will be a little bit frustrating for those who have not been through this before, but it's a little bit of a different process, so all you need to do is get the question into the record.

Board MEMBER McCARTHY: Okay. Any other comments or questions from Board members?

Okay folks, here we go. We are going into the public input here. I'm going to ask you to raise your hand if you want to speak. Raise your hand if you want to speak. If you're the kind of person who really doesn't want to speak but every once in a while they get really bent out of shape and wants to blurt something out, you can only do that if

you have a number, and the only way to get number is to raise your hand.

You are number one, sir. One person. Only one person? Ah-hah. Two, three, four, five, six. That's it? If you don't have a number, I'm not going to allow you to speak. We do not silence anybody in this room. If you want to speak, if you feel you're going to have to get up there and say something because something just happened, raise your hand and take a number. When it's time, you can say I relinquish the floor.

Board MEMBER LEDERMAN: You don't have to speak because you have a number.

CHAIRMAN McLAUGHLIN: That's right. Being the kind of guy I am, I never even think about that happening. Six. Six going once -- six or seven?

UNIDENTIFIED SPEAKER: Six.

CHAIRMAN McLAUGHLIN: Six going once. Six. Number one, step up to the microphone.

MR. CROSSWELL(ph.): Alan Crosswell, 144 Washburn Road in Briarcliff. I just -- I wrote a lot of notes --

CHAIRMAN McLAUGHLIN: You're not going to go through all of them, are you?

MR. CROSSWELL: That's my question. How do you mechanically want to handle this? Would you prefer to receive this --

CHAIRMAN McLAUGHLIN: No.

MR. CROSSWELL: -- as a formal letter? I mean, completely not written up in an appropriate form to hand to the Board at this point, but I do have a number of questions and comments.

CHAIRMAN McLAUGHLIN: Actually, let me walk through that for a minute.

MR. CROSSWELL: Only this is the notes, this is the --

CHAIRMAN McLAUGHLIN: It would best if you give us something in writing. However, however, given that the Board then -- I would ask, if you can, summarize them now so that we're all certain that it's on the record, and number two, if it's not too much trouble for you, put it in writing and submit it to this Board.

MR. CROSSWELL: Is there a deadline by

which you need to receive the written comments?

CHAIRMAN McLAUGHLIN: Not really.

MR. CLEARY: There is, Mike. It depends on what you do this evening.

CHAIRMAN McLAUGHLIN: I know. 45 days.

Board MEMBER LEDERMAN: 45 days if we close the public hearing.

CHAIRMAN McLAUGHLIN: If we close the public hearing, yeah. I think that's an unlikely possibility, but why don't I say that 30 -- 30 days from now just so that you're --

MR. CROSSWELL: Okay.

CHAIRMAN McLAUGHLIN: -- well within the -- okay go ahead.

MR. CROSSWELL: So first of all, this is not my comments, just this is (indicating).

CHAIRMAN McLAUGHLIN: I'm glad to hear that.

MR. CROSSWELL: Just start with some general comments, and I think you had addressed some of these, so feel free to cut me off if I start rambling. I saw a general lack of precision of language in the document,

which to me is indicative of a similar lack of precision of the fact -- the facts purportedly represented. I'm concerned about a number of inaccuracies, and it might be the future claims or opportunities to explore the ambiguity created by these inaccuracies given. Later on the DEIS you'll see there's a fair amount of hair splitting over --

CHAIRMAN McLAUGHLIN: Give us one or two examples of --

MR. CROSSWELL: Specifically, proper names of the various streets are routinely inconsistently misspelled through the DEIS for Carlton Avenue, Washburn Road and Todd Lane. Again, I don't know how relevant that is, but they are -- it is a legal document --

CHAIRMAN McLAUGHLIN: It can be quite, because this is a legal document, so it's --

MR. CROSSWELL: So I request that the Board find out what the right spellings are and don't use the street signs that the state put up because they're wrong, for Carlton specifically.

The next general comment is that this is

a document of the Board, it's frequent use of various phrases such as the applicant's opinion and so on, and clearly these are inappropriate and I question whether that shouldn't be a statement of fact --

CHAIRMAN McLAUGHLIN: It should be a statement of fact.

MR. CROSSWELL: -- or a statement of opinion, that is, the opinion of the Board rather than the opinion of applicant.

CHAIRMAN McLAUGHLIN: Ultimately what may happen is, you may find in the FEIS some things that say it's the applicant's opinion, you may also find a sentence that says the Board disagrees with that or inconsistencies or whatever.

MR. CROSSWELL: I was using your guidance from a prior meeting (indiscernible) advice of the Board and I saw a lot of applicant this, applicant that, kind of statement. Okay.

There's a lot of use of words such as could and should. That should be replaced by clearer terms, I would think, such as shall and will. Again, you addressed this.

There's a general lack of a completeness for citations in the literature (indiscernible) basis of certain claims making it difficult for one to independently verify the statements made. For example, the Rutgers University Center for Urban Policy Research Residential Demographic Multipliers Study, but the year of publication is not. This is a study that's published every ten years, so I don't know which version they were using. In fact, I couldn't find the current version.

CHAIRMAN McLAUGHLIN: Okay.

MR. CROSSWELL: Specifically, on page I-1 Section I.B, the parcel described one or two are existing vacant parcels. Parcel 2 is an improved parcel. As far as I'm concerned, it's the backyard of Dean Saunders'(ph.) property which is adjacent to mine. So a property with a lawn, isn't that sort of an improved parcel, not a vacant -- I don't know. I'm asking.

CHAIRMAN McLAUGHLIN: What's the question?

MR. CROSSWELL: Well, certain areas are

described as vacant, and the land is in fact improved with a lawn that's maintained. It's currently the back yard of an adjacent property. So is that really vacant? Is that correctly called vacant or is that an improved?

CHAIRMAN McLAUGHLIN: Are they referring to somebody else's property or their own property?

MR. CROSSWELL: It's their own property.

CHAIRMAN McLAUGHLIN: Somebody cuts the grass.

MR. CROSSWELL: They've cut the grass on it, so they've subdivided -- I need to show you the map.

Board MEMBER LEDERMAN: I understand what you're saying. I've had this problem with other DEIS's also. I don't like that term vacant, because there is something on all the properties, whether it's a lot of trees or it's lawn or whatever it is, they are not vacant. I think we need to be more specific in what is on the property, not just call it vacant. It's too vague.

MR. CROSSWELL: Yup. Again, just a different implication of it --

Board MEMBER LEDERMAN: I agree.

MR. CROSSWELL: -- of maintaining the property. On page I-3, Section I.D-3: The topography is described on -- it also slopes to the west with the ridge line approximately down the center running north/south. This is not described, but since I'm downhill from that side of it, from my property, I'm very aware of it. It's one of my biggest concerns is -- there's high control of storm water runoff.

CHAIRMAN McLAUGHLIN: Are you at the top of the ridge or --

MR. CROSSWELL: I'm at the bottom. I'm in the bowl. I'm down hill in every direction.

CHAIRMAN McLAUGHLIN: Must be tough to get out in the morning.

MR. CROSSWELL: In the winter.

CHAIRMAN McLAUGHLIN: Because you're up hill.

MR. CROSSWELL: Yes. Yes.

Board MEMBER COHEN: Can we have a map up on that Board to --

CHAIRMAN McLAUGHLIN: Do we have a map that we can put on the Board?

MR. CROSSWELL: I'll be happy to point at the map.

CHAIRMAN McLAUGHLIN: Okay.

MR. CROSSWELL: While you're doing that, I'll keep paddling along here. On page I-4, Section I.D-5, second paragraph identifies lots six and seven as not draining towards the proposed detention basin, but what about lots 1 through 5 which are on the south and west drainage slopes, they can't possibly drain towards the detention basin that's uphill. So again, they're draining towards my property.

Page I-5, Section I.D-7, second paragraph: Water and sanitary service demands states a recommended one-inch irrigation per week by Cornell University. While this is recommended, is it common practice? Again, this is going to be a homeowner's association, likely sprinklered -- anecdotally (indiscernible) lawn sprinklers and

professional grounds management frequently over water. I'm concerned about whether the estimate which was used to lead to the whole storm water management plan was -- is a good estimate. In other words, do we use this Cornell recommendation as to how much you should water your lawn or should we be using an idea of how much might actually be watered or worst case scenario. Do you want me to point on the map or --

CHAIRMAN McLAUGHLIN: Yeah. Sure.

MS. TORTORELLA: Can we just identify for the record what map it is that we've put up?

CHAIRMAN McLAUGHLIN: Sure. It's an aerial photograph of -- it's labeled Taconic Tract Development's, LLC conventional layout. That's the conventional layout.

UNIDENTIFIED SPEAKER: (Indiscernible) clustering by the way.

CHAIRMAN McLAUGHLIN: That's the conventional layout

MR. CROSSWELL: I'm talking about topography now, so the layout is not too important. This is my property right here,

which is 144 Washburn Road. This is what's called proposed lot 1. And these numbers, I think, stay the same whether it's the conventional or the conservation layout. The numbering on this side of the road changes. So this area here is what was called vacant, and it's actually the backyard of this property, which the owner has subdivided. So I would argue it's not vacant.

These are lots 2, 3, 4 and 5 up the hill. The topography of this area is such that there's a ridge line just about here to the east of Road A. And so while there's runoff from that ridge line towards the Taconic to the east of the ridge line, to the west of the ridge line, the runoff is actually into this area. This then again, above my house when you're going up Washburn Road is downhill as far as it -- basically the valley line is kind of right here just to the west of Road A. So that's the kind of drainage stuff I'm trying to just get clear on.

Board MEMBER COHEN: How does that impact your property?

MR. CROSSWELL: Well, there's actually standing water right around here after heavy rains, and I'll get to it later in one of my comments. I have a reference to it. There's actually an existing improvement of storm water drainage and catch basins that are not shown on the survey in full accuracy that drains from up here through my property and then crosses the road into the duck pond across the street. So there's a fair amount of water runoff and active water flow, 7 by 24. Even in winter you can see steam coming up from the catch basin.

So my question -- I guess this needs to be a question. Is the storm water management plan accurate to be reflective of the existing conditions.

CHAIRMAN McLAUGHLIN: Okay. You're being conversational again. Let me tell you something about the microphone technique. I promise I wouldn't touch the mike, because if I did you would all get sick. You have to bring that thing right up close to your chin.

MR. CROSSWELL: Okay. All right.

CHAIRMAN McLAUGHLIN: There's a turn button down there in the middle for guys like you. That must feel much better.

MR. CROSSWELL: Doesn't even smell like a beer.

CHAIRMAN McLAUGHLIN: Oh, Billy Joel reference there.

MR. CROSSWELL: Just to repeat my question: Does the storm water management plan accurately reflect the existing conditions of drainage and storm water runoff mitigation which crosses my property and into what's identified on the map as lot 1 and further up.

Moving on. Page I-6, Section I.D-8, the traffic and transportation section does not reference existing right-of-way for pedestrian access to Todd Elementary School. So I would ask that that be included in the traffic and transportation study, given there were statements made about the road being adequate and so on, which I would also question, since it's a substandard width road. Again, I'm talking about Washburn Road. And so Todd

Elementary School, there's an existing legal right-of-way through Washburn Road through the Todd Elementary School which is actually -- if you draw a line on the map it's -- what would have been the continuation of Ingham, and that's a right-of-way for school children, pedestrian access to the elementary school.

Okay. Page I-7, 1D10: The school's paragraph claims nine public school children. This number is not supported by demographic statistics -- is this number supported by the demographic statistics?

Page I-3, Section I.D-11: Why is the historic house at 140 Todd Lane not represented?

Page I-8, Section I.D-13: Third paragraph. The statement is because relatively few truck trips are anticipated at peak hours, significant impacts from construction vehicles not expected. I ask that the Board consider imposing a moratorium on truck traffic during Todd Elementary School's arrival and departure hours, giving pedestrian traffic (indiscernible) Washburn

Road as I just described. Again, there are no sidewalks and the roads are substandard width.

My kids are all older now, but many kids in that neighborhood walk to Todd School down Washburn Road. You'll see a later reference to a letter for the Board of Education of Briarcliff Manor that indicates that school buses do not travel down that road because it's substandard. So pedestrian access is the way to go, except for kindergartners who are picked up by mini buses.

Page I-9, Table I-2: Land Use and Zoning under conventional layout says as-of-right 16 lots. Is this accurate or would zoning variances be required to allow 16 lots, which again, I think one of you -- maybe Mr. Chairman, you mentioned that the question of whether the as-of-right includes -- or maybe you didn't -- the restrictions due to steep slopes. Okay.

Page II-3, Section II.B-1: There's a statement that cluster three-bedroom homes wouldn't be attractive to empty-nesters. I suggest that the Board question the logic

behind that. These so-called empty-nester homes are 3,200 square foot three-bedroom houses within walking distance of Todd Elementary School in the Briarcliff Manor School District. I question how likely it is that people with young children wouldn't in fact find this a very attractive area to live and walk a short walk as we did when we moved to Briarcliff Manor.

CHAIRMAN McLAUGHLIN: I would state that question a little differently. I would state that -- I'm not sure how we enforce -- anybody enforces ongoing age restriction. That's an issue that needs to be fully vetted.

MR. CROSSWELL: I would either suggest either enforce it or just require that the calculations assume that the age restriction can't be enforced.

CHAIRMAN McLAUGHLIN: Well, that's one way to do it.

MR. CROSSWELL: Right. On page II-5, Section II.B-1: Third sentence: How do you get 22 empty-nesters to fit in eight houses? And what is the area described by the Rutgers

Residential Demographic Multipliers Study? What year was this study published? Where can one find a copy? This study apparently, from what I read just Googling it a little bit, these state-wide averages that likely do not reflect our unique region, especially highly-ranked school districts. So wouldn't it make more sense to use local demographic data which was supplied by the school Board in 2006 and was updated in 2008 to specifically assess the impact of the Taconic Tract development, which I have right here along with projections, calculations, updates, study, March 2008, which actually addresses Taconic Tract in it, because in 2006, the applicant requested a copy of this demographic study, but then chose the use the Rutgers study instead.

Board MEMBER ROSNER: Dorothy, do you have a copy of that?

THE CLERK: No.

MR. CROSSWELL: Do you want my copy?

THE CLERK: Sure.

CHAIRMAN McLAUGHLIN: Is that an extra

copy or your only copy?

MR. CROSSWELL: I'm not going to read it anymore. I've read it enough. If there's any notes scribbled in there, ignore them.

CHAIRMAN McLAUGHLIN: He didn't write them.

MR. CROSSWELL: By the way, we just received that by requesting it from the school board, so it's an available document.

So in looking at the studies, I questioned the estimate that approximately 25 percent of the children would be attending private or parochial schools. This is in fact -- I guess the question is: Why is there a discrepancy, because on page III-1.3 of the DEIS: The school district's own estimate is 6.7 percent of school eligible district residents attending private or parochial schools cited. Again, this is a very popular public school district, so using a state-wide average, this lowers the numbers.

Okay. I'll get off the school thing. Page II-5, third paragraph: There will be no street lighting or any other type of lighting

provided on or by this development is the quote, and my question for the Board is: Can this be made a binding condition of approval? Those of you who are familiar with the Trump Gold Course, have probably seen the night baseball lighting scheme that they installed, just crazy street lights. So I don't know legally if they're able to do that, but I'm happy the applicant doesn't want to light it like crazy, but I want to make sure that they're not.

CHAIRMAN McLAUGHLIN: The answer to your question is yes, we can enforce it. Well, we can't enforce it. We can include that as a requirement.

MR. CROSSWELL: Page II-6, second paragraph: The proposed action is anticipated to generate $535,000 in tax revenue. How is this calculated? Show your work wasn't done, so I don't know how that was calculated.

Moving on to page II-7, Section II.B-1: Phase IV house construction. In a recent meeting here at this Board, reference was made to two unfinished home construction projects

off Hardscrabble Road resulting in unsightly holes in the ground, foundations for many years because the construction was started and then the builder ran out of funds, apparently. Does the Board have the ability to require the applicant to post performance bonds to ensure that a similar problem doesn't happen at this development?

CHAIRMAN McLAUGHLIN: We don't normally -- I can't point to a single case where we've done so with respect to building houses, but certainly with respect to roads, home improvements, et cetera, those kinds of things, so it's possible for us to do it.

MR. CROSSWELL: I encourage you to consider that. Just, you never know in this economy. The last thing you want to have is a road that's been cut and then not filled, especially when I'm down hill from all that.

Okay. Page II-8, Section II.C, the project background site history failed to mention an extensive storm water drainage system was installed by a prior owner. And prior to this (indiscernible) proposed lot 1

and my property at 144 Washburn Road, including three visible catch basins on my property that essentially feed to the catch basin described later in the DEIS as the development entrance on Washburn Road. The emission of this pre-existing documentation -- this pre-existing condition should be questioned as it carries flowing water year round, and I also ask whether that might qualify as an underground watercourse or if it's just a storm drain. I don't know. It seems like there must have been a stream there at some point in the past and they actually moved it underground, because it's flowing year round. It's not just flowing during rain.

This drainage actually crosses the zone of proposed construction, at lease for lot 1, and I believe for some of the other lots. The pipe route and surface drains are clearly marked on the survey of my property at 144 Washburn Road, lot 5M, lot 3 Section 1, including wording that says it extends the drainage pipe onto the land now or formerly of

William and Margaret Edey(ph.), again, which is shown as lot 1 on the map.

There's just a minor thing on page II-11, Exhibit II-3: Conservation plan fails to indicate the proposed retention pond. So I guess the question formed is: Where's the retention pond on this exhibit? Let's see.

On page III.A-4, third paragraph, the quote is: Overall on the applicant's opinion, proposed development does not hinder the progress of the village to achieve their goals. My question is: What is the village's opinion? Is there correspondence from the village confirming that the proposed project conforms to all the goals and objectives of the village's comprehensive plan?

Likewise, page III.A-5: The proposed project is compatible with the goals of the third regional plan. It's a quote. Will the Board get independent validation of the claims of compliance with various plants cited? What is that Reagan used to say? Trust --

UNIDENTIFIED SPEAKER: Trust but verify.

MR. CROSSWELL: -- trust but verify. Page

III.A-7, third paragraph. The quote is: That the terms of the Countryside declaration apply to (indiscernible) lot D8. The applicant disagrees. Again, this is to my point about the --

CHAIRMAN McLAUGHLIN: Wording, right.

MR. CROSSWELL: Page III.A-7, fifth paragraph: Quote, It's amendments do not define the purported, quote, open space, close quote, limitations on lot D8. Isn't open space a commonly agreed upon definition? It seems like again, kind of hair-splitting here about what's open space.

CHAIRMAN McLAUGHLIN: If there isn't, we should make sure that within that document there is.

MR. CROSSWELL: Page III.A-8, paragraph below the quote from the deed says: The quoted provision is not contained in the deed from Waterhouse to Saunders. Isn't it the case that mistakes like that can happen but that's what a title change is for? Again, this was making a case that the open space restriction on the lot then missing from a

subsequent title transfer, but the wording of the original restriction was this -- in open space -- in perpetuity as open space, and a little bit later says, this restriction shall run with the land in perpetuity. So doesn't that sound like forever and --

CHAIRMAN McLAUGHLIN: It's what the words in perpetuity means.

MR. CROSSWELL: Just checking. Page III.A-8, there's a paragraph talking about the construction of the driveway and installation of a fence. This seems to me like perhaps a former owner violated the terms of the deed which required to maintain an open space. So I guess to make things right, would that require removing the road and fence to restore that parcel to a natural state? Just a question.

CHAIRMAN McLAUGHLIN: That's a question that should be investigated. Usually when somebody gives something in perpetuity, there's a quid pro quo, as they say.

MR. CROSSWELL: Yup. Yup.

CHAIRMAN McLAUGHLIN: So somebody

(indiscernible).

MR. CROSSWELL: Well, this was -- I think the history of this, and Josh Kane could tell you more about it, if I don't steal all his thunder. This is when that development up on Carlton as built. I think there was some kind of exchange or quid pro quo, and part of that required the in perpetuity of open space of that parcel.

Anyway, I have a couple of more questions about the applicant believes that the association lacks standing and so on.

CHAIRMAN McLAUGHLIN: Well, the Board will take care of --

MR. CROSSWELL: -- take care of that. So I just wanted to get that out there. On page III.A-13, I don't understand why R-10 zoning is shown on the table, given that the current zoning is R-40. So I just don't understand the purpose of the table.

CHAIRMAN McLAUGHLIN: Okay.

MR. CROSSWELL: Again, I guess today we just ask the questions and next time we'll hopefully get them answered.

CHAIRMAN McLAUGHLIN: We're (indiscernible).

MR. CROSSWELL: Page III.B-1, first paragraph: Why do the exhibit cross-sections -- Exhibit III.B-1 cross-sections and photograph key numbers not correspond to the photographs in Exhibit III.B-2? It's impossible to identify from the key where the photographs were taken from, given this discrepancy. Also, why were there no photos taken from the south and west, specifically from the vicinity of 140 Todd Lane or 144 Washburn Road? Again, I would be happy to permit access to my property to allow those photos to be taken. This is to better document the bowl-shaped topography that I referenced earlier.

From my property -- from 144 -- 145 is my neighbor up the hill -- you can clearly see the existing service road and the north/south ridge line.

Page III.B-2, Cross-sections on Exhibit III.B-1: Some cross-sections were shown to show the topography. Why weren't some

cross-sections shown that more clearly illustrate the bowl that I've been describing?

I might have asked this question already: On page III.C-1 under Existing Conditions; the question I have about whether the underground, so-called storm drain, is actually a storm drain or a subsurface water course. Why does the document not adequately address this water course or storm drain, in either case, as required --

CHAIRMAN McLAUGHLIN: You want to know its providence and its function?

MR. CROSSWELL: Yes. Specifically, there was wording in the scoping document that required to describe any storm water management facilities on site and for the off-site vicinity, and so there's a gap there.

Page III.C-3, Table III.C-1, notes that CSD and CRC soils are mostly categorized as very limited for a variety of reasons for most of the relevant applications listed. So doesn't this created a greater need for storm water management?

These soils don't drain well. There's

rock almost immediately below the soil. There's also the unusualness in this area to see a house without a basement. So where does all the groundwater go when it percolates up in the springtime?

Let's see. On page III.C-8, Soil Limitations, first paragraph: The statement is this: Can be overcome by stringent erosion control measures. I would ask that can be replaced with shall. I question whether the wording is -- says this can be overcome by stringent erosion control measures. I would ask whether the Board could make that a shall?

CHAIRMAN McLAUGHLIN I don't know. We'll figure that out in time.

MR. CROSSWELL: Similarly, in the third paragraph of the same section. Page III.C-10, item 2, second paragraph; the quote is: The SWPPP storm water something plan has been designed to provide a zero increase in deep runoff through adjacent areas and the municipal system. What municipal system? As far as I know, there is no municipal storm water system on Washburn Road. That's --

CHAIRMAN McLAUGHLIN: I don't know. That may be -- well, it sounds to me like they may be referring to what our town engineer -- what our town requires, zero increase in runoff, but --

MR. CROSSWELL: But there is no municipal system, to my knowledge, on Washburn Road. In fact, it's just gutters, and water just runs down the hill.

On page III.C-10, last paragraph: Concept 14.4, and 13.22 feet are described for the roads. Isn't this excessively deep given the soil layer is only 42 to 48 inches? Wouldn't that lead to an undue amount of blasting required, not to mention --

CHAIRMAN McLAUGHLIN: Well, that goes into the steep slope impact.

MR. CROSSWELL: Page III.C-11, item 6: Quote, therefor the ridge line provisions do not apply to this site. I would question the definition of ridge line. There's a ridge line near (indiscernible) Drive, (indiscernible) the hill, but there's also a north/south ridge line that can be clearly

seen from the vicinity of 145 and 144 Washburn looking east from the Taconic Parkway.

CHAIRMAN McLAUGHLIN: Essentially just east of the Road A.

MR. CROSSWELL: Yes. Yes.

CHAIRMAN McLAUGHLIN: Okay.

MR. CROSSWELL: I have a question on page III.C-21, item 13. There's a statement about New York State DEC regulations and town regulations, and the question is: Does one supercede the other? It's just not clear for me.

CHAIRMAN McLAUGHLIN: Typically state supercedes municipality. We'll get a definition in the DEIS for you:

MR. CROSSWELL: Page III.C-17, Exhibit III.C-2, the grading plan omits one of the catch basins at the property line between the applicant's lot 2 and 144 Washburn Road. It's right on our fence line.

CHAIRMAN McLAUGHLIN: It's the same one you've been talking about --

MR. CROSSWELL: Yeah.

CHAIRMAN McLAUGHLIN: -- catch basin for

that water course.

MR. CROSSWELL: Will the house construction interrupt the drainage that connects to those catch basins? Just for reference, the omitted catch basin is located approximately where the 275 foot elevation line touches the property line. So when you're looking at the -- not this drawing that's up here, but the topographic map, that will give you an understanding of where it's located.

CHAIRMAN McLAUGHLIN: Let me make a comment. Are you understanding everything that he's said?

THE STENOGRAPHER: Yes.

MR. CROSSWELL: Let's see. Page III.D-1, Section D, Flora and Fauna, the field work. I don't know if this is relevant, but none of the field work appears to have happened after dusk, so --

CHAIRMAN McLAUGHLIN: Well, there are town regulations regarding noise and --

MR. CROSSWELL: This has to do with the Flora and Fauna study and whether Flora and

Fauna were identified on the property, and all of the work was done during daylight hours. So the question is whether that's an adequate --

CHAIRMAN McLAUGHLIN: Because the mosquitos come out after dusk.

MR. CROSSWELL: Understood. I would be happy to lend the surveyor DEET. I'm just wondering, because there were no deer identified and clearly there's deer on the property.

CHAIRMAN McLAUGHLIN: I have all the deer.

MR. CROSSWELL: No, I have all the deer.

CHAIRMAN McLAUGHLIN: We have all the deer.

MR. CROSSWELL: On page III.D-6, second paragraph: Quote, this method accounts for trees with a DBH of ten inches or larger. Table III.D-3, removal of trees of DBH greater than 24 inches on the prior page only lists of 24 inch DBH and larger. Shouldn't this table show data for trees ten inches and larger?

CHAIRMAN McLAUGHLIN: There's a tree

replacement formula that is typically applied, right, Pat?

MR. CLEARY: Yes.

(Indiscernible comment.)

CHAIRMAN McLAUGHLIN: What we're saying is the tree ordinance requires that all of the trees, not just ten and higher, not just 23 and higher DBH, but all of the trees be identified in the census.

MR. CROSSWELL: Table -- Page III.D-6, Table III.D-4 is incomplete. The quality column is blank. Should the quality column be blank? That's the question.

CHAIRMAN McLAUGHLIN: Why is the column blank?

MR. CROSSWELL: Why is the quality column blank? Thank you. Pages 3D-8, last paragraph: Quote, the applicant anticipates that pesticide and fertilizer use on the proposed lots will be typical. Given this is undeveloped land right now, this is a significant increase in fertilizer, herbicide and pesticide (indiscernible) relevant to the current natural --

CHAIRMAN McLAUGHLIN: You may be sure we will change -- that's the kind of statement we will change, because we're not talking about --

MR. CROSSWELL: Again, with storm water runoff concerns and so on --

CHAIRMAN McLAUGHLIN: -- (indiscernible) poisonous.

MR. CROSSWELL: Yup. And again, I'm very concerned due to the duck pond which is where all these catch basins drain across the street.

Page III.E-1 through E1, this is a more specific reference to the lack of documentation of the drainage structure. There's also -- it says there's a ditch on the north side of Washburn Road uphill of the basin, and I don't see a ditch. Where is the ditch? There's a complete curve starting at 140 Todd Lane and --

CHAIRMAN McLAUGHLIN: So we need to clarify that. Right.

MR. CROSSWELL: Page III.E-2, first paragraph: An analysis of the drainage basin

was done. Did this analysis include all of the existing drainage basins, given that at least one of them is not even on the survey map?

CHAIRMAN McLAUGHLIN: So it must include all of them.

MR. CROSSWELL: That's going to be the second part. On page III.E-2, Item 2, Anticipated Impacts, and Table III.E-2, shouldn't the proposed conservation layout be analyzed, not the conventional layout? So under (indiscernible) impacts, it seems like the layout that was analyzed is not the one that's proposed. The conventional impact was analyzed rather than the conservation layout, which I believe is the applicant's proposed layout.

CHAIRMAN McLAUGHLIN: Okay.

MR. CROSSWELL: Okay. Page III.E-4, under the section on proposed mitigation which talks about grass, soils, plunge pools, diversion structures and so on; how will all those mitigations be maintained over time such that their performance doesn't degrade to the

point of failure? It seems like an awful lot of storm water management that's going to have to be actively done forever.

I know I just spread another 40 yards of topsoil on my lawn due to storm water runoff. So how's that's going to be handled?

Let's see. Page III.E-6: The statement is, the use of infiltrator chambers was recommended. Should the statement be was -- is required? Again the wording is --

CHAIRMAN McLAUGHLIN: It may be required, but it's fairly typical when there are storm drainage issues that they get proposed.

MR. CROSSWELL: Page III.E-7, referencing the anti-tracking apron at the side entrance. Vehicles will be required to wash their wheels. What agency has the responsibility to make this happen?

CHAIRMAN McLAUGHLIN: Requirement to wash their wheels?

MR. CROSSWELL: As they leave the construction site, there's a requirement to wash the dirt off the truck wheels before they drive on the village roads.

CHAIRMAN McLAUGHLIN: Uh-huh.

MR. CROSSWELL: Who enforces that? Who keeps all that dirt? Yeah, I mean --

MR. CLEARY: It depends on where it is. Typically -- I'll answer. Building department, but oftentimes if it's something that's required (indiscernible) it may also be the DEC or DEP that are involved in those as well. There are mechanisms --

MR. CROSSWELL: So we'll have them on speed dial.

MR. CLEARY: That's right.

CHAIRMAN McLAUGHLIN: I strongly suspect -- what's your first name?

MR. CROSSWELL: Alan.

CHAIRMAN McLAUGHLIN: I strongly suspect Alan is going to be one of the key enforcers.

MR. CROSSWELL: The bad thing is I'm at work in Manhattan --

CHAIRMAN McLAUGHLIN: You don't put this much work into something and not --

MR. CROSSWELL: Long train commute. I mean, fundamentally, I'm just concerned about the storm water impact more than anything

else.

CHAIRMAN McLAUGHLIN: Clearly, right.

MR. CROSSWELL: On page III.F-1, Section III.F-1.A, Water Supply Existing Conditions. Why did it miss a fire hydrant that's in front of 144 Washburn Road? I have another question in the same paragraph. Discussion of using a two inch abandoned waterline to jack up the Taconic. I just need a clarification. Is that what they want -- is that where they want to jack under, a much larger sewer line?

CHAIRMAN McLAUGHLIN: What is the question? Is --

MR. CROSSWELL: There was a reference to an abandoned village waterline that crosses under the Taconic Parkway, and the applicant is proposing jacking a sewer line through that path. I just want to make sure that we get a clarification of that. So a two-inch waterline is going to be the pathway for a 16-inch sewer line or --

CHAIRMAN McLAUGHLIN: I don't know, but we'll get a clarification.

MR. CROSSWELL: The reasoning, I guess,

for using that waterline path was that it would be relatively unobstructed since there's an existing line, but if your old water line is only two inch -- was inadequate, an engineering study done to justify the expectation of that could happen.

I had a question about the status and scope of discussions regarding putting in (indiscernible) town water, but apparently the Board received some recent correspondence.

CHAIRMAN McLAUGHLIN: Uh-huh.

MR. CROSSWELL: Getting to -- if individual wells are required of issues of septic cross-contamination, might there be given a lack of sewers for adjacent properties?

Page III.G-1, item 1, Existing Conditions, third paragraph. The statement is: The roadways in the vicinity of the site are generally standard widths. Is this correct? I believe the town standard for a roadway width is 24 feet and these roadways are generally 18 feet wide or less.

CHAIRMAN McLAUGHLIN: According to

Mr. Taylor's letter we received tonight, at least one of the roads is not.

MR. CROSSWELL: This is, by the way, why the school Board won't allow school buses down Washburn Road, because it's not a standard width. In fact, they have emergency egress from the school through that right-of-way I mentioned, and they had to exercise it once and they said they had a real hard time getting the bus to make the corner.

Page III.G-2, Table III.G-1, on road descriptions. The footnotes says, pavement on Washburn Road at two locations is less than 18 feet, see appendix. Which appendix? How much less than 18 feet? Where are these bottlenecks, and what impact do they have on traffic flow and pedestrian safety?

There's a question on Correspondence to Other Agencies, page III.G-5, second paragraph. I believe letters were sent to the Mount Pleasant Police Department. I don't -- was correspondence sent to the Briarcliff Police Department? Washburn Road is the village line, and I believe it's wholly within

the village, and also, the letter to the Mount Pleasant Police Department did not request accident data, so should that have been asked.

Finally, the paragraph just ends. The accident data, there's missing text. So where's the missing text?

Page III.G-5, the Use of Area Roads, second paragraph states that school buses travel along Washburn Road to access the Todd Elementary School. This needs to be checked, because that's just inaccurate. In fact, the school Board correspondence that was provided states another issue to be considered is the fact that Todd Lane and Washburn are very narrow roads limiting transportation options. That's a September 6th, 2007 letter from Charles Trainer(ph.), Board President of Briarcliff Manor Union Free School District Board of Education.

On page III.G-6, Traffic Vvolumes, trip generation data was developed for 16 units. What number of occupants was that trip generation data developed for? Was it based on the records study, two drivers per house?

It's unclear.

Page III.G-6, the paragraph below Table III.G-3, the trip distribution for the proposed projected traffic volumes was based on a worst case scenario in which most vehicles were traveling to and from Pleasantville Road. Shouldn't that be a likely scenario? I mean, where else are they going to go besides Pleasantville Road? Everyone's going south in the morning. All right. Two people go to the Dunkin Donuts up 9A now that it's open.

CHAIRMAN McLAUGHLIN: Most likely one of the worst cases. (Indiscernible) argue about what it means.

MR. CROSSWELL: Page II.G-6, second to last paragraph, quote, Minimal Pedestrian Traffic. This minimal traffic includes school kids walking to and from Todd Elementary School and to and from the bus stop at the corner of Todd Lane and Carlton Avenue, which is where the older kids have to wait for the school bus. So if there's, I guess, minimal because they're small, but there's a lot of

school kids walking up and town Washburn Road, and I question the use of the term minimal there.

Page III, Section H-5. Has the town tax assessment office reviewed and embedded the provided calculations?

CHAIRMAN McLAUGHLIN: Say that again.

MR. CROSSWELL: There's a tax calculation there or you know, tax revenue calculation, and has the town tax assessor reviewed that information and embedded it? Just as a point of fact on -- there's a reference on page III.I-3 about a letter having been sent to the Briarcliff School District. I believe they estimated 35 school age children would be coming out based on that study, and I encourage the Board to review the study I just gave Dorothy which actually specifically models the Taconic Tract. In an earlier version of it, it didn't take into account the --

CHAIRMAN McLAUGHLIN: Taconic Tract.

MR. CROSSWELL: The -- what's it called? The eight childless homes or whatever you want

to call it.

MS. TORTORELLA: Empty-nesters.

MR. CROSSWELL: Empty-nesters. Thank you. I would argue that. Probably more conservative to use the full 16 anyway to use the estimate.

Page III.I-4, second paragraph, is this private or municipal solid waste pickup? I mean, mine is municipal, Mount Pleasant, on Washburn Road, but this is a private road, so I don't know.

Page III.L.1, is the Board able to require mitigation measures to require the use of ultra clean diesel, high quality mufflers, quiet backup alarms. In other words, clean construction, rather than typical -- I can give you a reference. My employer is doing construction in West Harlem right now and has done all these mitigations.

CHAIRMAN McLAUGHLIN: -- backup (indiscernible).

MR. CROSSWELL: Rather than beeping, they make a screeching sound, which --

Board MEMBER LEDERMAN: (Indiscernible).

MR. CROSSWELL: It doesn't carry as far, so the person walking behind the machine knows it's backing up, but you don't hear it a mile away. So I just don't know if that's within the purview of the Board to require that --

CHAIRMAN McLAUGHLIN: We've never done that before. I don't feel -- I, personally, I don't know about the rest of the Board, don't feel qualified to override the conventional wisdom that says, if you're backing up a backhoe with all of the noise that's around, it should go beep, beep, beep.

MR. CROSSWELL: Well, I'd be happy to provide a reference to what was done in the city. This was done as a community concern mitigation to --

CHAIRMAN McLAUGHLIN: We will not accept it, but --

MR. CROSSWELL: -- protect the ears and the lungs of the nearby residents, especially requiring ultra clean diesel rather than conventional high sulfur diesel.

Page III.L-3. Has the potential impact of ground transmission of shock waves from

blasting been studied as a potential structural risk to the historic Washburn House at 140 Todd Lane, or my not so historic house at 144 Washburn Road and others nearby. This was required in the scoping document, which was page 11. Again, there appears to be a lot of blasting planned.

CHAIRMAN McLAUGHLIN: There's a lot of rock there.

MR. CROSSWELL: Yup. On IV-1, Section B, long term impacts. Should the Board require that a second bullet be added to identify the increased risks to pedestrians, especially school kids walking to Todd School and the Washburn cross and bus stop caused by the additional traffic? I'll try to avoid reading every single thing here.

Appendix G, Flora and Fauna Report, page 26, Appendix 2: NYSDEC correspondence recommends checking back in a year from the date of the letter of April 27th, 2009 to update the response with the most current information available from NYSDEC. Has that been done? It's been a years, so it should

have been done.

Appendix I, Text Pit and Soil Boring Results. The map labels two test pits as TP3. It's unclear which of those is actually TP1. So I would like clarification on that. The question is: Why were all of the test pits dug only on the east side of the north/south ridge line and the oil probes only on the west side? Isn't this an incomplete sampling not to have done it on both sides?

CHAIRMAN McLAUGHLIN: Good question.

MR. CROSSWELL: Appendix J, correspondence. No response is shown to the letter addressed to the Briarcliff Manor Volunteer Fire Department. If the fire chief failed to respond, is there some requirement to contact the village manager or the village Board to --

CHAIRMAN McLAUGHLIN: I don't recall seeing anything from the fire department.

MR. CROSSWELL: It was sent to the chief, but -- he's a volunteer, he's probably busy with his day job.

Board MEMBER LEDERMAN: No, that is his

day job.

MR. CROSSWELL: Oh, okay. Well, then the Mayor needs to give of the chief a call and say respond to your correspondence. And that's all I have.

CHAIRMAN McLAUGHLIN: That's all?

MR. CROSSWELL: I have some more marked up and this if you would like me to go through it. Thank you for bearing with me.

CHAIRMAN McLAUGHLIN: As this difficult as that may have been to go through, look at how much work this gentleman has done for you folks. Thank you very much. You're very helpful. Two.

Board MEMBER COHEN: Will we get that in writing?

CHAIRMAN McLAUGHLIN: Are we going to get that in writing?

MR. CROSSWELL: Yes.

CHAIRMAN McLAUGHLIN: Two.

MR. MARTICCA(ph.): I promise this will be short and sweet. Pretty hard act to follow, Alan.

CHAIRMAN McLAUGHLIN: Just so that her

record is --

MR. MARTICCA: I am Vincent --

CHAIRMAN McLAUGHLIN: -- state your name. Not your address and phone number, just your name.

MR. MARTICCA: I am Vincent Marticca. I reside at 132 Todd Lane, Briarcliff. You need a phone number?

CHAIRMAN McLAUGHLIN: No.

MR. MARTICCA: I think Alan has covered part of what I have to say, and that's why my statements will be pretty short.

My concern is basically traffic. These are country lanes that we reside in. Briarcliff basically is the responsible parties to maintain those roads. My question is: Is Briarcliff -- is the Village of Briarcliff going to be informed that this project is in progress?

CHAIRMAN McLAUGHLIN: The answer to that question is yes.

MR. MARTICCA: Because the highway department, basically, they have not provided lines separating the to and frow going up from

Todd to Washburn from Todd down to the bridge back to Pleasantville Road. I personally have experienced many times where I had to literally stop and pull off into the gutter to allow a big truck to go by. Now, we're talking about a project that's going to take two, maybe three years before they're complete. And we're talking about heavy equipment, we're talking about school buses going up to that emergency exit there many times.

Now, could you manage a school bus confronting an 18-wheeler or one of these earth movers, someone has to give in, there's no place for them to go.

Traffic is the problem. This is a country road. I live off an easement. I've had an experience were individuals don't read signs that this is a dead end, a private road, and trucks have gone up there and I've had to call the police department in Pleasantville to help them get off the road. This is the main, main problem basically I'm concerned with.

I don't deny anybody to improve on their

properties; this is the American way, but let the -- individuals reside in the adjacent building.

So give consideration as far as the traffic's concerned, because basically it is dangerous, very dangerous. The curve that goes around Carlton Avenue when you come up to Todd, you have to make a right to Todd or left to Carlton, that curve, it's horrendous.

I've -- accidents are there to happen. I almost hit somebody myself and I was standing still, and he's coming around off 9A coming around Carlton and swinging and winging right off, and it's too tight. There's not enough room for these vehicles to negotiate, and we're talking about not a week or two, we're talking about years. Cement mixers, earth movers, tractor-trailers, building supplies, buses going back and forth to the school, give that some good consideration.

I have another question here. Since my name is involved and my properties are involved here in this declaration from the

applicant, if I may, provisions to the deeds to abutting properties that provide full and complete, in parenthesis, cooperation, in the subdivision benefits lots A, B, C, E and F Manueli(ph.) and Marticca lots.

The lots that comprise the project site were at one time part of a larger group of holdings owned by Lois and Richard Rosenthal.

(Indiscernible) Rosenthal, (indiscernible) include properties to the west and south of lots E and part of lot F, which is now owned by Manueli and Marticca. The Manueli and Marticca deeds each contain the fooling provisions making title subject to the new owners full and complete cooperation with this single-family subdivision. What I need is an explanation of what does that mean, because on the bottom portion here copies of the Manueli and Marticca deeds are annexed to Appendix N. The parcels that comprise the project site on the lots referred to in the full cooperation covenants, lot 15 is part of lot F, lot 14 is part of E, lot 5F-1 is lot C,

lot 5F is lot B and lot 4B. Further, the applicant is a successor to Rosenthal. Therefor, the applicant believes that the owner of the Manueli and Marticca properties are subject the full cooperation covenants. I need an explanation as to what that means. Thank you.

CHAIRMAN McLAUGHLIN: You reminded me of your father when you said you almost hit somebody and I was standing still. You must be Irish.

MR. MARTICCA: No, I'm --

CHAIRMAN McLAUGHLIN: Only an Irishman can --

MR. MARTICCA: No, I'm -- the Marticca name, that's not Irish.

CHAIRMAN McLAUGHLIN: -- come up with a statement like that, I almost hit somebody and I was standing still. Three.

MR. KANE(ph.): Josh Kane. So before I make some comments, I have some questions, just some point of information. First of all, the letter that you got from Briarcliff concerning water, is that on the Web site; can

we get a copy of that or could you read that now?

CHAIRMAN McLAUGHLIN: The record -- I don't know whether it's on the Web site, but you can certainly get it from --

MR. KANE: Is it a recent letter?

CHAIRMAN McLAUGHLIN: Yes, it's within the last week.

MR. CLEARY June 11th.

MR. KANE: And it basically states that Briarcliff won't provide water.

Board MEMBER LEDERMAN: Cannot provide water.

MR. KANE: In the absence of a water district or period?

MR. CLEARY: Period.

CHAIRMAN McLAUGHLIN: I don't know. There is a water district there, but they are not providing water beyond --

MR. KANE: Right, out of district residents.

CHAIRMAN McLAUGHLIN: Right.

MR. KANE: So they're saying, even if you form a water district, they're still not going

to provide water.

Board MEMBER LEDERMAN: Not exactly right.

CHAIRMAN McLAUGHLIN: They didn't say that. You should read the letter, but when I read the letter, what I would say to you people is Briarcliff is not giving them water.

MR. KANE: Okay. All right.

CHAIRMAN McLAUGHLIN: You have to read it yourself and --

MR. KANE: So we can get a copy of that?

MR. COHEN: It's dated June 11th.

MR. KANE: Okay. Great. Second question is: This letter that Mr. Taylor submitted, can we can get a copy of that also? I'm not sure what that's referring to.

CHAIRMAN McLAUGHLIN: You can have it now.

MR. KANE: Okay. Thanks. That's mine?

CHAIRMAN McLAUGHLIN: Yup. It was mine, it's yours now. Any comments on there I disallow.

MR. KANE: Let's see. The other question is -- oh, Mr. Rosner, you asked about access

from Carlton. So I'm a little confused as to the exchange that went on here. You said is it the applicant supposed to address that or is that settled --

MR. ROSNER: No.

MR. KANE: And then Mr. Cleary said that's going to be -- I'm confused as to what happened.

CHAIRMAN McLAUGHLIN: What Mr. Cleary said was, since you brought up the question, that's why I made such a point of saying, what you said here tonight, they must respond to, because Keith brought the question up again in the form of, weren't we supposed to get an answer to this and so, Pat said because you asked the question tonight, you'll get an answer.

MR. KANE: So what I'm confused about, in the DEIS they do address that issue, which is something that I raised. So are you saying that --

Board MEMBER ROSNER: I'm not satisfied with your answer.

MR. KANE: That's what I want to know.

Thanks. So that means you want more of an answer.

Board MEMBER ROSNER: Right.

MR. KANE: Okay. The other question is: The FEIS, once that's drawn up, is that something that incorporates all of this that's being discussed now, and is that something that states okay, you can build 4 houses, 16 houses, two houses and then we get to comment it, or is it more of just another document that you then refer off of to make your final decision?

CHAIRMAN McLAUGHLIN: The process is, they give us -- we review the FEIS, we decide whether or not the word only remains in there, we decide whether it says in the applicant's opinion, da-da-da-da-da-da. Then we tell them issue this.

MR. KANE: The FEIS.

CHAIRMAN McLAUGHLIN: The FEIS. We then make sure that that document reflects our take on this. It is not -- it's a final document, but it doesn't represent approval. It may implicate, it may signal, it may telegraph

approval or disapproval, as far as that goes, but the actual acceptance, denial, et cetera of an application occurs as a separate event where we take what's called findings. We take -- we say for this reason, that reason and that reason, whether they're ameliorating circumstances or, for lack of a better word, damming circumstances, that's the wrong word, but you get what I mean -- we will land -- that this Board will land based upon a vote of the seven members of the Board.

MR. KANE: And once that FEIS is produced, there's another public comment period on that?

CHAIRMAN McLAUGHLIN: Yes, there is.

MR. KANE: You're shaking your head.

Board MEMBER ROSNER: State law doesn't require it, the Board has --

MR. KANE: Oh, okay.

MR. CLEARY: Well, just to be clear --

Board MEMBER ROSNER: -- the legal process does not require it.

MR. CLEARY: Just to be clear: It allows for a written comment period and the Board may

also have a public hearing if it wants.

CHAIRMAN McLAUGHLIN: And I have never allowed it not to go through. You heard me say this before. We are here because you're here.

MR. KANE: I appreciate that. Okay. Now, like Alan, I also have a lot of comments, and I'm perfectly willing to submit them as written comments and not read them all rather than go through them, because it's probably going to take a little bit of time.

CHAIRMAN McLAUGHLIN: It will take a while. I hate to stifle -- can you not summarize them?

MR. KANE: Well, one summary would be there's a lot of inaccuracies. I mean, appendix is labeled F and it's actually Y, a road is labeled B and it's actually C. You know, it says X, but there's no explanation of X. There's a lot of that, and I really -- and you'll see it when I submit it.

As far as the access from Carlton, which is my pet peeve project here, I've got three pages of notes. I won't read you those notes,

but I would like to read one thing that I've picked out of there that I think is interesting.

CHAIRMAN McLAUGHLIN: I just think you just made her day.

MR. KANE: And this concerns -- let me find it here. Okay. This concerns the whole open space issue and the applicant's contention that he owns the property and he can build on it. I did a little bit of research and background checking. Basically what I'll say, in the DEIS, applicant argues that the common area restrictions apply to all real property owned by Countryside Resident's Association, and since the association no longer owns lot D, and its members no longer have any right of access to or use of it, that it is not subject to the restrictions of common areas.

Earlier on in my summary, I established that lot D was indeed part of the total open space acreage of Countryside, and then I'm going to cite a case, and this is New York Court of Appeals, O'Mara(ph.) versus Town of

Wappingers, 2007 WL3375579, November 15th, 2007. In this case a builder purchased land governed by an open space restriction recorded on the town's final plat, unaware of the restriction, the purchaser built a home which the town eventually forced the purchaser to tear down. The New York Court of Appeals ruled that quote, an open space restriction placed on a final plat pursuant to Town 276 when filed in the office the County Clerk pursuant to Real Property Law 334 is enforceable against the subsequent purchaser.

CHAIRMAN McLAUGHLIN: Did (indiscernible) win?

MR. KANE: No. They had to tear down the house. The guy who made his title search --

CHAIRMAN McLAUGHLIN: Too bad. I liked him already.

MR. KANE: And there's a lot of other things that I talk about regarding the access. So, I'll submit this all to you in writing, hopefully you'll read it and I appreciate it.

CHAIRMAN McLAUGHLIN: It will get responded to.

Board MEMBER COHEN: As a matter of process, and my understanding is, as the law explains, that the applicant must respond to whatever questions are raised. Now, if there's something of substance in the written document that you haven't spoken to us, can that be included in the record for that purpose?

MR. KANE: I'm sorry. Are you asking me?

Board MEMBER COHEN: I'm not asking you. I'm asking --

CHAIRMAN McLAUGHLIN: Yes --

Board MEMBER COHEN: -- the Chairman has to answer --

CHAIRMAN McLAUGHLIN: -- because his submittal of his written comments works as well as -- as forcefully as if he stood here and told them to us.

Board MEMBER COHEN: As part of the response that the applicant will make as a result of questions raised here.

CHAIRMAN McLAUGHLIN: That's right.

MR. KANE: And just to back up a second, a lot of my comments pertain to this whole lot

D access are not in the form of questions, they're just -- you might call them rebuttal, because I looked at what they wrote in the DEIS and I said I disagree and here's why. Is this acceptable?

CHAIRMAN McLAUGHLIN: Yes.

MR. CLEARY: Yes.

MR. TAKEN: Okay. Thanks.

CHAIRMAN McLAUGHLIN: You were three. Four.

Board MEMBER PELLEGRINO: Are you going to submit it?

MR. KANE: This is a scratch copy. I'm going to type up a good copy and give it to the --

Board MEMBER PELLEGRINO: Okay. Thank you.

MR. KANE: Do you want a copy each? Should I print up enough for everybody?

CHAIRMAN McLAUGHLIN: Yes, please.

Board MEMBER PELLEGRINO: Please.

MR. HELLER(ph.): Good evening. Danny Heller, 177 Washburn Road. I am, I guess, you consider us the duck pond homeowners. We're

at the dead end of Washburn Road and I guess you --

CHAIRMAN McLAUGHLIN: You're between the blue line and the Todd School?

MR. HELLER: Yes. I guess I would be on the southeast corner across the street from Alan --

CHAIRMAN McLAUGHLIN: The lower left corner.

MR. HELLER: Yeah, lower left corner. So the concern I have -- Alan brought up all the points, but we have the duck pond where all the water from the catch basins run into our pond and then into the wetlands. And my concern is, in the past year we've lost six trees due to the saturation of the land.

CHAIRMAN McLAUGHLIN: Due to saturation of --

MR. HELLER: Saturation of the land, the wetness of the land. I called the State. The State's basically telling me it's my problem. We purchased land on the wetlands, which is designated as wetlands property, which I understand and I agreed with, there's a fence

that actually borders my property and the State land by the Taconic and my concern is, of course --

CHAIRMAN McLAUGHLIN: On the lower part of --

MR. HELLER: It's the lowest part, right.

CHAIRMAN McLAUGHLIN: Right.

MR. HELLER: -- if there's going to be more water running into the duck pond. We have soap suds that are now coming into the pond from up in the hills. I don't know whose property it's coming from, but it's coming in. So that is a very big concern because the land is saturated now. I mean, it's so wet and damp. So that's one of the major problems. So I wanted to bring that to your attention to look into it, please.

Secondly, one point which has never been brought up by anybody here, and I would like the applicant to look at this or the Board; there's a concern of an entrance on Carlton and there's concern of an entrance on Washburn as you've heard tonight. So my question is: The applicant has an entrance at 124, I

believe it's Todd or Washburn Road, that's his entrance to his property. My question is: Why wouldn't that be considered an entrance to this development at all? That's something that was never brought up. So looking at all the narrow roads, the fact that Washburn has no lights, it's a very desolate road at night, why would 124, the main entrance, be used as the main entrance to this site? Is that a valid question?

CHAIRMAN McLAUGHLIN: Yes.

MR. HELLER: That's it.

CHAIRMAN McLAUGHLIN: You were four. Five. Five. Five is asleep. Five.

MS. ROMBACH(ph.): Hi. I'm Lilly Rombach, 1 Doxbury Circle, and I'm -- my home is on Carlton and then the entrance is on Doxbury, but I really am -- we're getting the feeling more and more that the Carlton Avenue road will be facing 1 Doxbury, which really the home faces Carlton Avenue. So -- and we face what I guess is considered the open space; right? So we really -- we're there six years. We were in a different home in

Briarcliff, and when we bought the home was definitely under the assumption that that was open space and there would be something built directly across from us. There is a home across from us the left on Carlton and then there's a lovely short of a fence, and clearly the topography is that water runs down the hill as it is. We've had to bring in over the last six years a tremendous amount of sort of (indiscernible) dirt to sort of help with water problem, but it would be --

CHAIRMAN McLAUGHLIN: Down the hill towards your house or down the hill towards Carlton Avenue?

MS. ROMBACH: Both. Toward our home -- toward our home. We are directly -- would be -- it's unbelievable to me, directly in front of the new road that would be -- so I'm very concerned.

Also in terms of the construction; I am personally a breast cancer survivor of six years ago and very, very concerned about what's going to go on there in terms of the health of the children in the area, in terms

of fill that might be under there. I mean, I walk my dog, I take my son and there's -- if you look behind sort of what I face, there's glass and there's bottles, and I can't even imagine the -- sort of what the dirt and the dust and what we'll be inhaling. It's just very overwhelming in terms of the health considerations, and I'm asking that we revisit that as many times as we have to, plus I really do think in the long term there are very negative effects to that kind of construction that will go on on a very small street facing my home on other homes where we have kids playing in the cul-de-sac and right in that area. The traffic would be, I mean, quadrupled. Again, I can't imagine. As it is, I think Carlton has become somewhat of a pass-thru for people who kind of figured out they can avoid the 9A traffic and pick up Carlton right on the Taconic. So to invite more traffic would be again, would be a large problem.

So in terms of the water problem, the traffic, and for me personally the

environmental effects on our health, I really urge you to take a good look at that because in 20 years I don't want to hear that we think this is sort of -- kids are growing up and having illnesses and lung problems and things like that because of what we build, 10, 12, 14 or 16 homes.

I grew up, unfortunately, in a place where there was a garbage dump and a landfill area and clearly, you know, they found that there was an effect on -- unfortunately a lot of women and children in that area due to that.

So those are my concerns, and I hope we can visit them as many times as we have to make sure -- you know, that we're not putting any of us in danger and our homes under water.

CHAIRMAN McLAUGHLIN: So I get out of your comments, runoff --

MS. ROMBACH: Yup.

CHAIRMAN McLAUGHLIN: -- down Carlton, dust and dirt and potential long-term effects from traffic.

MS. ROMBACH: Traffic, and I think the

four years of building and dirt and yeah, the exposure to things, chemicals and fertilizer. I think Alan also mentioned what's typical fertilizer. You know, I think those kind of words are easy when you're not living literally below and where the road will literally be five feet in front of you. I'm not really -- I mean, I embrace people. The more the merrier. I love children. I'm comfortable with 30 more kids being in school. I'm not negative that way. I'm very uncomfortable with what it will do to again, a road that is already difficult; buses that can't get by and everyone has to stop in front of my home, people are pulling over. It just doesn't seem like it will support what they're proposing in this little community that we have, specifically these cul-de-sacs off of Carlton Avenue, and my home specifically faces the Carlton piece. So I -- you know, I can't imagine. And again, when we purchased the home, we went over with our attorney that the space across the street could never be built on, we were told that. It was part of the

Countryside Association, and despite it being behind the fence, we were told that it was still part of something that I think Josh is pointing out, a property that is sort of -- I don't know whether that's grandfathered, that it's -- you know, I don't know the right clause, but even though it's on their property, it still -- that triangle it still part of open space.

So I guess I'm sort of in shock that now (indiscernible) can build 16 houses north of that.

UNIDENTIFIED SPEAKER: South of that.

MS. ROMBACH: South of that. Well, for me it --

CHAIRMAN McLAUGHLIN: Where it says Doxbury Circle --

MS. ROMBACH: Yes.

CHAIRMAN McLAUGHLIN: -- and Carlton Avenue, that's where --

MS. ROMBACH: Yeah. I'm 1 Doxbury, but the actual home --

CHAIRMAN McLAUGHLIN: Walk over and put your finger on --

MS. ROMBACH: You know, I'm not --
MS. FASNACHT: Do you need help?
MS. ROMBACH: Yeah, maybe. So here -- this is me.
MS. FASNACHT: So this would be your house. That's your house right there.
MS. ROMBACH: Well, I think I'm really -- yeah, I'm here.
MS. FASNACHT: That's an actual photo.
MS. ROMBACH: Okay. There I am. There was the Delaney. I don't know if you all knew the Delaneys. He still comes to visit us and tells us how wonderful the house was.
CHAIRMAN McLAUGHLIN: I have his name --
MS. ROMBACH: He was the president of Con Ed, so he put a lot of love into the house, and it was the first house built in the community in '81 prior to the rest of the homes in the area being built. So this is me and this is the road coming here, and this is my property. This is where my kids play. So this whole corner is my half acre right here. So to me it's directly across the street from my house.

Board MEMBER McCARTHY: The open space you're referring to?

MS. ROMBACH: Yeah. When I bought the home right here I was told -- we went ever this many times, that you know -- if there were homes there it would be fine, but there weren't.

UNIDENTIFIED SPEAKER: Just indicate where you're pointing just for the record.

MS. ROMBACH: I'm pointing to where this road will come down and butt up against the cul-de-sac of Doxbury Circle onto Carlton Avenue, which the entire corner is my corner. And clearly, this will be a lot of dirt and a concern of water runoff as well, as they take away trees and things. Okay. Thank you.

CHAIRMAN McLAUGHLIN: The stenographer must have been trained in the Bronx because she kept up with her.

MR. TAYLOR: Dan Taylor.

CHAIRMAN McLAUGHLIN: Six.

MR. TAYLOR: Last one. I'll make it short.

CHAIRMAN McLAUGHLIN: Right up to the

microphone now, come on. You've been here before. Step up close, sir.

MR. TAYLOR: All right. Got it now.

Board MEMBER PELLEGRINO: You can adjust that. Make it comfortable.

MR. TAYLOR: To refer or return now to your earlier comments, Mr. Chairman, about the zoning question. It was not so much whether the Town Code allowed zoning or not, but in Section III.A of the DEIS, the discussion mainly focuses on the County of Westchester and the Village of Briarcliff. I think what it should do for clarity, is cite the town ordinance on which they're relying, and then any criteria which is spelled out for cluster zoning should be identified and go through on a bullet basis to make sure they've established their eligibility for it. That was my comment for it.

CHAIRMAN McLAUGHLIN: They do that in this process, but I get your point. It's not explicit in the EIS. Okay.

MR. TAYLOR: Another, I think, muddy area is the D chain and description and analysis.

I have gone through it once just very briefly, I must say I skimmed it, I didn't go through it in detail, but there are a number of contentions made about possible lapsing of certain provisions as one deed was passed and followed by another and the language wasn't transferred exactly. That may be an area where the town's attorneys or perhaps even an outside counsel should be engaged to advise, because this is something which is a matter of legal judgment and not so much factual, as far as the conclusions themselves can be drawn. So I would recommend that the Board obtain advice regarding those conclusions to see if they're accurate.

My main concern, and it's outlined in the letter that I delivered today, is really with traffic on Carlton Avenue and the condition of Carlton Avenue, which in some new areas at the top of the hill is perhaps 24-foot road, but on the southern portion coming down the hill going towards the 9A connector and then up to the Todd and Washburn intersection, measures -- and I put a tape on it, as narrow as 17 and

a half and 18 feet in places. In some areas with steep ruts, with blind corners, very poor visibility, and it's a road that is substantially deteriorating in the southern section. I think it's heavily fractured with developing potholes, and I suspect the base itself needs to be rebuilt because a lot of water comes up through the road at certain times and the pavement is actually buckled where the main weight of the vehicles go over it as they goes by. So I won't go into all of the issues in detail because they're outlined in my letter, but I think that Carlton Avenue is not in its present condition, able to support the traffic in a physical sense or from the standpoint of safety for motorists and pedestrians.

CHAIRMAN McLAUGHLIN: So that this is clear; Mr. Taylor's letter should be included as though he made those comments here tonight.

MR. TAYLOR: Thank you. That's all I have to say.

CHAIRMAN McLAUGHLIN: Thank you. All right. So we got some issues, legal issues,

opinion issues, clarification issues. We have an open public hearing --

Board MEMBER ROSNER: I make a motion to continue the public hearing.

Board MEMBER PELLEGRINO: Second.

CHAIRMAN McLAUGHLIN: I thought you'd never do it.

Board MEMBER PELLEGRINO: Second.

CHAIRMAN McLAUGHLIN: We continue the public hearing by Keith.

Board MEMBER PELLEGRINO: Seconded by Regina. George?

Board MEMBER PAPPAS: Aye.

CHAIRMAN McLAUGHLIN: Regina?

Board MEMBER PELLEGRINO: Aye.

CHAIRMAN McLAUGHLIN: John.

Board MEMBER COHEN: Aye.

CHAIRMAN McLAUGHLIN: Joan?

Board MEMBER LEDERMAN: Aye.

CHAIRMAN McLAUGHLIN: Keith?

Board MEMBER ROSNER: Aye.

CHAIRMAN McLAUGHLIN: Denis?

Board MEMBER McCARTHY: Aye.

CHAIRMAN McLAUGHLIN: Aye.

Board MEMBER ROSNER: The first meeting in August?

CHAIRMAN McLAUGHLIN: You should know, we've made some changes in our scheduled meetings. There will be no -- regularly we would have had a meeting right before July 4th, we are not having that meeting. Next meeting is July 21st or July 19th?

THE CLERK: July 19th.

CHAIRMAN McLAUGHLIN: This issue will not be making it onto the July 19th agenda.

THE CLERK: August 5th.

CHAIRMAN McLAUGHLIN: The next one is August 5th. It may make it onto the August 5th meeting.

MS. TORTORELLA: Thank you, Mr. Chairman. Geraldine Tortorella. I just -- there are a number of statements that were made this evening. We will be responding to them in the FEIS. I have a client who was commenting during the course of the comments being made, and I think there are a number of things that require clarification, not only in the sense that the DEIS may not have had all of the

details, but I think there is in some respect, a misunderstanding of the information in the DEIS and the physical conditions and existing conditions on the site and in the area. So I don't want you to think that our backup response to each and every item this evening should be construed as a concession on our part that we have failed to look at storm water, we have failed to adequately evaluate traffic or represent information with respect to the road system. I just want that to be clear.

CHAIRMAN McLAUGHLIN: We don't have any such feelings. Okay. Have a good 4th of July everybody.

MS. TORTORELLA: Thank you.

(Time noted: 10:14 p.m.)

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) ss.

5 COUNTY OF WESTCHESTER)

6 I, MARCI LOREN DUSTIN, Court Reporter

7 and Notary Public within and for the County of

8 Westchester, State of New York, do hereby certify:

9 That I reported the proceedings that

10 are hereinbefore set forth, and that such

11 transcript is a true and accurate record of said

12 proceedings.

13 AND, I further certify that I am not

14 related to any of the parties to this action by

15 blood or marriage, and that I am in no way

16 interested in the outcome of this matter.

17

18 IN WITNESS WHEREOF, I have hereunto

19 set my hand.

20

21 Marci Loren Dustin

22 MARCI LOREN DUSTIN

23 Court Reporter

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TOWN OF MOUNT PLEASANT PLANNING BOARD

COUNTY OF WESTCHESTER

----------x

CONTINUED PUBLIC HEARING FOR DRAFT

ENVIRONMENTAL IMPACT STATEMENT(DEIS)

TACONIC TRACT 17-LOT

SUBDIVISION APP. #926 (R-40 ZONE)

----------x

August 5, 2010

8:22 p.m.

One Town Hall Plaza

Valhalla, New York 10595

B E F O R E :

MICHAEL McLAUGHLIN, CHAIRMAN

DENIS McCARTHY, BOARD MEMBER

KEITH ROSNER, BOARD MEMBER

JOAN LEDERMAN, BOARD MEMBER

JOHN COHEN, BOARD MEMBER

GEORGE PAPPAS, BOARD MEMBER

PATRICK CLEARY, PLANNING CONSULTANT

1 A P P E A R A N C E S :
2
3 HOCHERMAN TORTORELLA & WEKSTEIN, LLP
4 Attorneys for the Applicant
5 One North Broadway
6 White Plains, New York 10601
7 BY: GERALDINE N. TORTORELLA, ESQ.
8
9
10
11 ALSO PRESENT:
12
13 Amanda Decesare, WSP Sells
14 Andrew Saunders, Taconic Tract Development, LLC
15 David Smith, AICP, Saccardi & Schiff, Inc.
16
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CHAIRMAN McLAUGHLIN: Item number 2 now is the continued Public Hearing for a Draft Environmental Impact Statement or DEIS for the Taconic Tract 17-Lot Subdivision, Application number 926 in the R-40 Zone at 128 Todd Lane, Briarcliff Manor. Section, block and lot are 98.11-2-37, 38, 39, 42 and part of 40. The owner is Taconic Tract Development, LLC. The engineer is Susan Fasnacht of WSP-Sells Engineers. The attorney is Geraldine N. Tortorella.

MS. TORTORELLA: Good evening. Geraldine Tortorella of Hocherman Tortorella & Wekstein, and we're counsel for the applicant.

This is a continuation of the public hearing on the Draft Environmental Impact Statement that was started on June 21st, so we don't have any presentation. If there are any questions that come up that you would like us to answer on the spot, we would be happy to, although it's typically our practice and we would make sure that we would answer everything in the Final Environmental Impact Statement.

1 CHAIRMAN McLAUGHLIN: Did you get a copy
2 of Pat's comments from earlier this week?
3 MS. TORTORELLA: We received those, and
4 we have received all other written comments
5 that have been submitted. They have been
6 passed along to us as well. We have the
7 transcript and we're working on dissecting the
8 comments, and I'm working on the responses to
9 the impact statement.
10 CHAIRMAN McLAUGHLIN: Okay. Comments or
11 questions from Board members?
12 BOARD MEMBER COHEN: I noticed that one
13 of the times and (inaudible) discussing the
14 amount of excavation that was necessary to put
15 roads B and C in, and I wanted to second my
16 concerns on that very issue, plus the fact
17 that in addition to the excavation, steep
18 slopes are being created by making the
19 transition between the new road elevation and
20 the existing terrain opposite and up to the
21 property line, and I'm seriously concerned
22 with that practice -- the creation of steep
23 slopes in addition to the disturbing slopes
24 that are already there, and I'm not sure how

you mitigate that, but there is quite a bit of that within the realignment of the roadways and the driveways, and I would hope there's some other way of accomplishing your layout or modification or reduce the amount of excavation and creation of steeper slopes then are already there.

CHAIRMAN McLAUGHLIN: Okay. Other comments or questions?

BOARD MEMBER ROSNER: I think this was mentioned at the prior meeting, I just want to reinforce that the calculations that we have for the as-of-right I think is faulty where it didn't consider steep slopes. You need to consider those in determining the as-of-right. Some of the land is not buildable and (inaudible) wetlands too, so that must be looked at.

CHAIRMAN McLAUGHLIN: Okay. Any other comments or questions from Board members?

BOARD MEMBER LEDERMAN: Considering the lack of public water available to the site at this time, I think we might want to consider sprinkler systems, particularly in the

attached housing.

CHAIRMAN McLAUGHLIN: Okay. Any other comments or questions?

(No response.)

CHAIRMAN McLAUGHLIN: Okay folks, this is a public hearing. If there's anybody in the room that wants to address the Board on this issue, raise your hand, you get a number. You get a number, you get to talk. If you don't raise your hand, you don't get a number. If you don't get a number, you don't get to talk. Everybody who gets a number has a chance to talk. Raise your hand if you want to talk. One, two, three. Okay. Three. One.

MR. CAVY(ph.): Good evening. My name is Steven Cavy. I'm a member of the conservation advisory council. I have some comments I want to read into the record which we'll be following up with written comments delivered to the Board prior to the close of the public comment period, but for the moment I just wanted to read these comments which are specific to the environmental and conservation

1 issues that are raised by the CAC in the DEIS.
2 This is not meant to be a comprehensive
3 review of the DEIS. There are quite a number
4 of other issues. We're going to focus only on
5 these specific issues, if you determine. This
6 is a summary of what I here, and as I said,
7 we'll deliver written comments to you prior to
8 the close of the period.
9 CHAIRMAN McLAUGHLIN: Steve, just -- we
10 can't hear you very well, but just be mindful
11 that unless you're up close to that microphone
12 the camera is not going to pick it up, so
13 other people who might be watching --
14 insomniacs and others will get me in the
15 supermarket and tell me about it.
16 MR. CAVY: I've always thought you guys
17 should put a podium here.
18 CHAIRMAN McLAUGHLIN: There's a little
19 turn button in the middle that will bring it
20 right up.
21 MR. CAVY: Put the little glass of water
22 and some notes and camera off to the side.
23 BOARD MEMBER LEDERMAN: We don't want you
24 to be that comfortable.

MR. CAVY: That's right. I was at the last public hearing.

CHAIRMAN McLAUGHLIN: Joan, I thought we were never going to talk about that again.

MR. CAVY: Okay. Well, let me begin. And these are really, I think, five basic categories. The first is land conservation, flora and fauna protection. And the conservation subdivision preferred by the applicant provides approximately eight acres of open space, and we support a conservation layout which preserves contiguous wooded areas, though it appears that the purpose of clustering a portion of the homes is to optimize the lot count to the maximum allowed for zoning rather than to maximize open space and minimize environmental impact; and this is a concern of ours.

We would like to see the possibility of further clustering. In fact, we would even suggest for conservation purposes, an alternative with all units clustered on the north and northwest portion of the property which would preserve more open space, reduce

1 steep slope disturbance and also reduce the
2 number of very large trees that are planned to
3 be removed. Storm water impacts would also be
4 reduced by this --
5 CHAIRMAN McLAUGHLIN: Did you receive
6 Pat's -- a copy Pat's --
7 MR. CAVY: No, no, I did not.
8 CHAIRMAN McLAUGHLIN: Pat addresses the
9 same issue. Pat, I'm going to paraphrase
10 here. Some of the lots conform, some of them
11 do not; so it doesn't look like there's a
12 question as to what purpose is being achieved
13 -- what common good purpose is being achieved
14 by the clustering. So you --
15 MR. CAVY: And let me say that it's
16 admirable to have this open space conservation
17 provided as part of the plan. So we wouldn't
18 want to lose that characteristic of the site,
19 but I don't know that there's a necessity for
20 16 lots on the site or if there is going to be
21 -- there are going to be 16 lots, then perhaps
22 there should be more clustering in order to
23 accommodate it.
24 We'd like to see from a conservation

1 (inaudible) as much open space as possible and
2 as little impact on -- environmental impact.
3 So let me just go on.
4 The landscaping plan: We commend the
5 landscaping plan. We note it includes the use
6 of native plants, and the use of native plants
7 in preserving habitat is an important
8 component of good environmental planning. We
9 commend the applicant for including it in the
10 plan.
11 We also recommend that provisions are
12 made to ensure that the continued use of
13 native plants by the residents' association is
14 provided for, as well as implementing an
15 organic lawn maintenance plan that would
16 eliminate the use of pesticides. This is
17 something that has been done in a number of
18 localities, often further north in the county,
19 but we have an opportunity to introduce this
20 as a possibility, which over the long term
21 actually results in less maintenance and no
22 pesticide use. It does take some capital
23 investment initially in the initial stages,
24 but ultimately you have green grass -- long

green grass without the use of pesticides. Very environmentally sound.

The flora and fauna report includes typical species commonly found. The (inaudible) no threatened or endangered species were observed as noted in the report, but remarkably, neither were any deer, which is extremely unusual and raises questions to us on the thoroughness of the field survey. So that is just an omission that we can't really explain.

I should tell you that I live near the site and walk by it on regular basis, and I see deer all the time, sometimes walking right in front of me, so I thought it was unusual. Okay.

The fauna report concludes they'll be an inevitable loss of species diversity from the habitat destruction, however -- and this is quote -- habitat values will be depended on landscaped planting schemes and maintenance regimes of the developed lots and protected cover for wildlife, end quote. Use of native plants in the landscape should be included --

they are included, but we want to make it mandated. Measures to reduce or eliminate the use of pesticides and maintain species richness should be detailed. And this would be particularly valuable for residents as well, if well water is being used. So this is a fact that we really have to consider in the context of the plan as it's evolving.

The rock outcrops on the southeast of the property are noted as microhabitats, and the flora and fauna report suggests they should be protected where possible. We strongly recommend that since these rock outcrops are part of the open space, specific measures should be taken to preserve this important ecological feature.

And lastly, the report notes that Indiana -- that habitats are possible on this site, and we would like to be sure that those habitats are identified and protected as described in the DEIS and the reforestation of native species is noted and is a positive measure.

With regard to water and wells: The use

of municipal water from the Village of Briarcliff as acknowledged in the DEIS has not been approved. Considering the Village recently declined to provide municipal water to a three-lot subdivision on Chappaqua Road without the creation of a water district, we believe it's not likely for this subdivision. So as an alternative, the applicant has proposed using well water, and the CAC then questions the impact of the proposed foreign water management plan on the ground water recharge since the fully developed site of large amounts of impervious services and a storm water management plant will divert the water off site.

I'm not a hydrology expert, and I did though look to the extent that I could understand it, at the soil composition and the bedrock, and it's possible that there won't be any impact, but I think it's important for us to look at, particularly if it's going to be well water to 16 or so homes and how that's going to be mitigated. I didn't see it in the DEIS.

Storm water management: The CAC suggests the use of low impact storm water systems including grates, pipes and drains designed to protect wildlife from being drawn into the system, use of pervious pavers, rain gardens and other sustainable measures. These should be detailed in the FEIS and incorporated into the site plan where possible. There are a lot of new engineering techniques out there, and these are all possibilities. They weren't noted in the DEIS.

We would like to see more detail about -- particularly with the steep slopes construction and how this might be mitigated, these new sustainable methods.

An existing storm water -- an existing storm system on the property is referred to as inlet, and it's briefly described in the DEIS. The system appears to be a series of storm drains and pipes which sends storm water directly into the New York State DEC wetlands and the neighbor's pond without any treatment. It's a pipe system, no swales, nothing, storm drains, water comes in, goes out, untreated.

During the site walk that the CAC had, Mr. Saunders mentioned that this existing system might be used as drainage for the cluster homes, but I didn't see any specific detail on this system in the DEIS, and this kind of detail needs to be provided. Is the system going to be integrated into the storm water management plan? Is the neighbor's pond intended to be used as a retention basin? And is there an existing agreement with the neighbor for that use? I don't see this information in the DEIS, and it should be there.

In fact, the storm water drains are noted on a few of the drawings but not -- not -- there's no dedicated drawing. It's just by -- I think just by coincidence or something it's there.

Under current conditions the water that comes out of this existing storm water system could be relatively benign, but with 16 landscaped homes, various chemical landscaping measures and the upgraded roadways serving the residents, the runoff impact will be entirely

1 different.
2 Other questions on the system were raised
3 by Alan Crosswell(ph.), a neighboring property
4 owner with one of the storm drains on his
5 property. The reports says, water appears to
6 be running through the system year-round
7 regardless of storm conditions. During a
8 series of casual inspections that I -- as I
9 said, I walk by the site on a regular basis.
10 I did notice that there is almost always water
11 in the storm drain under the catch basins on
12 Washburn and almost always -- in fact, I can't
13 really recall an instance where I didn't see
14 water running through -- sometimes it
15 trickles, sometimes it's a fair amount --
16 regardless of the recent weather conditions.
17 It may not have rained for several days,
18 but there is water there.
19 So this suggests the possibility that the
20 system was installed to divert previously a
21 existing water course. I have seen this in
22 some examples around, and it makes sense,
23 because if you look at the typography, the
24 storm drain runs in the area on the property

where an existing water course might have been. I don't know the answer to that, but we would recommend that there should be further investigation by a hydrologist or other professional with the expertise to make this determination.

And this, by the way, could have an impact on home size. If in fact there is some underground stream or some other water course that appears there, we may have some issues with regard to the foundations and other construction measures.

Impacts on energy use and conservation: It's positively noted that the development will not have street lighting. This is an environmentally sound decision, providing both aesthetic benefits and energy efficiency. We support this aspect of the plan that does not add more energy consumption and unnecessary light pollution to an existing residential area, however we recommend more energy efficient measures.

A very short general outline in the DEIS states that quote, homes will be designed to

meet or exceed the New York State Energy Conservation Code, end quote. The CAC would like to see a more detailed commitment to this increasingly important issue. For example, it states in the DEIS, quote, windows are likely to be double pane insulated glass for winter heating and low emissivity for summer cooling, end quote. That does not demonstrate a defined commitment to sustainable construction.

Specifically we would like to request information on the type of energy efficient materials and more definitive assertions on their use.

New home construction offers a great opportunity for use of the most energy efficient materials reducing energy consumption and (inaudible). Homes should include CFC lighting and other LEDS type measures which would significantly add both to the environmental and market value of the development from reduced energy costs and the reduced environmental impacts of these new homes.

We live in a new age, and it is time for developers to respond to this, and I think it's good planning -- it's a good planning measure to take these issues into consideration, all new construction especially.

Lastly, there's a very significant issue as part of the site access, and this is not just -- this is outside of conservation issues, and the reason I say this is because there's a question with regard to the use of a parcel of land along Carlton.

Let me just read my comments here, which is: Access to the site across a parcel that had been deeded as open space is a serious concern from a conservation perspective, as well as a legal issue that the town needs to clarify.

The notion that deeded open space can be arbitrarily used for roads under minds the long-term goals and the purpose of conservation planning.

CHAIRMAN McLAUGHLIN: Pat makes that same point.

BOARD MEMBER ROSNER: Did you read the --

MR. CAVY: I did read the stuff (inaudible). I would really like to have the CAC copied on these kinds of things so we can coordinate, or at least understand what's going on all around this process.

CHAIRMAN McLAUGHLIN: We can do that.

MR. CAVY: Pardon?

CHAIRMAN McLAUGHLIN: We can do that.

MR. CAVY: Good. I appreciate that.

CHAIRMAN McLAUGHLIN: You got email?

MR. CAVY: Well yeah, right. There we go. The Town has an obligation to review and determine as suggested in the DEIS, previous improper use or an abandonment of the restrictive covenant or easement if a change of title permits use for an access road to a 16 lot subdivision. Good planning will dictate a hard look at this issue.

If it's determined that this plan deeded in perpetuity for common open space use by the residents cannot be used for a road, then access to the site is problematic. The only

other frontage is along Washburn Road where there is serious sight distance and substandard road issues along with pedestrians safety concerns with foot traffic from the elementary school walking path across the street. That issue must be resolved, and the CAC is strongly opposed to using deeded open space for private development purposes.

And that's the extent of our comments. As I said, we'll send you a written version. If you have any questions, I'll be happy to answer them in person or by email.

BOARD MEMBER COHEN: You've been very helpful.

MR. CAVY: Thank you.

CHAIRMAN McLAUGHLIN: Thank you. Two.

MR. KANE: Thomas Kane, 6 Fox Run Road. I just have some questions.

First, I wanted to make sure that everyone on the Board got a copy of my notes and comments. I emailed them to Jackie, and she was going to print them up and give them to you guys.

CHAIRMAN McLAUGHLIN: I don't recall

seeing them.

MR. KANE: Nobody got them. Okay.

CHAIRMAN McLAUGHLIN: I don't recall seeing them.

MR. KANE: All right. I'm not going to read them now because it's 11 pages, and I know you don't want to suffer through that, but I spent about five -- the first five pages addressing the whole parcel deed open space access, and then there's a lot of other comments and notes about the DEIS.

MEMBER ROSNER: Dorothy, will you follow up tomorrow?

SECRETARY: Yes.

MR. KANE: Yeah, I'd really appreciate if you guys can take a look at it, because you did say --

CHAIRMAN McLAUGHLIN: Hold on. More importantly, they should be included in the material that goes to the applicant and the applicant --

MS. TORTORELLA: We have them.

CHAIRMAN McLAUGHLIN: You have them?

MS. TORTORELLA: Yes, we do.

MR. CLEARY: Just so I can explain. When this public comment period is closed, there's a package compiled of all the comments which the Board will receive. The Board will then formally transmit it to the applicant. So this is a process where these things are dribbling --

MR. KANE: I see. Okay.

MR. CLEARY: -- and that's why they don't have it yet.

MR. KANE: Oh, okay.

MR. CLEARY: But they will get it in time.

MR. KANE: Because I thought you would get it prior to a meeting like this so that if you had questions about any of the comments -- so you'll get it eventually. Okay. And you referred to notes that Pat has made. How would I get a copy of those?

SECRETARY: I'll email them to you. I gave a copy to --

MR CLEARY: You want to see everybody's comments?

MR. KANE: Yes.

MR. CLEARY: We maintain a copy of all the comments that are coming in. It's public record.

MR. KANE: Will yours be on the Web site?

MR. CLEARY: It won't be on the Web site. We will collect all the comments that are --

MR. KANE: Okay. Great. Thanks. I didn't hear you when you were making your comments about the as-of-right calculations. Could just repeat that and clarify that for me?

BOARD MEMBER ROSNER: One of the primary calculations the applicant has to make is what's called the as-of-right calculation. That says, assuming you follow the Code, how many houses can you build on the lot? That's the basic where you start.

MR. KANE: Based on the acreage?

MEMBER ROSNER: Based on the acreage and the zoning ordinance.

MR. KANE: Okay.

MR. ROSNER: What I'm saying is: When they do the calculations, they have to consider steep slopes and wetlands in figuring

out how many houses they can actually build. Let's say it's a one-acre zoning and there's 16 acres, you can't put it 16. If there's steep slopes or wetlands, you have to subtract them.

MR. KANE: So has there been an as-of-right calculation so far to --

MEMBER ROSNER: Yes, in the document that they put together.

MR. KANE: What is that?

MR. CLEARY: 16.

CHAIRMAN McLAUGHLIN: They have come up with 16. I'm putting words in your mouth, so tell me if I'm wrong. What he's saying is, that 16 is suspect because we want to make certain that they have reduced the overall acreage by those areas that cannot be built on, not just steep slopes, but --

MR. KANE: So the clarification that I need is; is there some sort of law that says if you have X number of buildable land -- in the Town of Mount Pleasant, you are allowed to built X houses if they meet Code. Is there such a ruling?

1 CHAIRMAN McLAUGHLIN: Yeah. The rule is
2 that if you're in a one-acre area -- one acre
3 zone and you have 15 acres, you can make 15
4 -- you can make a case that you can put 15
5 subdivisions -- 15 houses on there.
6 Now, if in there we have three acres of
7 wetlands and mountainous terrain, roads, et
8 cetera --
9 MR. KANE: That reduces the buildable
10 land.
11 CHAIRMAN McLAUGHLIN: Right.
12 BOARD MEMBER LEDERMAN: Yeah.
13 MR. KANE: Okay. So I'm just trying to
14 take this to the next step. Let's say there's
15 really 10 buildable acres. Okay. And --
16 does now the applicant then have the right to
17 build 10 houses --
18 CHAIRMAN McLAUGHLIN: He may --
19 MR. KANE: -- despite --
20 CHAIRMAN McLAUGHLIN: -- he may,
21 depending upon whether there are -- I'm going
22 to call them take aways, that's not a good
23 word -- there are reductions for wetlands or
24 sleep slopes or for other reasons such as a

1 deeded open space.
2 MR. KANE: I'm going after that. I'm
3 saying: After you've done all that --
4 CHAIRMAN McLAUGHLIN: Right.
5 MR. KANE: -- and now they said, okay,
6 it's three acres of wetlands, it's two acres
7 of steep slope, we're down to 10 acres of
8 actual buildable land --
9 MEMBER ROSNER: Depends --
10 CHAIRMAN McLAUGHLIN: -- then he has a
11 right to those 10.
12 MR. KANE: -- to build; and the Board
13 cannot say to any applicant, sorry you can
14 only build five because we think 10 is too
15 many?
16 BOARD MEMBER COHEN: There are other
17 limitations. Each lot has to conform to the
18 bulk requirements of the zoning ordinance.
19 MR. CLEARY: What I think -- what I think
20 you're getting at is -- the other element to
21 this is the other impacts associated with
22 development. So for example, if this
23 subdivision were unable to be accessed via the
24 public roadway system for some reason, that

1 traffic conditions could limit the amount of
2 homes that could be built on the property.
3 MR. KANE: I see.
4 MR. CLEARY: That's an impact that the
5 applicant would have a right to try to
6 mitigate, and this Board would have the right
7 to consider if the mitigation is suitable or
8 not. There might be an archeological site on
9 the property that limits development or
10 something of the sort. So those are --
11 BOARD MEMBER LEDERMAN: Endangered
12 species.
13 MR. CLEARY: Exactly right.
14 BOARD MEMBER LEDERMAN: There's other
15 limiting things that might occur.
16 MR. KANE: Right.
17 CHAIRMAN McLAUGHLIN: If we find
18 Uncis(ph.) burried in the middle of his
19 property --
20 MR. KANE: Right. What I'm saying is, if
21 you don't want --
22 MR. CLEARY: And you get a casino on the
23 property.
24 MR. KATZ: -- and there's none of those

1 mitigating circumstances, does a Board -- all
2 other things being equal --
3 CHAIRMAN McLAUGHLIN: Right.
4 MR. KATZ: -- all other things being
5 equal, 10 --
6 CHAIRMAN McLAUGHLIN: He gets 10.
7 MR. KANE: Okay.
8 CHAIRMAN McLAUGHLIN: And should we
9 decide in the face of all that evidence say,
10 no, you can only have nine, they would run to
11 a Judge, any Judge, the simplest lawyer that
12 God ever created, and there are some of those
13 -- simplest one that God ever created, would
14 bring that case and the judge --
15 MR. KANE: Slam dunk.
16 CHAIRMAN McLAUGHLIN: -- and the Judge
17 would call our decision -- might very well
18 call our decision arbitrary and capricious,
19 and that's a good reason for doing something
20 like that.
21 BOARD MEMBER McCARTHY: We're only
22 empower by the law.
23 MR. KANE: I understand. Now I got it.
24 Okay so the last question is again just a

clarification and forgive me, I think I asked this the last time.

CHAIRMAN McLAUGHLIN: That's all right.

MR. KANE: -- I'm just trying to understand the process.

CHAIRMAN McLAUGHLIN: You should.

MR. KANE: So there's all of these questions that have been raised about things in the DEIS. Is the applicant supposed to respond to those with an additional DEIS or only in the final?

CHAIRMAN McLAUGHLIN: It goes to the final. They may give us -- I doubt it. I think they're going to go to the final. When we look at the final -- as we review the final we may say no, no, no, we don't agree with this statement or that statement, change this statement, change that statement, take this out, whatever, add this.

MR. KANE: So there may be many finals.

CHAIRMAN McLAUGHLIN: Well, there's really only one final.

BOARD MEMBER LEDERMAN: They have to correct it.

1 MR. KANE: Right.
2 MR. CLEARY: Right. What happens is; the
3 applicant is charged, for the sake of
4 expediency, to write that final impact
5 statement, take a first crack at it. It's
6 this Board's responsibility to essentially
7 affirm that information and determine its
8 adequacy.
9 So this Board takes the first crack at
10 what these guys did and turns it into their
11 own words.
12 BOARD MEMBER LEDERMAN: Well, (inaudible)
13 is our document.
14 CHAIRMAN McLAUGHLIN: It's the Town's
15 document.
16 BOARD MEMBER LEDERMAN: It's really their
17 document although they're writing it.
18 BOARD MEMBER ROSNER: The law does not
19 require that there be public hearings on the
20 FEIS, that we get input. We --
21 CHAIRMAN McLAUGHLIN: I don't have --
22 MEMBER ROSNER: -- the law (inaudible)
23 that once it gets to that stage, the
24 (inaudible) between the applicant and the

Board.

MR. KANE: But you would consider a public hearing.

MR. CLEARY: We normally do.

CHAIRMAN McLAUGHLIN: So long as someone doesn't shoot me in the head or whatever, okay, yeah, we have never ever bypassed an opportunity to have a public hearing -- public comment on a Final Environmental Impact Statement. It's too important.

MR KANE: All right. And the last thing, even though I said that was the last thing is: You'll get my written comments, but there's one thing I just want to put in this record orally, which is: I would like to see -- maybe this isn't required, but I would like to see something in the final or some other correspondence where the applicant is suggesting some sort of alternative, or if access is denied through parcel G, what does the applicant suggest they do?

CHAIRMAN McLAUGHLIN: Well, he's required -- they are required to give us alternatives -- to talk about alternatives.

MEMBER ROSNER: I think he's bringing up a good point. Assuming you cannot access the site the way the applicant wants to, can the project still proceed with an alternate access?

MR. KANE: And does the applicant have other suggested means of egress? Thanks a lot.

CHAIRMAN McLAUGHLIN: Okay. Three? Pass. Okay.

Folks, this is an open public hearing on a Draft Environment Impact Statement. We have a mountain of material. We could, if we want to -- if the Board wants to, we could close this public hearing. Now, let me say this; this is August. Closing a public hearing in the month of August, sometimes you view as a capitol offense, but we do have -- we do have some power to ameliorate things. There may be people who couldn't make this meeting because it's August because they're on vacation. So what we might do is declare a 60 day or 45 day open period for written comments for those people who could not make the meeting -- who

1 could not make the meeting, but do want to
2 make a statement on the Draft Environmental
3 Impact Statement, and that's if, and only if,
4 the Board wishes to close the public hearing
5 at the present time.
6 MEMBER ROSNER: I would like to make a
7 motion that we do close the public hearing and
8 that we do give a 60 day comment period for
9 written commentary.
10 CHAIRMAN McLAUGHLIN: Okay. Motion by
11 Keith.
12 BOARD MEMBER LEDERMAN: Second.
13 CHAIRMAN McLAUGHLIN: Seconded by Joan.
14 George?
15 BOARD MEMBER PAPPAS: Aye.
16 CHAIRMAN McLAUGHLIN: John?
17 Board MEMBER COHEN: Aye.
18 CHAIRMAN McLAUGHLIN: Denis?
19 BOARD MEMBER McCARTHY: Aye.
20 CHAIRMAN McLAUGHLIN: Keith?
21
22
23 (Continued on next page.)
24

BOARD MEMBER ROSNER: Aye.

CHAIRMAN McLAUGHLIN: Joan?

Board MEMBER LEDERMAN: Aye.

CHAIRMAN McLAUGHLIN: Thank you very much.

(Time noted: 8:55 p.m.)

1 C E R T I F I C A T I O N
2
3 STATE OF NEW YORK)
4) ss.
5 COUNTY OF WESTCHESTER)
6 I, MARCI LOREN DUSTIN, Court Reporter
7 and Notary Public within and for the County of
8 Westchester, State of New York, do hereby certify:
9 That I reported the proceedings that
10 are hereinbefore set forth, and that such
11 transcript is a true and accurate record of said
12 proceedings.
13 AND, I further certify that I am not
14 related to any of the parties to this action by
15 blood or marriage, and that I am in no way
16 interested in the outcome of this matter.
17
18 IN WITNESS WHEREOF, I have hereunto
19 set my hand.
20
21 Marci Loren Dustin
22 MARCI LOREN DUSTIN
23 Court Reporter

VILLAGE OF BRIARCLIFF MANOR

www.briarcliffmanor.org

1111 PLEASANTVILLE ROAD

BRIARCLIFF MANOR, N.Y. 10510

TELEPHONE: (914) 944-2770

June 11, 2010

RECEIVED
JUN 11 2010
TOWN OF MT. PLEASANT
PLANNING BOARD

Michael McLaughlin, Chairman
Town of Mt. Pleasant
One Town Hall Plaza
Valhalla, N.Y. 10595

Subject: **Comments of the Taconic Tract Subdivision Draft Environmental Impact Statement**

Dear Hon. Michael McLaughlin, Chairman:

The Village of Briarcliff Manor has received a Draft Environmental Impact Statement (DEIS) dated April 1, 2010 prepared pursuant to the New York State Environmental Quality Review Act [6 NYCRR Part 617 ("SEQR")] for the Taconic Tract Subdivision located within the Town of Mount Pleasant adjacent to the municipal boundaries of the Village of Briarcliff Manor. The accepted DEIS was prepared by Saccardi & Schiff on behalf of the project applicant, Taconic Tract Developers, LLC. The proposed action consists of the subdivision of approximately 30 acres of land located between the Taconic State Parkway, Washburn Road, Todd Lane, and Carlton Avenue as a proposed 17 lot subdivision (16 new homes), the majority of which is proposed to be developed as a conservation subdivision. The Town of Mount Pleasant Planning Board is the SEQR Lead Agency for the project. Due to certain project-related permits and approvals needed from the Village of Briarcliff Manor (the "Village"), the Village is, for the purposes of this SEQR review, an involved agency.

Based on our review of the DEIS as it specifically relates to the Village, we offer the following technical comments:

Comment 1: Page I-2: Table 1-1 Approval/Reviews Required – All project related permits and approvals needed from the Village of Briarcliff Manor need to be indicated in Table 1-1. The Applicant must obtain a curb cut permit for access to Washburn Road, a Village Road and a road opening permit for installation of a sewer line in Washburn Road, as well as all permits and approvals associated with the connection to the Village's municipal water supply (but see Comment 4). Further, any other approvals needed from the Village related to the extension of the proposed sewer main through the Village will also need to be included (i.e. dedication of the sewer main to the Village, etc.).

Comment 2: Page II-9: table II-2 – Table II-2 should be updated to reflect the comments raised above in Comment 1.

Comment 3: Page II-10, Exhibit II-1 – Exhibit II-1 should be updated to more clearly demarcate existing municipal boundaries.

Comment 4: Section F, Utilities, Water Supply – The proposed project intends to obtain water from the Village of Briarcliff Manor through an extension of the Village water mains located in Washburn Road and the establishment of a water district for the subdivision. Pursuant to the Full Water Supply Agreement (the "Agreement"), dated November 18, 2009, between the Village of Briarcliff Manor and the New York City Water Board, the Village water supply is limited to supplying water for consumption solely within the Village, and to existing connections to properties located outside of the Village boundaries that are specified in the Agreement; the proposed project is not included on the list of authorized connections. The Village will not make any new service connection to any property located outside of the Village boundaries without the required approval of the Director of the Bureau of Water Supply of the Department of Environmental Protection ("DEP"). The DEP has stated to the Village that it will not permit any new service connections to any properties located outside of the Village boundaries in the Town of Mount Pleasant (the "Town") absent the creation of a water district or districts by the Town covering all existing service connections to properties in the Town receiving water from the Village. Any additional potential connections to properties in the Town would also be required to be within any such water district(s).

All permits and approvals needed from the Village relating to the extension of the Village water supply (i.e. approval of the extension, road opening permit, etc.) should be discussed in the context of Town wide water district(s) which may include the project. In addition, the Applicant should provide illustrations showing the location of the existing water main in Washburn Road. An illustration of the proposed water main, including the location of off-site connections to the existing main, should also be included. The extent of work required within Washburn Road is difficult to determine absent these illustrations. Further, any off-site impacts associated with construction of the water main extension (i.e. potential loss of trees in the Village right-of-way, potential road closures and duration, extent of project construction) need to be addressed and mitigated if necessary.

The issue of how water will be supplied to the project, either through Village water supply or by onsite wells, must be settled prior to acceptance of the Final Environmental Impact Statement for the project. The Village urges the Applicant to immediately begin discussions with the Town to urge the Town to create one or more town wide water districts covering all existing service connection to properties receiving water from the Village and additional potential areas, including the subdivision, in the Town to be covered by the water district(s), as well as to further explore the feasibility of other water supply options.

It should be noted that the Village has no obligation to supply water to any properties located outside of the Village boundaries. The Village's comments herein should not be construed as a promise to supply

water to the subdivision or to any district proposed or created by the Town. The Applicant is advised that any action taken by any party with respect to the project and the supply of water are at such party's own risk.

Comment 5: Section F, Utilities, Sanitary Sewer – The proposed project will utilize gravity sewer mains through a connection to Washburn Road, which will run east on Washburn towards the dead end adjacent to the Taconic State Parkway. At that point the sewer main will connect to an existing trunk sewer main in the Saw Mill Sanitary Sewer District. The Applicant should provide illustrations showing the location of the existing sewer mains in the vicinity of the project site. Additionally, illustrations of the proposed sewer mains, including the location of off-site connections to existing infrastructure, should also be included. The extent of work required within the Village and specifically Washburn Road is difficult to determine absent these illustrations. Further any off-site impacts associated with construction of the sewer main (i.e. potential loss of trees in the Village right-of-way, potential road closures and duration, extent of project construction) need to be addressed and mitigated if necessary.

Further, the DEIS is silent on who will ultimately be responsible for ownership and maintenance of the proposed sewer main extension located within the Village. Consideration in the DEIS should be given as to the possible future use and ownership by the Village of the sewer main extension. In addition, road opening permits needed from the Village for work within Washburn Road need to included.

Comment 6: Section G, Traffic and Transportation – Based on our review of the Traffic Impact Assessment contained in DEIS Appendix C we have the following comments:

- Project traffic generation estimates based on the industry standards (ITE Trip Generation Handbook) are acceptable.
- The Crash History Analysis and Sight Distance Analysis are acceptable.
- The proposed development traffic impact on the southbound approach of Todd Lane and Pleasantville Road would be less than three seconds during morning and afternoon peak hours but the overall intersection delay would be less than one second. Also, the proposed development traffic impact on the other four intersection overall and approach delays would not exceed one second. We believe that the proposed development traffic impacts are negligible.

In addition, Section G should indicate that a curb cut permit for access to Washburn Road must be obtained from the Village.

Comment 7: Community Facilities and Services, Fire/Emergency Services – The proposed project would be served by the Briarcliff Manor Fire District (BMFD) and the Briarcliff Manor Ambulance Corps. The DEIS references the Village's 2007 Comprehensive Plan in support of its determination that the proposed project would have minimal impact on the BMFD; no mention of impacts to the Briarcliff Manor Ambulance Corps is made. The Applicant should seek written confirmation from both the BMFD and Briarcliff Manor Ambulance Corps to confirm that they both have adequate capacity, equipment, and staff to serve the proposed project. In addition, response times to the project site should be included and detailed site plans should be sent to the Village Building Department for review to ensure that all proposed roadways meet Fire Department standards.

Thank you for the opportunity to provide our comments on the Taconic Tract Subdivision DEIS. Please contact the undersigned if you have any questions or comments with regard to this matter. We would be happy to discuss any of the above items with you further.

Sincerely,

David Turiano

David J. Turiano, P.E., Building/Engineering Dept.
For Philip Zegarelli, Village Manager

DANIEL L. TAYLOR

15 CARLETON AVENUE • BRIARCLIFF MANOR, NY 10510

June 21, 2010

Hon. Michael McLaughlin, Chairman
Town of Mount Pleasant Planning Board
Town Hall
1 Town Hall Plaza
Valhalla, NY 10595

RE: **Taconic Tract Development**
Mount Pleasant, New York
Draft Environmental Impact Statement ("DEIS")

Dear Mr. Chairman and Members of the Planning Board:

We are writing: (i) to express our concern over the zoning status of this project; (ii) to provide additional information regarding the incomplete road and traffic analysis in the DEIS for this project; and (iii) to oppose the Taconic Tract Development plan based on zoning, road, traffic, and safety issues. As longtime homeowners on the lower (southern) portion of Carleton Avenue, we believe that this proposed development will adversely affect neighborhood, road, and safety conditions along Carleton Avenue.

I. Zoning Issues

Section IIIA of the DEIS refers to various clustered housing plans issued by the Village of Briarcliff and Westchester County. However, the applicant does not cite any specific provisions in the Town's own zoning regulations that either authorize, or provide criteria for evaluating, clustered housing developments. The DEIS should provide a more specific explanation of the Town zoning provisions and standards on which the applicant relies.

II. Incomplete Road and Traffic Analysis

The DEIS evaluation of road planning and traffic issues is incomplete and flawed in a number of respects.

A. Poor Condition of Carleton Avenue

The DEIS description of Carleton Avenue is incomplete and somewhat misleading. The lower (southern) portion of Carleton Avenue has heavily fractured pavement, eroding shoulders, and developing potholes. This portion of Carleton Avenue is in need of a new road base and repaving; it cannot stand up to the construction traffic required for the project.

B. Excessive Speeds on Carleton Avenue

Our family and other residents living along the south hillside and lower portions of Carleton Avenue have long been concerned about the excessive speeds used both by some residents of the upper hillside area and "cut through" motorists. Traffic speeds of 45-50 mph and higher are common on the south hill, and these speeding motorists frequently cross the center lines due to their high speeds around curves. These conditions are not mentioned in the DEIS, but create a dangerous situation on an everyday basis for neighborhood residents -- particularly children at school bus stops or play -- and pedestrians and other motorists.

C. Poor Visibility at "T" intersection of Route 9A Access Road and Carleton Avenue

The DEIS states that the Route 9A northbound and Carleton Avenue intersection is controlled by a stop sign at the Carleton Avenue side. This information is incomplete. This indicated stop sign controls traffic *exiting* the neighborhood via the connecting road onto Route 9A northbound. There is no traffic sign controlling traffic *entering* the neighborhood via the Carleton Avenue connector, which forms a "T" intersection with the rest of Carleton Avenue. Visibility to the south at this uncontrolled "T" intersection is poor due to the adjacent "hairpin" curve on Carleton Avenue immediately to the south; visibility to the north is poor due to the curve of Carleton Avenue. Motorists from the north are often approaching the "T" intersection at great speed as discussed above, in Section B.

D. Underwidth and Dangerous conditions at "Hairpin" Curve

Although the DEIS describes Carleton Avenue as generally 24' wide, the southern portion -- including the "hairpin" curve leading up to Todd Lane -- is significantly underwidth, measuring only 17.5 to 18 feet in some places. These narrow areas have no shoulders, some places have deep, adjacent ruts, and there is very poor to no visibility around the large curve. These conditions make the lower portion of Carleton Avenue unsafe for residents and motorists. Our own family has had a number of near misses here while

driving, biking, and walking on this portion of Carleton Avenue. It merits consideration that Carleton Avenue is the only direct route for neighborhood pedestrian residents to access the nearby village public library, swimming pool, tennis courts, playground, post office, and commercial services in Briarcliff.

E. Difficult and Irregular intersection of Carleton/Todd/Washburn

The DEIS concedes that the 3-way intersection of Carleton, Washburn and Todd has a "skewed" geometry and is not controlled by any traffic signs. However, the DEIS does not mention (1) the very poor visibility from Todd Lane towards oncoming Washburn Road traffic, or (2) the difficulty most drivers have in staying within their lane when making the turn from Carleton Avenue onto Todd Lane due to the road angles. These conditions create frequent near misses and hard braking.

F. Todd Lane Bridge and Intersection with Pleasantville Road

This section of Todd Lane presents greater traffic problems than the DEIS indicates. The rebuilt Todd Lane bridge (damaged by flooding from Hurricane Floyd's 13" of rain) still does not readily or smoothly accommodate cars travelling from both directions. 2-way traffic is not feasible at all when a car and a truck or school bus approach at the same time.

At Todd Lane, turning left (east) onto Pleasantville Road is very difficult during the school/work rush hours. East-bound traffic on Pleasantville during this time is usually very heavy and has long backups. Generally, a left turn is not possible at all unless an eastbound motorist stops to provide access. These conditions regularly create long delays and backups at the Todd Lane exit.

III. Opposition to Proposed Taconic Tract Project

The DEIS understates existing road, traffic and safety issues in the project area. These problems for the neighborhood's residents would only be exacerbated by construction traffic and additional motorists if the project were approved in its present form.

We believe that the Town and the applicant should consider making a number of road and traffic safety improvements, including the following:

a. The damaged portions of Carleton Avenue should be given a new base and paving.
b. The Police Department should monitor and enforce speeds on Carleton Avenue.

c. The "hairpin" turn on Carleton Avenue (leading to the Washburn/Todd intersection) should be widened, and shoulders with white edge lines added to protect pedestrians and motorists in the opposite lane.
d. The Carleton/Todd/Washburn intersection should have appropriate stop signs, including a stop sign for the Washburn Avenue traffic, due to poor visibility from Todd Lane.
e. A traffic signal should be added for the Pleasantville Road/Todd Lane intersection, with operating signals at least for the school/work rush hour period.
f. Traffic signs should indicate the possible need to yield at the Todd Lane bridge.
g. The Route 9A connector intersection with Carleton Avenue should have a stop sign due to poor visibility and traffic conditions.

These improvements would help to make the existing road and traffic conditions safer for all.

* * *

In conclusion, we think the DEIS does not adequately explain the zoning issues underpinning the application, or provide a complete assessment of traffic, road and safety conditions. We oppose the Taconic Tract Development Plan project because it would exacerbate, rather than address, these problems. Thank you for considering these suggestions.

Sincerely,

Dan and Catherine Taylor

Town of Mt. Pleasant Planning Board
Hon. Michael McLaughlin, Chairman
One Town Hall Plaza
Valhalla, NY 10595

Alan Crosswell
144 Washburn Rd
Briarcliff Manor, NY 10510
(914) 941-4730
alan@cloud9.net

July 20, 2010

Re: Taconic Tract Development Draft Environmental Impact Statement (DEIS)

Chairman McLaughlin and members of the Planning Board:

Following, please find my comments with respect to the above-mentioned DEIS as part of the public comment process for this proceeding. Please feel free to contact me if you have any questions or comments. Thanks for your efforts in this matter.

General Comments

Lack of precision of language in the document may be indicative of a similar lack of precision of the facts purported to be represented within it. As a document with legal standing, I am concerned that these inaccuracies, if not corrected, might lead to future claims or opportunities to exploit the ambiguity thus created.

Specifically, proper names of the various streets are routinely and inconsistently misspelled throughout the DEIS. The correct relevant street names are:

- Carleton Avenue
- Washburn Road
- Todd Lane

Also, as this is a document of the Town of Mount Pleasant Planning Board, the frequent use of variants of the phrase "it is the Applicant's opinion" is inappropriate; the statements presented in this document must be factual or, where an opinion is warranted, stated as the opinion of the Town Planning Board. I would also be comfortable reading that a given opinion is that of a specifically named New York State Licensed Professional Engineer such that the P.E. is putting her professional certification on the line. I would still expect the Town's Professional Engineers to review these opinions and inform the Board of their assessments.

Furthermore, uses of words such as "could" and "should" must be replaced with declarative terms such as "shall" and "will" to make it clear that the applicable statements made are directives to be complied with and not just a good idea.

There is also a general lack of completeness for citations of the literature used as the basis of certain claims, making it difficult for one to independently verify the statements made. For example, the Rutgers University Center for Urban Policy Research *Residential Demographic Multipliers* is cited, but the year of publication is not.

Specific Comments

Draft Environmental Impact Statement (DEIS)

p. I-1: I.B "… the parcels described in (i) and (ii) are existing vacant parcels." Parcel (ii) is an improved (?) parcel, currently the back yard for Drew Saunder's property (proposed lot 1).

p. I-3: I.D.3. The topography also slopes to the west with a ridge line approximately down the center running north-south.

p. I-4: I.D.5. 2nd paragraph identifies lots 6 and 7 as not draining toward the proposed detention basin, but what about lots 1-5 which are on the south and west-draining slope?

p. I-5: I.D.7. 2nd paragraph of *Water and Sanitary Service Demands* states a recommended 1" irrigation per week by Cornell University. This is recommended, but is it common practice? Anecdotally, areas that have lawn sprinkler systems and so-called professional grounds management appear to frequently over-water. Is this estimate sufficiently conservative? (It would help to have a proper citation in the literature).

p. I.6: I.D.8. Traffic and Transportation does not reference the existing legal right of way for pedestrian access to Todd Elementary School. This is used daily by local children walking to and from school, including by some whose parents drive them to Washburn Road and park cars on the street near the development entrance, creating a potential road congestion and pedestrian hazard issue with young children.

p. I-7: I.D.10. *Schools* paragraph claims 9 public school age children are expected under worst-case conditions. This number is not supported by the applicant's demographic statistics (more to come on this later).

p. I-7: I.D.11 does not identify the nearby historic house located at 140 Todd Lane.

p. I-8: I.D.13 3rd paragraph "…Because relatively few truck trips are anticipated during peak hours, significant impacts from construction vehicles are not expected." I propose that the Board impose a moratorium on truck traffic during Todd Elementary School arrival and departure hours given the pedestrian traffic via the right of way at Washburn Road.

p. I-9: Table I-2 Land Use and Zoning row under Conventional Layout states "As-of-right 16 lots." Is this accurate or would zoning variances be required to allow 16 lots, in which case they are all not as-of-right?

p. II-3: II.B.1. I don't understand the claim that the clustered 3-bedroom homes would only be attractive to empty-nesters. This area has high school taxes – something empty-nesters would possibly not want to have to pay – and a very good public school district which attracts families to move here, like mine did 21 years ago when our first child was six months old. In fact, now that my children have begun moving out (ages 21, 18 and 14), we see that many families of their peers whose last child has recently graduated from Briarcliff High School have sold their homes and left the school district. Furthermore, why wouldn't a family with small children want to move into such large (3,200 square foot 3-bedroom) homes within walking distance of the public elementary school? 3,200 square feet doesn't sound like down-sizing to me! My 4-bedroom house is "*only"* 2,600 square feet and we comfortably fit two parents, three children, three cats and a dog. Granted, it is not a McMansion. Given this empty-nester assertion is being used to reduce the claimed impacts on population, I feel it is reasonable to challenge it and ask that the Board direct that the demographic estimates be scaled up appropriately.

p. II-5: II.B.1 3rd sentence: How do you get 22 empty-nesters to fit in 8 houses? What is the area described by the *Rutgers Residential Demographic Multipliers* study? What year was the study published? Where can one find a copy? Searching the Center for Rutgers Urban Policy Research on the web at http://www.policy.rutgers.edu/cupr/ fails to turn up this study although there is a June 2006 copy at http://www.preservewoodbury.org/NEW%2520YORK%2520multipliers.pdf. This study apparently uses **statewide** averages that likely do not reflect our unique region, especially its highly-ranked school districts. Wouldn't it make more sense to use local demographic data, which was provided by the School Board in 2006, and was updated in 2008 to specifically assess the impact of the Taconic Tract development? As an example of the inapplicability of the Rutgers data, applying the tables for School Age Children vs. School Age Children in Public Schools reflects an approximately 25%[1] rate of children attending private or parochial schools, when in fact the percentage is much lower in the Briarcliff School District (6.7% cited on page III-I.3 of this DEIS). This makes the other data suspect as well. Further, the then-President of the Briarcliff School Board helpfully provided a demographic estimate of 35 school children and a copy of a 2006 demographic study commissioned by the School Board. As such, a presumably more accurate estimating tool was provided but it didn't fit the story being told so appears to have been ignored. Even assuming that 8 houses will be empty-nesters, the Briarcliff Schools estimate would still yield 16.4 students. Further, in the more recent *Enrollment Projection Calculations Update Study for the Briarcliff Manor Union Free School District* (March 2008. Paul M. Seversky. Page 22ff), a specific analysis of the impact of the proposed development was prepared and estimated an impact of approximately 18 new students.

[1] (.87 children * 8 4-BR detached homes) + (.28 children * 8 3-BR attached homes) = 9.2 Public School children. (1.05 children * 8 4-BR detached homes) + (.39 children * 8 3-BR attached homes) = 11.52 School children, or a 25% rate of non-public school attendance. From *Residential Demographic Multipliers – Estimates of the Occupants of New Housing. Burchell, et. al. June 2006* using most conservative multiplies based on the highest charted home sale prices. Notably the prices shown are well below those in the local housing market.

p.II-5: 3rd paragraph. "There will be no street lighting or any other type of lighting provided on or by this development." Can this be made a binding condition of approval? We don't want another Trump National"night baseball" lighting scheme as our friends and neighbors in the Village of Briarcliff Manor were subjected to.

p. II-6: 2nd paragraph "… is anticipated to generate $535,000 in tax revenue…." How is this calculated?

p. II-7: II.B.1 *Phase IV – House Construction*. In a recent Board meeting, reference was made to two unfinished home constructions projects off Hardscrabble Road resulting in unsightly "holes in the ground" (foundations) for many years. Does the Board have the ability to require the Applicant to post a performance bond to insure that a similar problem doesn't happen in this development?

p. II-8: II.C. The Project Background and Site History fail to mention that an extensive storm water drainage system was installed by a prior owner. In fact, this drainage system crosses proposed Lot 1 and my property at 144 Washburn Road, including three visible catch basins on my property that eventually feed to the catch basin (described later in the DEIS) at the development entrance and Washburn Road. The omission of documentation of this pre-existing condition must be rectified as it carries flowing water year-round (an underground watercourse?) and crosses the zone of proposed construction. The pipe route and surface drains are clearly marked on the survey of my property, 144 Washburn Road, Lot 5N Block 3 Section 1, including the extension of the drainage pipe onto the "Land Now or Formerly of William and Margaret Eadie" shown by the Applicant as Lot 1 (and known colloquially as Drew's back yard).

p. II-12: Exhibit II-3 Conservation Plan fails to indicate the proposed detention pond.

p. III-A-1ff: Table III.A-1 showing land use seems to omit the listing of park land. Perhaps it is mischaracterized as 318.6 acres of "Vacant/Undeveloped"? Specifically, Hardscrabble Wilderness Area, a Town of Mount Pleasant park would appear to be part of that "vacant" land.

p. III.A-4: 3rd paragraph "Overall, in the Applicant's opinion, the Proposed Development does not hinder the progress of the Village to achieve their goals…." What is the Village of Briarcliff Manor's opinion? Is there correspondence from the Village confirming that the proposed project conforms to all the goals and objectives of the Comprehensive Plan?

p.III.A-5: "The proposed project is Compatible with the goals of the Third Regional Plan…." Will the Board get independent validation of the claims of compliance with the various plans cited?

p.III.A-7: 3rd paragraph. "…that the terms of the Countryside Declaration apply to and bind lot D(8). The Applicant disagrees." Isn't this DEIS meant to be in the voice of the Board, not of the Applicant? I assume the Board will judge the merits of the statement and direct that it be reworded appropriately.

p.III.A-7: 5th paragraph. "…its amendments do not define the purported "open space" limitations on lot D(8)." Isn't "open space" a commonly agreed upon definition?

p.III.A-8: paragraph below the quote from the deed. "The quoted provision is not contained in the deed from Waterhouse to Saunders." Mistakes happen, but that's what a title chain is for. It's all in the Town Liber books. Sharon Saunders is a successor per the quote from the deed, is she not? Maintaining "in perpetuity as open space… This restriction shall run with the land in perpetuity." That sounds like forever.

p.III.A-8: same paragraph talking about the construction of a driveway and installation of a fence. This seems like a former owner perhaps violated the terms of the deed. I guess to make things right, the road and fence need to be removed and the land restored to a natural state?

p.III.A-9: 2nd paragraph. "The Applicant believes that the Association lacks standing…." There we go again with language stating the Applicant's opinion rather than stating facts or the Board's opinion. Does the Board have standing?

p.III.A-9: paragraph before "c." "Further, the Applicant is a successor to Rosenthal." This seems to be trying to have it both ways. Claiming successor rights here and abrogating successor responsibility with respect to preserving lot D(8) as open space on the previous page is contradictory at best.

p.III.A-13: I don't understand why R-10 Zoning is shown in the table. Is the proposal to rezone from R-40 to R-10 for lots 9-16 or to allow a variance from R-40 zoning specifically for the purposes of a cluster development?

p.III.B-1: 1st paragraph. The Exhibit III.B-1 Cross Sections and Photograph Key numbers do not correspond to the photographs shown in Exhibit III.B-2. It is impossible to identify from the key where the photos were taken from. Also, there are no photos taken from the south and west, specifically from 140 Todd Lane or 144 Washburn Road. I would be happy to permit access to my property to allow photos to be taken, or I can supply some, which show the Applicant's property rising uphill to the east and north from 144 Washburn Road. The existing service road is clearly visible as is the north-south ridgeline.

p.III.B-2: Cross Sections and Exhibit III.B-1. One or two cross sections roughly parallel to Washburn Road splitting the property line between 144 Washburn and the Applicant's have been omitted which would more clearly illustrate the "bowl" that is created by the topography which slopes downhill north to south from Lots 1-5 as well as downhill west to east across 144 Washburn Road (e.g. from 140 Todd) and downhill east to west across the Applicant's property with the centerline of the bowl approximately matching the path of the existing underground drainage pipe and surface drains. A careful review of the topographic elevation lines illustrates this bowl but a cross section would help one to visualize it.

p.III.C-1: III.C.1.a Existing conditions. Is the existing underground storm drain that has continuous water flow year round considered a subsurface watercourse? I expect that, prior to this improvement being installed many years ago, there was a surface watercourse running down the centerline of the above-mentioned bowl. The ground is frequently saturated and even has standing water after heavy rains. This document does not adequately meet the Scoping Document requirement to document existing conditions of water resources, especially with respect to seasonal variation as required on p.7 D.1.a.1, b,

c, and d. I am especially concerned about failure to fully "describe any stormwater management facilities on-site and for the off-site vicinity."

p.III.C-3: Table III.C-1. It should be noted that CsD and CrC soils identified are mostly categorized as Very Limited for a variety of reasons for most of the relevant applications listed. Presumably this creates a greater need for storm water management. It would also be unusual in this area to see a house without a basement. Where's all the groundwater going to collect when it percolates up in the springtime? The main floor?

p.III.C-5: It seems like there are a variety of significant challenges with respect to shallow bedrock and poor soils.

p.III.C-8: Soil Limitations 1st paragraph. "This can be overcome by implementing stringent erosion control measures…." I proposed that you replace "can" with "shall."

p.III.C-8: Soil Limitations 3rd paragraph. "Seepage can be mitigated by…." Replace "can" with "shall."

p.III.C-10: (2) 2nd paragraph. "The SWPPP has been designed to provide a zero increase in peak runoff to adjacent areas and the municipal system." What municipal system? There is none on Washburn Road.

p.III.C-10: last paragraph. Cuts of 14.4 and 13.22 feet seem excessively deep, especially given the soil layer is only 42-48". That's a lot of blasting!

p.III.C-11: (6) "Therefore the ridgeline provisions do not apply to this site." While there is a major ridgeline at elevation 440 near Stonington Drive, isn't the north-south ridgeline that can be clearly seen from the vicinity of 140 Todd and 144 Washburn looking east and from the Taconic Parkway looking west covered by this provision?

p.III.C-11: (7) Is it a fact or the Board's opinion that regrading blends in?

p.III.C-12: (11) It seems that blasting will be required for significant parts of the road construction and if these homes are to have footings below the minimum 48" needed to get below the frost line, even if they have no basements.

p.III.C-12: (13) Do the NYSDEC regulations supersede the Town regulations or vice-versa?

p.III.C-17: Exhibit III.C-2 Grading Plan omits one of the catch basins (CB) at the property line between Lot 1 and 144 Washburn Road. As drawn, the house construction will likely interrupt the drainage pipes that connect the catch basins. The omitted CB is located approximately where the 275' elevation line touches the north property line.

p.III.C-18: Exhibit III.C-3 Topography of Site omits the same catch basin. Also this better illustrates the extensive catch basin network that drains downhill from lots 39 and 42 through 144 Washburn Road and then across Washburn to the pond on the opposite side.

p.III.D-1: D. Flora and Fauna. None of the fieldwork happened after dusk, so nocturnal fauna were not inventoried. Sunset was 7:59 PM on August 11th, 2009 and dusk was 8:29 PM. That's why no deer were identified.

p.III.D-4: III.D.2.a Vegetation 3rd paragraph. I want to highlight this statement: "The most significant impact associated with the removal of forest area for use as a residential development is likely to be hydrology. … may cause flooding, erosion and habitat damage." Stormwater mitigation is a significant concern of mine and I am especially concerned that the existing conditions survey seems to have totally glossed over the existing drainage network that crosses my property from the Applicant's.

p.III.D-6: 2nd paragraph. "This method accounts for trees with a DBH of ten inches and larger." Table III.D-3 *Removal of Trees with DBH Greater than 24 inches* on the prior page only lists trees of 24" DBH and larger. Shouldn't this table show data for trees 10" and larger?

p.III.D-6: Table III.D-4 is incomplete. The Qty column is blank.

p.III.D-8: last paragraph. "The Applicant anticipates that pesticide and fertilizer user on the proposed lots will be typical…." This is a significant increase in fertilizer, herbicide and pesticide loading relative to the current natural state of the majority of the site. Specific impacts of fertilizer, herbicide and pesticide runoff to the properties to the west and south, wetlands to the east of the parcel and especially the duck pond into which the existing storm drains flow are not adequately addressed per the Scoping Document (p.5 B.2.c).

p.III.E-1: III.E.1. Existing Conditions fails to document the extent of the "drainage structure to its west" especially that it crosses the Applicants property as well as 144 Washburn Road. Furthermore there is no ditch on the north side of Washburn road uphill of the basin. There is a complete curb starting at 140 Todd Lane and continuing past 144 Washburn Road to the basin.

p.III.E2: 1st paragraph. "An analysis of the drainage basins was done…." Did this analysis include all the existing drainage basins on 144 Washburn Road and the Applicant's property to the north? Apparently not. One of those catch basins is not even captured on the survey maps.

p.III.E-2: 2. Anticipated Impacts and Table IIII.E-2 Shouldn't the proposed conservation layout be analyzed, not the conventional layout?.

p.III.E-4: 3. Proposed Mitigation. How will all the mitigations (grassed swales, plunge pools, diversion structures, etc.) be maintained over time such that their performance doesn't degrade to the point of failure?

p.III.E-5: Dry Wells/Infiltration Trenches. "Dwellings which do not drain directly to the detention basins watershed will be provided with infiltration trenches (Exhibit III.E-8)".

p.III.E-6: "The use of infiltrator chambers…was recommended." Replace "was recommended" with "is required." Similarly in the following paragraph, "could be" should be replaced with "will be" and "…basin could function…" with "basin shall function."

p.III.E-7: Anti-tracking Apron at Site Entrance. "…vehicles will be required to wash their wheels." What agency has enforcement responsibility to make sure this happens?

p.III.E-7: Storm Drain Inlet Protection. "…inlet sediment devices should be used…." Replace "should" with "shall."

p.III.E-8: Maintenance and Inspect of Temporary Control Measures. 1. "Existing riprap…should be done…" Replace "should" with "shall."

p.III.F-1: III.F.1.a. Water Supply Existing Conditions 3rd paragraph missed a fire hydrant in front of 144 Washburn Road.

p.III.F-1: same paragraph. The 2" abandoned water line is what they want to jack for a much larger sewer line?

p.III.F-2: (3) Connection to Village of Briarcliff Manor Water District. What is the status and scope of discussions of creating a Town-wide Water district? What if this doesn't happen? Shouldn't there be a more detailed contingency plan?

p.III.F-3: 2nd paragraph regarding individual wells. What issues of septic cross-contamination might there be given the lack of sewers for adjacent properties? Shouldn't there be substantially more information about the well option than a single short paragraph in the event that connecting to Village water doesn't happen?

p.III.F-4: (2) Proposed Sewer System Alternative 2. "utilizes the existing pipe alignment of a water main abandoned…." Should indicate that the diameter of this abandoned water main is 2 inches and assess how likely it is that a much larger pipe will in fact be able to successfully jack under the Taconic Parkway.

p.III.G-1: 1. Existing conditions 3rd paragraph. "The roadways in the vicinity of the site are generally standard widths…." Washburn Road, Todd Lane, and the older section of Carleton Avenue are all of significantly substandard widths. The Town standard for roadway width is 24 feet. These older roadways are 18 feet wide *or less*.

p.III.G-2: Table III.G-1 Road Descriptions. Footnote says "Pavement on Washburn Road … at 2 locations is less than 18 feet. See Appendix." Which Appendix? How much less than 18 feet? Where do these bottlenecks occur and what impact do they have on traffic flow and pedestrian safety?

p.III.G-3: Traffic Volumes 2nd paragraph . "Both sources revealed a decrease in traffic from 2008 to 2009 along Pleasantville Road…." Perhaps the reason is not so much the economic downturn but the construction of the southbound 9A-Taconic flyover? Given the economy will eventually recover, shouldn't one plan for increased traffic and not take advantage of a short-term decrease in traffic volume when planning for future impacts?

p.III.G-5: 2nd paragraph. "Letters were sent …." The Appendices only show correspondence sent to Mt. Pleasant PD. There is no evidence of correspondence with Briarcliff PD. Also, the letter to Mt. Pleasant

PD did not request accident data. Finally, the paragraph is missing information as the sentence fragment trails off with "The accident data from".

p.III.G-5: Use of Area Roads 2nd paragraph. "School buses currently travel along Washburn Road to access the Todd Elementary School." No they don't. The bus stop for kids on Washburn Road is at the intersection of Todd Lane and Carleton Ave as Washburn is too substandard for a school bus to safely navigate it. The only school bus exception is that Kindergarten children are picked up at their driveways by a mini-bus to socialize them to riding a school bus. Once they move up to 1st grade they walk to school and when they move up to the middle school they meet the bus at the corner of Todd and Carleton (or get mom, dad or an older sibling to drive them there or to school). This fact is reinforced in the statement found the in the School Board correspondence, "Another issue to be considered is the fact that Todd Lane and Washburn are very narrow roads, limiting transportation options." (Sept. 6 2007 letter of Charles K. Trainor, Board President, Briarcliff Manor Union Free School District Board of Education addressed to Chas. H Sells, Inc.).

p.III.G-6: Traffic Volumes. Trip generation data was developed for 16 units but for what number of occupants? Was the Rutgers data used? 2 drivers per house? 3? More?

p.III.G-6: paragraph below table III.G-3. "The trip distribution for the proposed projected traffic volumes was based on a worst-case scenario in which most vehicles are traveling to and from Pleasantville Road." Change "worst-case" to "likely".

p.III.G-6: 2nd to last paragraph. The "minimal pedestrian traffic" includes school kids walking to and from Todd Elementary School and to and from the bus stop at the corner of Todd Lane and Carleton Avenue.

p.III.G-8: 3. Proposed Mitigation. Remove "in the Application's opinion" if this is a statement of fact.

p.III.H-1ff: See prior discussion regarding demographics and applicability of Rutgers state-wide averaged data vs. more local demographic data.

p.III.H-5: Has the Town Tax Assessment Office reviewed and vetted the provided calculations?

p.III-I.3: paragraph below table III.I-1. "A letter has been sent to the Briarcliff Manor School District to evaluate the anticipate impacts of these additional students on the school district." Apparently the School District was not asked to provide demographic data to support the anticipated number of students to come out of the proposed development but in fact did provide a then-current 2006 study as well as an estimate of 35 school-age children based on that study. See further the March 2008 study referenced above.

p.III.I-4: 2nd paragraph. Is this private or municipal solid waste pickup?

p.III.I-4: 5 a. Existing Conditions should also list Village of Briarcliff Manor parks and facilities as these facilities are available to all residents of the School District.

p.III.I-5: b. Anticipated Impacts and Mitigation. "Applicant's opinion" twice in one paragraph.

p.III.J-2: Is 140 Todd Lane (located within yards of proposed Lot 1) not to be considered of historic significance?

p.III.L-1: Might I propose mitigation measures to require use of ultra-clean diesel, high quality mufflers, and "quiet" backup alarms? See scoping document p. 12 J.3.a and p. 13 L.2.

p.III.L-3: Has the potential impact of ground transmission of shock waves from blasting been studied as a potential structural risk to the historic Washburn House at 140 Todd Lane (or my not-so-historic house at 144 Washburn Road and others nearby?) See Scoping Document p.11 I.2 and 3.

p.IV-1: 2nd paragraph. Replace "should" with "shall" in sentences prohibiting idling and limiting activities to normal daytime hours.

p.IV-1: B. Long-Term Impacts. Add to the 2nd bullet the increased risk to pedestrians, especially school kids walking to Todd School and the Washburn/Carleton bus stop caused by the additional traffic.

p.V-1: B. Conventional Layout. Does the as-of-right allow for 16 lots without steep-slope variances? I seem to recall it was more like 9.

p.V-3: Table V-1. Again, consider better local demographic sources than Rutgers such as the Briarcliff Board of Education commissioned studies.

p.VIII-1: 3rd bullet. This increase in impervious surfaces will strain already sub-standard drainage patterns.

Appendix B – Stormwater Management Plan

The plan fails to take into account the pre-existing drainage conditions mentioned above.

Appendix G – Flora and Fauna Report

p.6: Figure 2.1-1 NYSDEC Environmental Resource Map indicates portions of the property are in a Wetland Checkzone. Is this the same as the Town and State definition of a Wetland Buffer?

p.19: Recommendation number 3 "To avoid impacts to potential Indiana Bats tree-clearing activites for those trees meeting…should be limited to the timeframe of November 15 to March 31." This recommendation is missing in DEIS section III.D.3.a.

p.26: Appendix 2 – NYSDEC Correspondence recommends checking back in a year (from the date of the letter of April 27, 2009) to update the response with most current information.

Appendix H – Cultural Resources Report

p. 6: References the historic Washburn House at 140 Todd Lane. This is omitted from section I.D.11 of the DEIS. Note that the Appendix incorrectly gives the address as 140 Washburn Road; it is on Todd Lane.

Local lore has it that at one time the Washburn House was used as a road house. Cultural artifacts in the form of shards of glassware and pottery frequently surface in the spring as a result of frost heave along

the rear property line of 144 Washburn Road (adjacent to proposed Lot 1). Apparently the Washburn Farm or Road House dumped their trash out back. Some of these include partially legible inscriptions indicating they may have been milk bottles from the Briarcliff Dairy. Excavation at Lot 1 may turn up some of these (or more significant) cultural artifacts.

Appendix I – Test Pit & Soil Boring Results

The map labels two test pits as TP-3. It is unclear which one is TP-1. The test pit and soil probe schedules indicate that the typical depth to rock for the majority of proposed houses is much less than 42 inches. It would be extremely helpful to overlay the proposed layout on this map. Clearly proposed lots 3, 4 and 5 have very shallow cover – as little as 18 inches toward the top of the slope.

Why were all the test pits dug only on the east side of the north-south ridgeline and the soil probes only on west side? Isn't this sampling incomplete?

Appendix J – Correspondence

No response is shown to the letter addressed to the Briarcliff Manor Volunteer Fire Department. If the Fire Chief failed to respond, one would hope the Town would follow up, perhaps with the Village Manager, Mayor or Village Board.

Furthermore, there is no evidence of correspondence with the Village of Briarcliff Manor Police Department for whom Washburn Road and Todd Lane are solely within their jurisdiction. At the time of publication of the DEIS, there was also no evidence of correspondence with the Village of Briarcliff Manor regarding water service nor to confirm the claim of alignment with the Village Comprehensive Plan made on page III.A-4 of the DEIS. The failure to fully document contact with all emergency service providers "in writing" and to include their response does not meet the requirements of the Scoping Document p.10 G.1.a. and G.2.a.

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Hon. Michael McLaughlin, Chairman
And Members of the Planning Board
Town of Mount Pleasant
One Town Hall Plaza
Valhalla, New York 10595

July 26, 2010

Re: Taconic Tract DEIS

As I noted at the June 21st meeting, I have prepared extensive notes in response to Taconic Tract's DEIS and I hereby submit these in writing to the board. Enclosed you will find my thoughts. Pages 2 through 6 is my response specifically to the question of main road access through Parcel D. Pages 7 through 11 follow with comments about the remainder of the DEIS.

If the board has any questions, feel free to call or email and I'll be happy to clarify or discuss further.

Thanks very much for your time.

Josh Tane

The following is my response to Applicant's statement in section:

III.-A Covenants, Restrictions and Easements in a Declaration of Covenants, Conditions, Restrictions and Easements Recorded in Liber 7771, Page 559 – Referred to in the Deed to Lot D

Applicant makes several arguments in response to my letter to Planning Board, dated December 8, 2008, in which I assert that Open Space restrictions placed on Lot D by Declaration of Countryside Subdivision bind Lot D and restrict Applicant from building Road B through it.

1. Applicant states that Countryside Subdivison's Declaration First Amendment which detailed covenants, conditions, restrictions and easements was filed at time of filing of Sheet 3/Filed Map 21511, on which Lot D is shown, and that filing date was after Lot D was sold to Mr. Richard Rosenthal (RR) by Briarcliff Contemporaries (BC). But Town's Final Plat Resolution signed and dated, January 5th, 1978, notes Subdivision Map, Sheets 1, 2, and 3. As well, Subdivision Offering Plan of Countryside, which dates to 1982, specifically states, *"Copies of Sheets Nos. 1, 2 and 3 of the (subdivision) Map are annexed…."* And, *"A copy of an area map is annexed…."* Thus Sheet 3, which clearly shows Lot D, was already drawn up long before transfer of Lot D.

To further prove that Lot D was part of the original Open Space I refer again to Town's Final Plat, which states*, "…total amount of open space land shown on final plat is 18.35 acres."* Applicant fails to address my contention that Parcel D's inclusion is necessary to reach total acreage of land set aside as Open Space as defined in Town's Final Plat. Examining the Countryside Open Space tax lots proves this:

98.11-2-1	16.18 acres
98.11-2-28	.80 acres
98.11-2-24	.16 acres
98.11-1-1	.02 acres
98.11-2-47	.17 acres
98.11-2-59	.28 acres
98.11-2-58	.18 acres
TOTAL ACRES:	17.79

Based on Sheet 3/Map 21511 legend and dimensions, my back-of-the-envelope calculations of Lot D roughly equal the difference of needed acreage (.56 acres) to reach the 18.35. Since Lot D is included in the original deed from Cloan Corp to Syracliff dated 1979, and is outlined on the original subdivision maps predating filing of Sheet 3, it was clearly part of the original 18.35 Open Space acreage and was governed by the restrictions and covenants, its current ownership notwithstanding.

Further along in DEIS, Applicant argues that the Common Area restrictions apply to all real property owned by Countryside Residents Association and since the Association no longer owns Lot D and its members no longer have any right of access to or use of it then it is not subject to the restrictions on Common Areas. I have just established that Lot D was indeed once part of original Open Space acreage and thus still governed by the restrictions. In support, I cite case history, NY Court of Appeals, O'Mara v. Town of Wappinger, 2007 WL 3375579 (11/15/2007). In this case, a builder purchased land governed by an open space restriction recorded on the town's final plat. Unaware of the restrictions, the purchaser built a home, which the town eventually forced purchaser to tear down. The NY Court of Appeals ruled that*, **"An open space restriction placed on a final plat pursuant to Town Law § 276, when filed in the Office of the County Clerk pursuant to Real Property Law § 334, is enforceable against a subsequent purchaser."***

2. Applicant does not state specifically but infers that perhaps RR wasn't aware of restrictions placed on Lot D. But Lot D deed specifically states that it is subject to Declaration as recorded June, 24th, 1982 in Liber 7771, cp 559 and **any amendments thereto.** This Declaration clearly spells out open space restrictions. And said declaration was indeed amended with filing of Map 3. The fact that Map 3 and Amendment was filed after transfer of Lot D has no standing because

Lot D's deed binds it to the amendment. Furthermore, Map 3 defines Lot D as "ROSENTHAL OPEN SPACE" and such description should further reinforce RR's desire to maintain Lot D in its natural state, just as all other Association Open Spaces would be preserved.

To further prove that RR was aware of restrictions, I again direct the board to the deed to Lot D which specifically prohibits *"…construction, improvements, or alterations….in perpetuity…."* Additionally, RR purchased from BC four (4) building lots adjacent to Lot D nearly two years earlier, June 24th, 1982 (see Liber 7773 page 216). These wooded lots were part of the Countryside Subdivision. A section of the deed states:

> *Grantor Hereby aggress that the premises herein conveyed will not be subdivided into more than four (4) lots. In the event of such subdivision, it is covenanted and agreed that the said premises will be subject to the terms of a "Declaration of Covenants, Conditions, Restrictions and Easements" set forth in an indenture dated June 21, 1982 and recorded in the Westchester County Clerk's Office in Liber 7771 cp 559….*

Thus RR was well aware of all open space restrictions on record when he subsequently purchased Lot D.

3. Applicant states "Countryside Declaration #1 does not define 'open space'…." But Article I, Definitions, Section 4 of said Declaration states: *" 'Common Area' shall mean all real property owned by the Association for the common use and enjoyment of the members of the Association."* Subdivision Offering Plan, page 3, states*, "All of the Association Open Space is referred to herein as the 'Common Area'."* Clearly, "Common Area" and "Open Space" are one in the same. Furthermore, Applicant omits any mention of Town's Final Plat resolution, which specifically uses the term "open space" and that such space *"…will remain as open permanently undeveloped land…."*

4. Concerning Open Space Restriction in Deed Covering Lot D (8):
Applicant points out that stated provision was not contained in the deed from Waterhouse to Saunders. Is Applicant implying that since provision wasn't in his deed then it doesn't apply? Sorry. The stated provision specifically applies to all ***"successors and assigns";*** and, the restriction outlined in the deed *"…**shall run with the land in perpetuity**."* Applicant might want to complain to the company that conducted his title search when he purchased the property but the omission has no standing here.

5. Applicant claims that **subsequent** to conveyance of Lot D to RR, filing of Sheet 3, etc., a driveway was constructed from another lot owned by RR, across Lot D to Carleton Avenue and implies that this vitiates the restriction. But Applicant offers no maps, photos, drawing, plans, or any other proof to support the alleged date of driveway construction. It is entirely possible that driveway predated RR's purchase of Lot D.

My dispute of chronology notwithstanding Applicant states:

> *"To the Applicant's knowledge, there was never any objection to the improvements by any third parties."*

This is a very subjective statement by Applicant.

But let us go on assumption Applicant is correct concerning chronology of driveway construction. At time of transfer of Lot D, developers of Countryside, Syracliff, Inc., the Sponsors, were in all likelihood still the majority shareholders as most of the subdivision lots had not yet been sold and so the Sponsors may have "voted" to "approve" the driveway and this might account for no "objection" found by Applicant. In addition, RR had a joint business venture with Syracliff in that they co-owned one of the houses being built as part of Countryside. This house sits directly opposite of Lot D. Clearly, there was a friendly relationship between the two parties.

Again, granting Applicant might be correct in chronology, the mere fact of RR building a secondary, private service driveway that has had only occasional use should not entitle Applicant to build a much wider, public street through the designated Open Space and violate the Open Space restrictions.

6. Utility Easement. Applicant points to language in a utility easement in deed to Lot D stating that after Town performs any work within easement bounds it must *"restore the surface and grade…and any pavement, curbs…and any other improvements…."* Applicant seems to be arguing that a road in the Open Space would be permitted given language of easement and claims such improvements, pavement (ie. roads) would be anticipated and not be inconsistent with Open Space prohibition. But utility easement's metes and bounds are very narrow and cover a small area within Lot D, which, in fact, a survey may show actually might encompass the existing access driveway. If so, easement's language regarding restoration of pavement may be directly referring to the driveway having to be restored should it be disturbed during any utility work. This would give further credence to my driveway construction chronology argument discussed earlier. If the easement does not directly refer to the driveway, then I would argue that the language might have just been standard for a utility easement intended to cover any and all situations.

7. Applicant maintains members of Countryside have no standing to object to proposed Road B connection. My earlier arguments should cover this. Since Lot D was once part of and governed by Open Space restrictions as benefitting members of Countryside then those members have every right to object. Additionally, the Appeals Court case cited earlier makes it clear that even if the members of Countryside didn't object, the Open Space restrictions are enforceable against all subsequent purchasers by their very nature of being filed and recorded. And, because the Final Plat Resolution is a Town document and not a private document, the Town itself has standing to object.

Applicant further claims that RR's deed does not name any third party beneficiary with right to enforce its provisions. I contend that no third party need be named since restrictions apply to all successors and assigns and runs with the land in perpetuity.

ADDITIONAL NOTES/THOUGHTS:

In the DEIS applicant does not propose any alternative should access through parcel D be denied. I would like to make the board aware of a verbal statement made by Andrew Saunders concerning such an alternative:

On July 19, 2009, Mr. Saunders invited a few select neighbors, myself included, to his home for an informational session. Mr. Saunders recorded the meeting and invited me to do the same. During this meeting, Mr. Saunders laid out his plan for Taconic Tract, complete with maps and drawings, explaining his intentions and progress.

I asked him what he would do if he were not permitted to build the main access road through Parcel D. He offered that he had a back-up plan: that being the purchase of additional land, contiguous with his own, through which he would then build his access road. He targeted three areas that might afford him do this:

1. The Countryside Residents Open Space sitting between Fox Run Rd and Briars Corners. This runs from Carleton east to Section 98.11, Block 2, Tax Lot 37, and belonging to Taconic Tract. Mr. Saunders realizes that the chance of Countryside selling this is very slim.

2. The property at #17 Carleton Ave. This house has been on and off the market for several years although I do not know its current status. The northern most sliver of Mr. Saunders' property just touches the southeastern edge of this property's backyard. Mr. Saunders proposed razing the

house and then building the access road. I'm not sure there would be enough clearance to build a road here either on the existing property or once it would enter Mr. Saunders' property.

3. The Fader residence at #2 Fox Run Rd. This house fronts Carleton with its driveway on Fox Run. It borders the eastern edge of Parcel D and its backyard borders Mr. Saunders' property. Again, Mr. Saunders would raze the house and build his access road. The residence is technically in Fox Run, a cul-de-sac, although I believe Mr. Saunders would build the access road from Carleton rather than from Fox Run. He believes the owner would be motivated and tempted to sell, as she is a divorced, single mother whose children are now off in college. To my knowledge the house is not currently for sale.

I do not know what the town's rules are concerning the knocking down of residences for private road construction. I'd like the board's opinion on whether this might be legal, viable and permissible. I do believe that a cul-de-sac cannot be altered so that it is no longer a cul-de-sac so this might affect the razing of #2 Fox Run. At the very least, I think the board might have an opinion on this back-up plan as it might affect the surrounding residences and the environmental impact. And I feel the DEIS is not complete if it does not reflect all of Taconic Tract's intentions, plans and alternatives it might be considering.

Comments on Taconic Tract Development DEIS

I.-B. 1st par. Mentions (iii) (referred to as Lot 17 on Subdivision Plan) but no such lot exists on plans, only lots 1-16.

I.-B. 4th par: cites Appendix A: Conventional & Conservation Layout Plans. But Appendix A instead a SEQR doc. The plan appendices are L.

I.-C Required Approvals: Table I-1. Village of Briarcliff Manor is listed only as pertaining to Extension of Water Service. Applicant fails to note Village's jurisdiction and authority over other aspects of project, specifically the portion of Washburn Road at the proposed gated entrance to Site. As noted in letter from Village to Planning Board, dated January 14th, 2009 (copy attached) the Village has specific approval authority for any *"…curb cut for access to Washburn Road, a road opening permit for installation of a sewer line…"* as well as connection to water supply. And I would believe that any required and/or proposed alteration and widening of Washburn Road would also need Village approval.

I.-D. 2. Visual Resources: Homes abutting Project Site to the north have at least partial views of some of the 16 residences clustered. Really? Partial views? I would suggest that views will be more than partial. How does applicant insure only partial views? Will trees between existing homes remain? This is a subjective opinion. Views would change per season.

I.-D. 3. 2nd par. cites Steep Slope Plan - Conventional Layout in Appendix D. But Appen D. is "Water and Sewer Plans". Steep slopes are App. F.

I.-D. 4. 2nd par. "reforestation plan" in Appendix E. While the list shows which trees remain, it doesn't tell us where these trees are? This affects item I.-D. 2 above (views of abutting homes). Shouldn't tree survey pinpoint location of trees to be removed and those to remain?

I.-D. 5. 3rd par. "…no more than 5 acres disturbed at any one time. …structural and vegetative measures used during construction…." How will all of this be verified? Do town personnel supervise this?

I.-D. 7. 6th par. (*Water and Sanitary Service Demands*): village can only supply water if a water district is formed in Mt. Pleasant but applicant does not detail how district will be formed, status of formation, plans for formation, etc. Perhaps the most important issue yet very little is mentioned about this. Water district cannot be formed without a majority of residences' approval. It is my understanding that Taconic could not form its own water district but would have to be part of a larger Town of Mt. Pleasant Water District consisting of existing customers who reside outside the Village of Briarcliff Manor.

I.-D. 8. Traffic and Transportation. 2nd par. Once again, appendices citing is incorrect, notes B as traffic when it's appendix C. Why was there no traffic study of Washburn Road?!

I.-D. 8. 3rd par. "…the southbound approach on Pleasantville Road to Todd Lane." Hunh? Pleasantville road runs east and west at this intersection so how can there be a "southbound" approach on this street? Furthermore, the letters associated with level of service (A, C, D, etc.) are not defined. What do those letters mean?

I.-D. 9. "…result in an increase of 51 persons…." I would disagree. I would point to the Rosecliff development in Briarcliff. This was initially built for and marketed to empty nesters but as they have sold and moved out, their homes have tended to be bought by young families with school-aged children.
(mention this in II. B empty nester, etc.

I.-D. 10. All structures would have sprinklers. Is this fact added into water usage calculations?

I.-D. 10. "schools": "units to be marketed to empty nester couples." Applicant shows no comparable dwellings in BM purchased by empty nesters to support this.

I.-D. 12. “failed conditions at critical intersections.” What exactly does this mean? Can this be further defined?

I.-D. 13. 3rd par. Construction hours 8am-6pm. I would expect that morning construction traffic would be at its peak at the beginning of the day. This directly conflicts with school bus pickups on Carleton. Applicant does not suggest any way to mitigate traffic build-up caused by large trucks interfering with school bus stops.

Blasting: “…limited to those areas requiring rock removal of greater than four feet in depth.” Shouldn’t we know those areas now? And shouldn’t they be specifically listed?

II.-B.1. “Project Purpose and Need” Applicant feels project would satisfy need and desire of empty nesters to “downsize” to low-maintenance housing within the town and area they already live. To this, planning board should note site’s very close proximity to Taconic Pkwy, which borders site. Board should consider noise level from parkway, which can be excessively loud, and also should note that cluster homes of project (which Applicant states would be preferred by empty nesters) will be closer to parkway than most of the single family homes. I would think empty nesters are particularly susceptible to road noise and would shy away from moving to a new home that was subject to loud highway noise levels.

“The Applicant has proposed that an existing paved path system be modified and updated for use by project residents as a passive recreation component.” But this path system is not shown on either site plan.

III.-A. Covenants, Easements and Restrictions:

2nd par. Filed Map 19584 is in Appendix N but that is not clear, I see no map with that number.

III.-A.1.c. Proposed Mitigation: “The Proposed Action includes buffer area and landscaping….” Where is this buffer and landscaping? Between new homes and existing homes bordering property? Or only between new homes and Taconic Parkway. According to plan, it seems most trees between new homes and homes on Fox Run will be removed.

III.-B. Exibits III.B-2 Photographs. Titles and description do not correspond to numbered photographs accompanying this section.
Photo F: “View from Fox Run Road to lot-6” is missing.
Photo G: “Aerial photo from Fox Run to the proposed site” is missing.

III.-B. 2. Anticipated Impacts. Applicant states existing trees in areas between off-site homes and site homes will remain. But according to site plan, it seems these trees will need to be cut down to make way for Roads B and C. “*In Applicant’s opinion, there are no significant adverse impacts to visual resources anticipated.”* I beg to differ and would hope that the Board would not accept the Applicant’s opinion as fact but rather make their own assessment. I invite Planning Board to come stand in my backyard and look at the project site to see anticipated visual impacts.

III.-C. 1. C. Blasting. Is there a minimum distance from existing neighboring residences that blasting can occur? What remedies will there be should any blasting disturb neighboring foundations or result in any exterior or interior damage to neighboring residences?

III.-D. 1. b. Wildlife. No mention of deer. I have observed many deer on site property during every season.

III.-D. 3. “Applicant anticipates that pesticide and fertilizer use on …lots will be typical….” Should Applicant need to resort to wells to provide water to each residence, what would impact be on well-water of pesticide and fertilizer use?

III.-E. 3. Proposed Mitigation. Anti-tracking Apron at Site Entrance. "During muddy conditions, drivers of construction vehicles will be required to wash their wheels before exiting the site." Specifically, at Carleton Ave entrance, where will run-off from wheel washing go?

III.-F. 1. Same (3) Connection to Village Water Supply. Applicant states Village and Town are in discussion about creation of Water District. It is my understanding that discussions are on hold and formation of any district is not in the works.

c. Proposed Mitigation, second paragraph. "If an agreement cannot be reached at the time of construction…." Shouldn't this issue be resolved **way before** "time of construction?" Isn't that way too late in the game? As the Planning Board has mentioned several times, water source is the most important factor in this project yet Applicant is not sure of water source. Furthermore there is nothing detailing depth of wells, how wells would be connected to homes, no specifics whatsoever about wells.

Applicant tested one existing well. Where are these results appended? While there would be 16 individual wells, isn't all water essentially from same source/aquifer? Wouldn't water usage of 16 homes then impact gpm and decrease available water supply?

Wells would need approval and certification from Department Of Health yet this step and procedures for approval are not noted here.

III.-F. 2. Sanitary Sewage b. Anticipated Impacts (2) Proposed Sewer System. In earlier paragraphs Applicant notes existing conditions of surrounding residences that are on Town sewer system use 8" gravity lines. But here Applicant does not describe proposed size of sewer lines in project site. Would these be 8"? 4"?
And, then in Alternative 2, Applicant proposes using existing water main under Taconic. But this main is 2". Is Applicant proposing using this small main? Wouldn't site's 16 mains (8" or 4") running into a 2" main present complications? What is the feasibility of this proposal? And, has Village of Briarcliff Manor consented to use of existing main or approved viability of its use for sewer purposes?

(3) Growth Potential. …"properties situate(d) north of the intersection of proposed Road A with Washburn Road…. This area encompasses approximately 18 existing properties…." But this geographic area described is the new site project that currently has no existing properties. This description makes no sense.

c. Proposed Mitigation. "There will be the possibility of a gravity feed for sanitary sewer to the public connections on Carleton Avenue." Where on Carleton? At the earlier described "northwest of the intersection of Briars Corner and Carleton?" How would proposed site connection get to this existing connection? Through existing residences' property? Along proposed Road B? Elevation between aforementioned connection and project site is higher than project site. How would a gravity fed connection surmount elevation obstacle? Shouldn't this proposed mitigation have much more detail?

III.-G. Traffic and Transportation. In this section Applicant states primary access to subdivision will be through new access road, "Road A" from Carleton Avenue. But in section I-8 as well as on all plans appended and in Exhibits in this section, such road is listed as "Road B." And in the Appendix C figure 10, etc. roads are listed a third way AA, BB and CC. So, which is it? Applicant further states here that subdivision will also contain another proposed access road, "Road B" located to the east of Road A. Is Applicant actually referring to Road C as shown on map? There seems to be a lot of errors here rendering this opening paragraph misleading and useless.

Study areas Exibit III.G-1: Why has Applicant omitted intersection of Todd Lane and Carleton Ave from study? Applicant describes intersection in par. 9 but neglects to study it. There is no stop sign here and this is somewhat of a blind intersection in that cars coming from the south on Todd wishing to turn left onto Carleton have very limited sight distance to the east. This is a relatively heavily trafficked intersection, which would gain much additional traffic from all project site residents wishing to access Pleasantville Road. They would undoubtedly leave

project south to Washburn, head west on Washburn to Todd, then continue left on Todd to Pleasantville Road. Additionally, if they wanted to access 9A north, they would also pass through this intersection.

III.-G.1 par. 2: "…roadways in the vicinity…with standard lane markings for two lane roads." This is not accurate. Two-lane yellow line markings are on only one section of Carleton, from its intersection with Todd to Stonington. There are two other very short (25 feet or so) markings on Todd on either side of its intersection with Carleton. Is there another type of two-lane road marking Applicant is referring to?

par. 8: "…intersection is controlled by a stop sign…." Incorrect. There is no stop sign at this intersection although there should be. In the summer months, during full foliage, cars exiting 9A to turn on to Carleton cannot see cars driving south on Carleton without slowly "creeping" out onto Carleton.

par. 13: study times were 7:30-8:30 AM, and 5:00 PM and 6:00 PM according to Applicant because these times are when the greatest amount of trips would be generated by project. But I submit that study times should be broadened. I refer Board to our submission dated April 20, 2009, by Adler Consulting requesting traffic study hours be 7:00 AM – 9:30 AM for this more accurately reflects when people head to work as well as school, and 2:00 PM to 6:30 PM.

"use of area roads" par. Applicant fails to note two bus stops on either side of Project entrance at Carleton. One bus stop is at Doxbury and Carleton and the other is at Fox Run and Carleton. Busses stop here four times a day: approx. 7:15 AM, 8:00 AM, 2:45 PM, 3:15 PM. Applicant notes that construction traffic and deliveries would directly conflict with these times.

It should further be noted that children from the site who need bus service would most likely have to travel by car to the existing bus stop at Carleton and Doxbury which would be just west of the project entrance since busses are prohibited from entering private developments. Thus, all children from site would have to be driven to this bus stop and this would result in an extra increase in car traffic at the site entrance by residents who would then have to use Doxbury or Fox Run Rd. as a turnaround to return to site entrance.

III.-G.2. Anticipate Impacts par 2: "…cutting back slope…along east side of Washburn…." But Washburn has either or north or south side as it runs east and west so this description makes no sense. Furthermore, any road alteration proposed here would require approval of Village of Briarcliff Manor. Applicant does not offer alternative if no approval is granted.

"Traffic Volumes" paragraph 2: States that Table III.G-2 shows trip generation but this notation is incorrect. It is Table III.G-3.

III.-G.3. Proposed Mitigation. The Applicant says increased volume will not, in Applicant's opinion, significantly impact traffic conditions at the study area intersections…." Applicant should not be offering an opinion if this is supposed to be factual. In fact, I would argue that an increase of upwards of 30-35 cars possibly exiting and entering the site at Carleton Ave would have a significant impact. Exhibits III. G-9 &10 (2011 Build AM & PM Traffic Volumes): The low numbers of vehicle estimated to be entering and leaving project site at main entrance (Carleton and Road B) during AM and PM seems very low (7 and 4 respectively) given that there will be at a minimum 32 cars on site. This cannot be possible and seems skewed artificially low.

I encourage Board to review Traffic Study comments and request submitted by Adler Consulting on April 20, 2009, and compare this with study in DEIS. Adler comments seem more thorough and, if Applicant follows them, may yield more information than Applicant's study.

III.-I. 3. Schools. Applicant predicts 9 school age children but this estimate seems to ignore the correspondence received from the Board of Education, which estimates 2.2 children per home. This would result in 35 students and if only 8 homes are inhabited by empty-nesters then result would still be 17.6 new students. Applicant further ignores school's prediction of a possible new

teacher and increase in bussing.

III.-J. 1. a. references stone walls surrounding the site property. Would like to see assurance that Applicant will not disturb stone walls as they sit on border of neighboring existing residences and provide some limited visual barrier.

III.-J. 2. Anticipated Impacts. Affect of project on Taconic Pkwy. States Parkway will be visually affected. Appendix H notes Parkway is listed on National Register of Historic Places and that project will visually impact Parkway and states that impacts could be reduced by plantings. But in Exhibit III.B-3 Visualization B shows superimposed view of houses when looking west from Parkway. These houses are clearly in view of Parkway so one would assume this schematic would be in violation of Historic Designation.

III.-L. 2. Construction limited to 8:00 AM to 6:00 PM, Mondays through Saturdays. Can this be modified to have a later start time on Saturdays? How is this construction schedule monitored? Who do we complain to if violated?

V.-A. Alternatives, No Action. An “increase in housing stock of the town” is not necessarily a benefit. This is really an opinion of the Applicant, no?

Exhibit V-3 Reduced Impact Layout. This layout shows no houses or lots. Is that an error?

VIII. Third bullet. What protection will there be for neighboring properties against flooding and excessive runoff due to this increase in impervious surfaces? Board should note the increase in severe flooding throughout Westchester County in the last several years due to the increase in intensity of storms vis a vis the decrease in pervious surfaces needed to absorb runoff.

Additional notes: No mention of cable or telephone services. One would assume they would be available but where would hook-ups be? Would they originate on Carleton or Washburn and how would they travel into site?

Project Description:

1. Page II-3 – 1st ¶ - What is the source of water for the on-site irrigation system?

2. Page II-3 – 7th ¶ - The narrative indicates that "standard sized lots" are proposed utilizing clustering provisions. Isn't the intent of the cluster concept to abandon standard sized lots in favor of flexibly configured lots, which achieve the goals of preserving open space and protecting sensitive environmental features? Additionally, the creation of an "intimate setting" should not be identified as a goal of the cluster subdivision. The cluster subdivision process should not be used to by-pass existing zoning controls for marketing purposes, but as noted above, to preserve open space and the site's sensitive environmental features.

3. Page II-3 – 7th ¶ - It is noted that the units will not be age restricted, but will there be any restrictions on the number of occupants (thereby assuring that the "empty nester" goal is achieved).

4. Page II-4 – 2nd ¶ - Does the applicant intend to address any green building standards or seek LEED certification, such as the two applicable categories of LEED for Homes, or LEED for Neighborhood Development? Such a green building commitment is recommended.

5. Page II-5 – 4th ¶ - The Purpose & Need section addresses *only* the empty nester, age targeted nature of the project. As the project will not incorporate any specific age restrictions to guarantee that those purposes and needs are met, identify any other "purposes & needs" addressed by the project.

6. Page II-6 – 6 – 5th ¶ - Similar to comment #5 above, as the project is not specifically age restricted, what benefits exist to prospective home buyers who are not age 55 or above?

Land Use & Zoning:

7. Page III.A-2 – 2nd ¶ - The projects land use impact is not fully established. The change from a "previously disturbed wooded landscape" to a residential subdivision, does not adequately describe the unique and unconventional character of the proposed subdivision. The proposed cluster plan is a hybrid, consisting of elements of a conventional single-family residential subdivision with elements of an attached townhouse residential development. The land use survey presented in the DEIS makes no reference to any such land use type within the vicinity of the site. The uncharacteristic project design is clearly inconsistent with the land use character of the surrounding area, and as such, was not adequately addressed in the DEIS.

8. Page III.A-3 - 1st full ¶ - Further documentation and justification is required to substantiate the reference in the DEIS that the project provides "…a break in what to some is becoming the monotonous pattern of residential design, both in type of dwelling and type of neighborhood."

9. Page III.A-6 – 2nd ¶ - The DEIS states that the perpetual right of ingress and egress over lots E & F will not be used for access to the subdivision. It is not clear how the configuration of the subdivision (the placement of homes, etc.) would impact the intent of that right of access (if at all). This point should be clarified. Why would the easement be allowed to remain intact if it provides no benefit?

10. Page III.A-6 – 3rd ¶ - Same comment as #9 above regarding the access easement.

11. Page III.A-6 – 4th ¶ - Clarify is any other proposed subdivision features (i.e. homes, driveways or other improvements) would be located on or in the vicinity of the utility easement.

12. III.A-7 – 5th ¶ - While the Countryside Declaration #1 may not specifically define open space, the open space it is intended to reference may be defined elsewhere, such as on the original Countryside subdivision plat or associated improvement plans. This issue should be further researched.

13. III.A-8 – 4th ¶ - Concerning the open space restriction on Lot D (8), it is not clear that simply because a driveway was previously constructed, it was done so legally. The driveway may have violated the open space restriction as well. This issue requires further evaluation.

14. III.A-9 – 2nd ¶ - While the association may lack standing to object to the open space provision, the issue has merit, and bears on the subdivision plan. The concern should be more fully investigated.

15. III.A-9 – 4th ¶ - While certain property owners may be bound by a covenant requiring "full and complete cooperation" with this subdivision, the Planning Board is bound by no such way. Any legal issues raised during the course of the public review of the DEIS must be addressed to the satisfaction of the Lead Agency.

16. III.A-9 – Last ¶ - It is not clear, based on the absence of any analysis, how the conclusion that the land use of the project (townhouses and attached single-family homes) is consistent with the area, when no such housing types exists in the vicinity of the project site.

17. III.A-14 – The discussion of the anticipated zoning impacts should address how attached single family homes and/or townhouses are addressed in the zoning ordinance, and if in fact, such unit types are permitted.

<u>Visual Resources:</u>

18. III.B-1 – 2nd ¶ - Explain more fully how the architecture of the proposed townhouses will "coordinate" with the existing adjacent residential neighborhood.

19. III.B-3 – 4th full ¶ - It is not clear that the architectural style of the proposed townhouses is consistent with the surrounding area. The housing style may in

fact conflict with the existing character of the well established detached single family residential neighborhood, and as such should be addressed accordingly as a project impact.

If necessary, architectural design mitigation measures or other measures, such as project modifications, may have to be established in the project Findings or via plan revisions, in order to properly mitigate this potential impact. Additional documentation is required to establish the significance of this potential impact.

Soils, Topography & Steep Slopes:

20. III.C-5 – 2nd full ¶ - This paragraph concludes that the predominant soil types (Chatfield/Charlton) are primarily limited due to slopes and bedrock. According to Table III.C-1, they are also very limited regarding seepage. This is important given the disturbance in these soil areas for proposed drainage facilities (0.27 acres). This impact should be more fully addressed.

21. III.C-10 - #4 – The 14.4' cut required for Road B, and the 13.2' cut required for Road C appear excessive, and clearly do not follow the "natural topography to the greatest extent possible" as required in the steep slope ordinance.

    Options to minimize road cut and perhaps adjust the grading or configuration of lots should be explored.

22. III.C-11 - #6 – While it is acknowledged that the highest elevation of the site is 380' (60 feet below the ridgeline to the north), clarify that no development activity, including grading, home construction, etc. would result in improvements that extend up above the 440' elevation of the ridgeline.

23. III.C-11 - #7 – The statement that the proposed grading plan blends into the contours of the site appears to be at odds with the amount of cut and fill required to accommodate the proposed action.

24. III.C-11 - #9 – Provide a summary of the extent of required retaining walls – total lineal feet, location of walls, height of walls, etc.

25. III.C-12 - #10 – The response does not indicate if the cut and fill slopes meet the setback standards.

26. III.C-14 - #21 – How does the applicant propose to guarantee that specific house types (i.e. split/stepped levels, garage under or walkout basements) – which are discussed as specific mitigation measures – are actually constructed by the purchasers of the lots in question?

27. III.C-14 – #22 – This response must be clarified. Are *all* proposed improvements located within areas of the site that have been previously disturbed and improved? The response suggests that this is the case.

28. III.C-15 - As noted in #21 above, excessive cuts (10,300 cubic yards) as presently proposed, require adjustments to the proposed action, or extensive mitigation measures, which are not addressed in the mitigation section.

29. Exhibit III.C-2 – Excessive grading along Lots 12, 13 & 14 represents a concern warranting the implementation of mitigation, including site grading or substantial layout adjustments.

Flora & Fauna:

30. III.D-3 – 4th full ¶ - Clarify if the list of species observed represents actual animal observations or observations of evidence (i.e. nests, scat, etc.)

31. III.D-4 – 2nd ¶ - Provide the sizes of the 491 trees to be removed.

32. III.D-6 – Table III.D-4 – Some general description of how the proposed plantings will be utilized and located on the site is required.

Surface Water Resources & Stormwater Management:

33. III.E-1 – 5th ¶ - The high point of the site identified in this section (415') is inconsistent with the high point identified on page III.C-11 (380'). This is an important piece of existing site data to correct as it may impact the potential for the project to affect the ridgeline.

34. III.E-5 – Will the grassed swales be located on individual private lots? If so, how can their continued maintenance be assured?

35. III.E-5 – Exhibit III.E-1 was not included.

36. III.E-5 – 1st ¶ - Provide back-up documentation on how the water demand was established.

Utilities:

37. III.F-2 – Appendix D could not be located.

38. III.F-2 - #3 – The issues (and limitations) associated with the potential connection to the Briarcliff Manor Water District must be more fully documented.

39. III.F-3 – 2nd ¶ - If the installation of wells may be necessary, a more fully developed discussion of the potential impacts of installing the wells should be provided, including such issues as potential draw down impacts on surrounding wells.

40. III.F-4 – 3rd ¶ - How was the lawn irrigation system water demand of 27,026 gpd calculated? Is this figure based on existing irrigation rates?

41. III.F-4 – The comparisons of the two sewer alternatives should include factors such as amounts of grading, cut & fill, tree removal, etc.

42. III.F-5 – 1st ¶ - Is sufficient capacity available in the County Trunk Sewer Main to accommodate the additional 18 homes?

Traffic & Transportation:

43. III.G-1 – 1st ¶ - Has the 0.07 acre Saunders parcel been acquired yet? If this acquisition does not occur, how would access to the site be modified?

44. III.G-1 – 1st ¶ - Why is it that Road B is indicated to provide access to only seven single-family dwellings? First, it appears that only 3 lots front on Road B. Additionally, Roads A & B intersect, and as such provide access to all of the proposed lots on both roads.

45. III.G-1 – 3rd ¶ - Provide the dimensions of the roads that are described as "standard width."

46. III.G-1 – 4th¶ - Identify the governmental jurisdictions of Route 100 and Pleasantville Road.

47. III-G-1 - 6th ¶ - Define a "Local/Urban/Road."

48. III.G-2 – Table III.G-1 – Identify the location from which sight distance measurements were taken.

49. III.G-3 – 6th ¶ - Provide the dates and days of the week when the manual and ATR traffic counts were conducted.

50. III.G-4 – 1st full ¶ - This paragraph is written to suggest that the LOS C at the south bound approach to Todd Lane is the worst operating condition in the study area. Table III.G-2 indicates that the westbound approach to Carleton Avenue operates at LOS D.

51. III.G-5 – 2nd ¶ - This paragraph is incomplete. Provide accident documentation from the Mt. Pleasant and Village of Briarcliff Manor Police Departments.

52. III.G-5-6 – 6th ¶ - The discussion of improving the sight distance at the new access road on Washburn Road – eastbound. How much grading is required? Will materials be removed? How many cubic yards? Define tree removal. What additional work can be done to improve sight distances beyond the 240' minimum distance?

53. III.G-6 – 1st full ¶ - Does the trip generation rate for single family homes apply to the attached townhouse units proposed for this project?

54. III.G-6 – The trip distribution figure presented in Exhibit III,.G-6 & III.G-7 are in percentages, while in III.G-8 it is presented in actual trip numbers. Convert III.G-8 to percentages.

55. III.G-6 – 4th ¶ - The rationale for the trip distribution assignments presented in Exhibit III.G6-8 should be further supported. Given the sites central location, obvious trip routes are not apparent. The prevalence of trips toward Todd Lane should be further documented.

56. III.G-7 – 3rd full ¶ - Clarify what is meant by "additional mitigation measures are beyond the scope of the project." Does this mean geographically? Financially?

Socio-Economic/Fiscal:

57. III.H-3 – 1st ¶ - This paragraph indicates that "for worst-case projection purposes, it has been assumed that all units would have market rate characteristics," yet the empty nester population projection is utilized resulting in a total project population of 51 residents rather than 59 in the worst case scenario.

58. III.H-3 – The school age children generation rates in Table III.H-6 indicate that "worst case projections" have been applied. However, as noted above in comment #57, if standard rates were applied, the generation would increase notably.

Community Facilities and Services:

59. III.I-1 – 5th ¶ - Provide additional documentation regarding the private security patrols.

60. III.I-3 – 2nd full ¶ - The response from the Briarcliff Manor School District is necessary to adequately evaluate school impacts.

61. III.I-4 - 2nd ¶ - How will recycling be handled?

62. III.I-5 – How does the applicant propose to address the park reservation standards set forth in section A227-27A of the Subdivision Regulations?

Alternatives:

63. V-1 – The analysis of all of the alternative plans should more thoroughly address the specific impacts associated with each alternative. A comparative table should be provided, documenting the differences between each alternative. Site plans should also be provided for each alternative.

15 Carleton Avenue
Briarcliff Manor, NY 10510

September 30, 2010

Hon. Michael McLaughlin, Chairman
And Members of the Planning Board
Town of Mt. Pleasant
One Town Hall Plaza
Valhalla, NY 10595

RE: TACONIC TRACT DEIS

Dear Sirs:

We are longtime residents of Briarcliff Manor in the unincorporated Town of Mt. Pleasant in the neighborhood significantly affected by the proposed Taconic Tract Development ("Taconic Tract"). We are writing to express our sincere concern about the negative impact posed by the Taconic Tract Plan to: (1) our neighborhood, wedged between Route 9A, Route 100, Pleasantville Road, and the Taconic State Parkway; (2) Briarcliff and surrounding areas; and (3) the local environment.

We and other residents and interested parties have previously addressed and alerted you at Town Meetings and by letter with the particulars of our shared concerns about the Taconic Tract regarding: (1) road safety and feasibility; (2) increased traffic on local roadways and at difficult local intersections, both during and after proposed construction; (3) school bus and emergency vehicle access; (4) loss of open space; (5) protection of wetlands and steep slopes; (6) adequacy of water and sewer for new dwellings; and (7) disruption of area wide natural and manmade drainage. We want to underscore once again these significant issues as the Board considers the Taconic Tract DEIS.

Thank you for your consideration of our concerns for our neighborhood, community, and environment.

Sincerely,

Dan and Catherine Taylor

Sent e-mail and by post October 1, 2010

Vincent & Theresa Marchica
132 Todd Lane Briarcliff Manor, N.Y 10510

Hon. Michael McLaughlin, Chairman
Town of Mount Pleasant Planning Board
Town hall
1 Town Plaza
Valhalla,N.Y. 10595

Re: Taconic Tract Development
Mount Pleasant , N.Y.
Draft Environmental Impact Statement

Dear Mr. Chairman and Members of the Planning Board:

We are writing to express our concern regards various aspects of the Taconic Tract Development. We are expressly concerned with our quality of life. We do not wish to lose the tranquility and peace of the area. The unique quality of being tucked away where nobody comes unless they are invited. Where one does very rarely hear cars or hardly ever a truck. As it is now I get up in the morning and wonder what or who will I find on my property . Will it be a surveyor or perhaps a felt orange colored flag stuck in the ground near my sprinkler. Or another orange flag adjacent to a flimsy makeshift fence. Our quality of life is sorely going down hill. I'm starting not to feel comfortable in my own home.

Is it necessary for our home to be surveyed twice in 2 years without our permission? What are these people looking for? No one is telling us. We are located on Todd Lane below Saunders house. Well its been one thing right after another.We did have survey markers on the right side of our property however they have gone missing and we did not remove them.When questioned Mr. Saunders said the snow must have knocked them down. Is it not a felony to remove surveyors markers? These are only a few incidents to come to mind.

There is a water issue. Where will the water be drawn from? There is no immediate water source. I understand 38 wells will have to be dug in order to satisfy this large development . A second alternative might be to establish a water district . I don't believe Briarcliff Manor officials are quite ready to do that. Where will the water come from?

The roads in this area are another large issue.The roads leading to and from Pleasantville Road to Todd Lane and Washburn Road are too narrow to accommodate earth movers,flat bed trucks,cement mixers,tractor trailers and any oversized vehiclesThe average road width is about 17' to 18'with no shoulders but ruts,.The curve on Carleton Avenue is very narrow and sharp. There is no way any large vehicle could turn here

without commanding the entire road.There is no dividing line on Todd Lane coming from Pleasantville Road across the Bridge to Washburn Road except for the intersection at Todd and Carlton.I believe dividing lines were not painted on Todd Lane because the roads are narrow and cars would have to ride partially in the ruts when passing each other. Todd Lane and Washburn were designed as country roads not to withstand the commercial traffic intended. Should not the Briarcliff Manor Highway Dep't be involved here?

Concerning the DEIS 111, A9 The Marchica deed contains the following provision We are to give full and complete cooperation with this single family subdivision . Just what exactly does this mean? It further states the applicant (Saunders) is a successor of Rosenthal (The former owner)and the Marchica property is subject to "Full Cooperation Covenant " .

The issue regards the schools must be mentioned here. Our schools are full to their limit. Our school taxes are beyond belief. They are the highest in the country. Can we sustain another large influx of children. Will the taxes collected be enough to cover this additional burden? We will have to hire more teachers , build suitable structures to accompany this influx. Many of the children in our area are walkers. They do not live far enough to take the bus. Will our roads be safe for them? The traffic will be increased to many times what it could bear. This will be endangering our children plus add financial burden to the village.

Regards to storm water management I refer to Alan Crosswell's Letter of May 15th ,2010 p.11-8 11.c.
Regards the sewer system reference Alan Crosswell's Letter May 15th,2010 p.3 F4 (2)

In conclusion I would like to add our thoughts about the following.The size of the project .The impact of the size of this project upon this area will be staggering in every way for all of the reasons above mentioned in our letter.

Thank you for the opportunity to air our feelings and thoughts.

Respectfully Yours,
Theresa Marchica

Vincent Marchica

Hon. Michael McLaughlin, Chairman
And Members of the Planning Board
Town of Mt. Pleasant
One Town Hall Plaza
Valhalla, New York 10595

October 5, 2010

Re: Taconic Tract DEIS

As residents of Briarcliff Manor living within the area affected by the proposed Taconic Tract Development, we are writing to express our concerns about the above-mentioned project.

Washburn Road (as you already know) is a very narrow 'country road' (about 17 feet across in some places). We will attached pictures on separate email that demonstrate. There is a blind corner when you turn from Todd Lane to Washburn Road. Washburn and Todd have no sidewalks, no stop signs, no street lights, and Washburn has very steep hills. Our children – as well as other children – walk to and from school on this road: an endeavor already made less than optimal by those from outside the immediate neighborhood who drive too fast as they deliver children to the school.

We are very concerned that increased traffic from construction vehicles and, eventually, new residents would further endanger our children if Washburn Road became an accessway for the Taconic Tract Development. We hope that you will keep the nature of the neighborhood in mind, including its benefits and its limitations, while considering the proposed plans.

Yours truly,

Maria and Daniel Laguardia
100 Washburn Road

Dear Committee Members,

Thank you so much for listening to all of our concerns in regards to the possible development site of Taconic Tract in Briarcliff Manor.My wife and I moved to Briarcliff Manor and Washburn Road to enjoy the serenity and quiet suburban lifestyle which we have enjoyed for the past 12 years. Our street is a desolate and quiet road that demands caution and awareness at all times. There are children walking in the street, animals running across the streets and narrow and unlit roads in the evening. We reside at the dead end which is the last house on the road, bordering the Taconic Parkway which means that the water runoff affects our property being that we are the lowest point of the road and have the wetlands bordering our property, We have lost several trees in the past two years due to the dampness of the property and we have major concerns of this development site creating further erosion and water damage to our property.

I asked the Board to direct a question to the developer as to why the access to this site, being that the developer wishes to develop, isn't thru the entrance @ 124 Washburn Road. The reason is that Taconic Tract wants to retain his privacy at the expense and inconvenience of others. The Board should be aware of the other access roads to be unusable for a development of this size. If the developer were to build 17 homes on this site with an average of 3000 square feet per home it is a certainty that there will be in excess of 2 cars per home resulting in 30-50 cars on a full time basis coming from this development, and this is not including guests. Being that the access road on Washburn Road has no night lights and has blind curves this would be an accident waiting to happen.

The water issues are a major concern. Presently, there are soap suds that come into my pond and water that saturates my property from the top of Washburn Road. The addition of any more water would have major effects on my property and the wetlands and could cause more erosion to my property line. This has to be monitored and addressed

In conclusion I ask the Board to address these issues, as you have in the past, and feel that a project such as Taconic Tract should not exceed 10 homes as documented in the existing deed and land usage for a subdivision on this site

Thank you again for your understanding and concern
Sincerely
Danny Heller
177 Washburn Road
Briarcliff, New York 19519

TOWN OF MOUNT PLEASANT
Conservation Advisory Council
Steven Kavee, Chair
Sabrina Christiansen
Jeannette Koster
Joyce Meiklejohn
Rajiv Kapoor

To: Mr. Michael McLaughlin, Chair
Town of Mount Pleasant Planning Board
cc: Ms. Joan Mabry, Town Supervisor; Ms. Jacqui Koenig
From: Steven Kavee, Conservation Advisory Council, Chair
Re: Taconic Tract DEIS

CAC Taconic Tract DEIS Comments

Upon review of the Taconic Tract DEIS, and a walk of the site and the surrounding area, the Conservation Advisory Council offers the following comments:

Overview

The applicant, Taconic Tract Developers, LLC, proposes a 16 lot subdivision, along with an existing home, on 30 acres located in a residential area. The Conservation Layout preferred by the applicant provides a total 8.5 acres on 2 parcels that would remain as passive open space restricted for use by residents of the development. To maximize the lot count in the Conservation Layout, 8 homes would be clustered on smaller lots.

The site is largely undeveloped with the majority (25.5 acres) Appalachian Oak-Hickory Forest. There are no observable wetlands or watercourses on the property and the proximity to the Taconic Parkway and distance from wildlife corridors makes the site unlikely to support protected species, though there is an abundance of flora and fauna including a number of significantly large native trees, many of which will be removed for the development.

Access to the site from Carleton Road is conditioned on using a deed restricted parcel with a longstanding history as designated open space for common use and enjoyment by homes in the adjacent Countryside development. An alternative or secondary access is proposed from Washburn Road, a substandard Road with severely limited sight distances and pedestrian traffic from Todd Elementary School located behind the homes across the street.

The property is mostly sloped with some homes proposed on or near ridgelines and accessed from steep slopes, requiring a steep slope permit . To mitigate the runoff and erosion from slope construction an extensive stormwater management plan is proposed.

An existing stormwater system on the property is noted in the DEIS but it is unclear if that system will be integrated into the proposed plan. This existing system appears to catch runoff through storm drains located around the property, transferring it through a series of pipes that discharge untreated water into the NYSDEC Wetlands along the Taconic Parkway and a neighbor's pond located across Washburn Road.

The applicant had proposed using water from the Village of Briarcliff Manor. However since the Village is requiring the establishment of a water district, this does not appear possible. The applicant proposes wells for the residents as an alternative.

Land Conservation and Flora, Fauna Protection

The conservation subdivision preferred by the applicant provides approximately 8 acres of open space. We support a conservation layout which preserves contiguous wooded areas though it appears that the purpose of clustering a portion of the homes is to optimize lot counts to the maximum allowed per zoning rather than to maximize open space and minimize environmental impact.

The CAC suggests that an alternative with all units clustered on the north and/or northwest portion of the site would preserve more open space, reduce steep slope disturbance and the number of large trees removed. Storm water impacts could be reduced as well.

Continued

The landscaping plan includes use of native plants. The use of native plants in preserving habitat is an important component of good environmental planning and we commend the applicant for including it in the plan. We also recommend that provisions are made to assure the continued use of native plants by the residents association as well as implementing an organic lawn maintenance plan that would eliminate the use of pesticides.

In addition, specific measures to prevent invasive plant encroachment during construction should be employed, particularly at edges of the wooded open space areas.

The flora and fauna report includes typical species commonly found in a suburban setting. No threatened or endangered species were observed but remarkably neither were any deer, which is extremely unusual and raises questions on the thoroughness of the field survey.

The fauna report concludes there will be an inevitable loss of species diversity from the habitat destruction however "habitat values will be dependent on landscape planting schemes and maintenance regimes of the developed lots and…protective cover for wildlife." The use of native plants in landscape plans could mitigate the impact. A detailed plan for the continued use of native plants should be included. Measures to reduce or eliminate use of pesticides would maintain species richness and should be detailed. This would be particularly valuable for residents as well, if well water is being used.

The rock outcrops on the south east of the property are noted as micro habitats. The flora and fauna report suggests they should be protected where possible. We strongly recommend that since these rock outcrops are part of the open space, specific measures should be taken that will preserve this important ecological feature.

Indiana Bat habitat features should also be protected as described in the DEIS.

Reforestation with native species is noted and a positive measure.

Tree Removal

As a result of the open space provision, the plan meets the Tree Reforestation requirement. As noted, the open space is a positive measure. However, 48 significantly large trees (24 inches dbh and over) are proposed to be removed. These include several oak, maple and locust 28-40 inches and a 48" maple.

While tree density is being preserved per the local law, the site of the homes should be closely reviewed to see if additional large trees can be preserved. The 48" maple appears to be located in the access road from Washburn and this tree deserves special attention to see what measures can be taken to prevent its destruction.

Water and Wells

The use of municipal water from the Village of Briarcliff Manor, as acknowledged in the DEIS, has not been approved. Considering the Village recently declined to provide municipal water to a 3-lot subdivision on Chappaqua road without the creation of a water district, we believe it is not likely for this subdivision.

As an alternative, the applicant proposes using well water for the homes. The CAC questions the impact of the proposed storm water management plan on ground water recharge since the fully developed site with large amounts of impervious surfaces and a stormwater management plan will divert water off site.

Stormwater Management

The CAC suggest the use of low impact storm water systems including grates, pipes and drains designed to protect wildlife from being drawn into the system, use of pervious pavers, rain gardens and other sustainable methods. These should be detailed in the FEIS and incorporated into the site plan where possible.

An existing stormwater system on the property, referred to as "inlets", is briefly described in the DEIS. The system appears to be a series of storm drains and pipes that send stormwater directly into the NYSDEC wetlands and a neighbor's pond without any treatment.

Continued

During the site walk, Mr. Saunders, a principal in the project, indicated the existing system would be used for drainage around the clustered homes. Specific details on this system need to be provided. Will this system be integrated into the stormwater management plan? Is the neighbor's pond intended to be used as a retention basin and is there an existing agreement with the neighbor for that use?

Under current conditions the water may be relatively benign. However, with 16 landscaped homes, various chemical landscaping measures and upgraded roadways serving the residents, the runoff impacts will be entirely different.

Other questions on the system were raised by Alan Crosswell, a neighboring property owner with one of the storm drains on his property, who reports that water appears to be running through the system year round regardless of storm conditions. During a series of casual inspections of the drains on Washburn, this was observed by a CAC member as well. This suggests the possibility that the system was installed to divert a previously existing water course. The storm drains run along the area of the property where a watercourse would typically exist. The CAC recommends further investigation by a hydrologist or other professional with the expertise to make a proper determination.

Impacts on Energy Use and Conservation

It is positively noted that the development will not have street lighting. This is an environmentally sound decision providing both aesthetic benefits and energy efficiency. We support this aspect of the plan that does not add more energy consumption and unnecessary light pollution and to an existing residential area. However we recommend more energy efficiency measures.

A very short general outline in the DEIS states that "homes would be designed to meet or exceed the New York State Energy Conservation Code". The CAC would like to see a more detailed commitment to this increasingly important issue. For example, it states in the DEIS "windows are *likely* to be double paned, insulating glass for winter heating and low emissivity for summer cooling" does not demonstrate a defined commitment to sustainable construction (italics added).

New home construction offers an opportunity to use the most energy efficient materials, reducing energy consumption and carbon footprint. Homes should include CFC lighting and other LEEDS type measures that would significantly add both to the environmental and market value of the development from reduced energy costs and the reduced environmental impact of these new homes.

Specifically we would request information on the type of energy efficient materials and more definitive assertions on their use including but not limited to:

- Insulation material and air sealing
- High efficiency heating and water heating equipment (95% efficiency)
- Energy star windows
- Energy star products and appliances (includes light fixtures, bulbs, ventilation fans, and appliances)
- Independent testing - Verification by an independent energy home rater.

Site Access

Access to the site across a parcel that had been deeded as open space is a serious concern from a conservation perspective as well as a legal issue that the Town needs to clarify. The notion that deeded open space can be arbitrarily used for a road undermines the long term goals and the purpose of conservation planning. The Town has an obligation to review and determine if, as suggested in the DEIS, previous improper use or an abandonment of a restrictive covenant or easement in the chain of title, permits use for an access road to a 16 lot subdivision.

Good planning would dictate a hard look at this issue.

If it is determined that this land, deeded in perpetuity for common open space use by the residents cannot be used for a road, then access to the site is problematic. The only other frontage is along Washburn Road where there are serious sight distance and substandard road issues, along with pedestrian safety concerns with foot traffic from the elementary school walking path across the street.

This issue must be resolved and the CAC is strongly opposed to using deeded open space for private development purposes.

COUNTRYSIDE RESIDENTS' ASSOCIATION, INC.
Post Office Box 111
Briarcliff Manor, New York 10510

August 10, 2010

RECEIVED
AUG 11 2010
TOWN OF MT. PLEASANT
PLANNING BOARD

Mr. Michael McLaughlin, Chairman, and
Members of the Planning Board
Town of Mount Pleasant
One Town Hall Plaza
Valhalla, New York 10595

RE: Taconic Tract (Application No. 926)

Dear Chairman McLaughlin and Members of the Planning Board:

On behalf of Countryside Residents Association, Inc. ("Countryside"), as its President, I respectfully submit this letter in connection with the proposed development by Taconic Tract, including land designated as Open Space on the Countryside subdivision. Specifically, we question the right of Taconic Tract to transform designated Open Space to a paved roadway for access to a 16-lot subdivision. Further, we question whether this Board has the legal right to approve the use of that Open Space shown on the Countryside subdivision, as proposed herein given the restrictions imposed thereon.

As you know, Countryside is a community of forty-four (44) homes built as a cluster subdivision upon 47.69 acres, including 18.35 acres of Open Space. It was approved by this Planning Board on January 5, 1978 by adoption of a Resolution that required, among other things, that the entire 47.69 acres of land be subject to a Declaration of Covenants & Restrictions, creating a homeowners association (the "Declaration", a copy of which is enclosed). The land on which Taconic Tract proposes to build a roadway is clearly labeled "Open Space" on the Filed Map.

The "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, NY (Sheet No. 3)", filed in the Westchester County Clerk's Office as Map No. 21511 on April 3, 1984, states that it was approved by Resolution number 335 adopted by this Planning Board (the "1978 Resolution"). (Copies of the "Filed Map" and the 1978 Resolution are enclosed for your convenience). The 1978 Resolution permitted approximately forty-eight (48) acres of land to be developed for forty-four (44) homes, even though the applicable R-40 District established a minimum lot size of 40,000 square feet. Thus, most of the Countryside lots are well under one acre in size in order to preserve the balance of the land as Open Space.

My family has lived in the Countryside community for twenty years and together with our many neighbors, we have enjoyed its wooded, undeveloped Open Space that surrounds so many of the streets and homes. The preservation of this Open Space is the result of the Planning Board's vision more than thirty (30) years ago. The cluster subdivision regulations empowered the Planning Board to preserve this natural Open Space and to allow smaller building lots to accommodate that goal. Accordingly, the Planning Board determined that

the layout of the Countryside subdivision should conform to the R-10 District requirements of minimum lots sizes of 10,000 square feet because imposing R-40 requirements would have failed to preserve the wooded character of the 18.35 acres of Open Space that were so important to the Town.

It is essential to the future integrity of the Planning Board's process and to anyone who has purchased, or in the future may purchase property pursuant to a Resolution adopted by this Board that the terms and conditions contained in any such Resolution shall be enforced. To emphasize the critical importance of certain facts on which the Planning Board based its 1978 Resolution, I am quoting some of the WHEREAS clauses in the 1978 Resolution:

> "Approximately 22 acres or 40% of the overall site will remain as open permanently undeveloped land available for the use of the future residents of the site and the visual enjoyment of visitors and adjacent property owners" (p. 2);
>
> "Also in this open space, up to 5% of the overall site may be designated for land, active recreation area, which may contain a recreation building, a swimming pool, tennis and paddle tennis courts, parking and access drives and general landscaping and site improvements" (p.2); and
>
> "The proposed cluster development contains less impermeable road surface and associated maintenance and repairs than would occur in the conventional subdivision. This combined with the extensive areas of land left in an undisturbed condition rather than converted into lawns and landscaped areas [or roadways], not only replenishing the ground water supply to a greater degree but also reducing the amount of storm runoff and chemical fertilizer carried into the storm drainage system, thereby reducing the potential for flooding, siltation and contamination of the storm drainage system" (p. 3).

In 1978, based upon the Planning Board's review and consideration of the record supporting the 1978 Resolution, the following conditions were imposed and were intended to govern Countryside's future development more than thirty (30) years ago *and perpetually thereafter.*

> "The total amount of open space land shown on the final plat is 18.35 acres, or in excess of 38% of the 47.69 acre site. This is not significantly different from that proposed on the preliminary plat." (p.4); and
>
> "The open space restrictions shall be permanent and open space shall be designated as a park and nature preserve and a deed restriction and indenture satisfactory to the Town Attorney shall be included in the deed of each lot and so noted on the plat" (p. 9, Par. 5.C.)

It is unquestionable that the 18.35 acres, including the land that Taconic Tract proposes to pave as a roadway, were required to be preserved in their natural condition under the 1978 Resolution. Therefore, we respectfully request that the Planning Board deny Taconic Tract approval to build a roadway on Countryside's designated Open Space that is proposed to serve an adjacent subdivision thereby converting previously undisturbed land to impervious surfaces in a manner wholly inconsistent with both the 1978 Resolution and the Declaration.

Thank you for your consideration in this matter.

Sincerely,

COUNTRYSIDE RESIDENTS' ASSOCIATION, INC.

William S. Null, President

WSN:ec
Enclosures

cc: Mr. Patrick Cleary, Town Planner; Mr. James Vanoli, Town Engineer; and Mr. Eric Blum, Treasurer

PLANNING BOARD
TOWN OF MOUNT PLEASANT

FINAL PLAT RESOLUTION: COUNTRYSIDE SUBDIVISION
CLOAN CORPORATION
S. B. & W. INVESTORS, INC.
SYRACUSE BROS., INC.
NORTH END OF CARLTON AVE.
ADJACENT TO ROUTE 100
SECTION 1, BLOCK 3, LOTS 5C and 5C8
APPLICATION NO. 335

WHEREAS, a public hearing was held by the Town of Mount Pleasant Planning Board on July 1, 1976 on the development application of the Countryside Subdivision (Syracuse), owner and applicant, for the approval of a preliminary subdivision plat entitled, "Sketch of Proposed Countryside Subdivision, Town of Mount Pleasant, New York," Scale 1" = 100', prepared by Emmanuel J. Cupo, Surveyor, 43 Montague Street, Yonkers, New York, and dated March 1976, revised June 23, 1976, which lands are located on the north end of Carlton Avenue, adjacent to Route 100 and the Briarcliff Manor Village line, and are designated on the Town Tax Maps as Section 1, Block 3, Lots 5C and 5C8, totaling approximately 50 acres, hereinafter called the preliminary plat, and

WHEREAS, upon motion duly made by Mohr and seconded by Valenti, a resolution of preliminary plat approval for the above plat was unanimously approved by the Planning Board on September 15, 1976, and

WHEREAS, an application fee of $490 was paid for the 44 lots shown on said plat, and

WHEREAS, the applicant has presented a written petition to the Planning Board requesting approval of a "cluster type" site plan entitled, "Preliminary Plat, Countryside Subdivision, Town of Mount Pleasant, Syracuse Bros., Development Corp.", Scale 1" = 100', prepared by Dolph Rotfeld Associates, 555 White Plains Road, Tarrytown, New York, and dated June 18, 1976, and

WHEREAS, the Planning Board has been authorized to approve such cluster type subdivisions in accordance with Section 281 of the Town Law, by resolution of the Town Board and as noted in Article X, Section 46-84, of the Town of Mount Pleasant Zoning Ordinance, and

WHEREAS, in consideration of the above, the Planning Board has given additional review to the above subdivision layout in order to determine the reasonable capability of its development for single-family homes under the Town's development requirements and concerns which include, among other things, wetlands preservation, steep slope protection, drainage, traffic safety and convenience, and the conservation of the Town's natural resources in general, and

WHEREAS, the Planning Board has determined that the proposed subdivision, hereinafter called the "site Plan," is a "cluster type" which preserves major open space areas, unique natural resources and provides other benefits noted below and is comprised of and supplemented by the following information:

1. The applicant has requested the use of Section 281 of the Town Law by written application;

2. The applicant has submitted a preliminary layout of a conventional subdivision plat, the preliminary plat mentioned above, in accordance with the Town's development regulations, in order to establish the permitted number of lots in the subdivision, which preliminary layout shows 44 potential dwelling lots and is hereby granted preliminary plat approval subject to the following modifications and conditions in this resolution;

3. The Planning Board has established, in its discretion and subject to the conditions of Section 281 of the Town Law and this resolution, that: the dwelling units shall be in single-family detached structures of one and two habitable stories; and the actual number of approvable lots on said preliminary layout has been determined by the Planning Board to be 44 after field inspection, review of the conventional single-family home subdivision design, and detailed design studies of several lots in accordance with the physical conditions of the site and the Town's Zoning Ordinance and Subdivision Regulations, and

WHEREAS, the Planning Board has reviewed the Mount Pleasant Town Development Plan, adopted by the Planning Board on July 2, 1970, which Plan recommends single-family residential development for land use in this area and also recommends that "The open space that gives Mount Pleasant its semi-rural character should be preserved in whatever feasible method is available . . ." and that "The Town should consider obtaining open space through cluster-type residential subdivisions," and

WHEREAS, the proposed Westchester County Open Space Policy draft of April 15, 1975 encourages local governments to avail themselves of development mechanisms such as clustering in housing developments, and

WHEREAS, the applicant has demonstrated sufficient evidence to the Planning Board to warrant the discretionary use of the provisions of Section 281 of the Town Law in the development of this site for the following reasons, considered to be a benefit to the Town of Mount Pleasant:

1. Approximately 22 acres or 40% of the overall site will remain as open permanently undeveloped land available for the use of the future residents of the site and the visual enjoyment of visitors and adjacent property owners;

2. Also in this open space, up to 5% of the overall site may be designated for land, active recreation area, which may contain a recreation building, a swimming pool, tennis and paddle tennis courts, parking and access drives and general landscaping and site improvements;

3. All dwellings and recreation structures on the site will be connected to public water and sewer systems, meeting the requirements of the Town of Mount Pleasant, the Village of Briarcliff Manor and the New York State Department of Health and Environmental Conservation, thereby helping to prevent depletion and pollution of the ground water supply reducing potential septic tank failures and tank truck traffic;

4. The proposed cluster development contains less impermeable road surface and associated maintenance and repairs than would occur in the conventional subdivision. This, combined with the extensive areas of land left in an undisturbed condition rather than converted into lawns and landscaped areas, will permit considerably greater absorption of water into the ground, not only replenishing the ground water supply to a greater degree but also reducing the amount of storm runoff and chemical fertilizer carried into the storm drainage system, thereby reducing the potential for flooding, siltation and contamination of the storm drainage system;

5. In addition to the standard recreation fee as noted below, the applicant has offered to the Town $500 per dwelling unit to be used for Townwide recreation activities, programs and purposes, and

WHEREAS, in the course of its review the Planning Board has:

1. Made field inspections of the property, and

2. Requested and obtained the technical review of the proposed subdivision from the Town Planning Consultant, officials of the appropriate fire, water and sewer districts, the Town Recreation and Parks Commission, the Briarcliff Manor School District, and the Town of Mount Pleasant Conservation Advisory Commission, and

3. Received an advisory report on the proposed development from the Town of Mount Pleasant Conservation Advisory Commission by letter dated April 30, 1975. The Commission found the proposed cluster plan to be acceptable and requested the opportunity to review any final subdivision plat and/or site plan, and

WHEREAS, a resolution of preliminary plat approval, with conditions, was unanimously passed by the Mount Pleasant Planning Board on September 15, 1976, and

WHEREAS, as a result of said preliminary plat approval the applicant has continued to pursue his request for final plat approval and has requested several extensions of time, which extensions have been granted by the Planning Board and are recorded in the Board's files, and

WHEREAS, <u>an application for final plat approval</u> of a proposed 44 lot subdivision was submitted by the applicant, as shown on maps entitled:

1. <u>SUBDIVISION MAP</u> of Countryside, Town of Mount Pleasant, Westchester County, New York, Sheets 1, 2 and 3, County Blocks 8932, 8934, Sheet 122, Scale: 1" = 50', Prepared by E.J. Cupo, Surveyor, undated, and

2. Countryside Subdivision, Town of Mount Pleasant, Westchester County, New York, <u>PLAN</u>, Prepared by A.M. Landi, Engineers for Syracuse Brothers Development Corporation, shown on 10 sheets, titled, scaled, and dated as follows:

a. Plan; scale: 1" = 100'; dated: 11/23/77.

b. Plan, Cluster Layout, Sewer, Water and Drainage; scale: 1" = 50'; dated: 10/3/77.

c. Countryside Subdivision; scale not shown; dated: revised to 12/28/77.

d. Plan, Cluster Layout, Sewer, Water and Drainage; scale: 1" = 50'; dated: 10/3/77.

e. Profiles, Main Road and Sewer; scale: as shown; dated: 9/3/77.

f. Profiles, Lateral Roads and Sewers; scale: as shown; dated: 9/3/77.

g. Profiles - Sewer; scale: as shown; dated: 12/21/77.

h. Grading Plan, Sta. 0+0 to Sta. 9+00; scale: 1" = 50'; dated: 11/18/77.

i. Grading Plan, Sta. 9+00 to Sta. 13+00; scale not shown; undated.

j. Grading Plan, Sta. 13+00 to Sta. 25+60; scale: 1" = 50'; dated: 11/18/77, and

WHEREAS, the Planning Board has discussed the proposed final subdivision plat at several regular Planning Board meetings, at which time all those persons interested were given an opportunity to be heard, and

WHEREAS, said resolution of preliminary plat approval and all conditions therein, shall remain as prerequisites or requirements of this final plat resolution, except as may be modified herein, and

WHEREAS, the applicant has met the conditions of said preliminary plat resolution except as may be noted herein, in particular as follows:

1. The 44 proposed building lots shown on the final plat range in size from 14,000+ square feet to over 40,000 square feet and are therefore considerably larger in size than the minimum lot size required in the R-10 zoning district.

2. The total amount of open space land shown on the final plat is 18.35 acres, or in excess of 38% of the 47.69 acre site. This is not significantly different from that proposed on the preliminary plat.

3. Agreement has been reached between the applicant and the Village of Briarcliff Manor to insure connections from the proposed houses to that Village's sewer system,

NOW, THEREFORE, BE IT RESOLVED, that said application be and hereby is approved subject to the conditions herein, and that the Chairman of the Planning Board be authorized to endorse the Planning Board's approval on said plat upon compliance by the applicant with the conditions noted herein, provided however that this conditional approval shall expire 180 days from the date of this resolution if the applicant has not complied with such conditions to the satisfaction of the Planning Board:

1. Modification of the plat and site plan to show the following:

A. Administrative:

(1) Name, address, date and signature of the owner(s) of record and the subdivider.

(2) A metes and bounds survey map of the following:

(a) All existing and proposed property boundaries and easements;

(b) Monuments and locations as determined by the Town's Subdivision Regulations and approved by the Town Engineering Department;

(c) Compliance with Section 4.93 of the Town of Mount Pleasant Subdivision Regulations; and

(d) Dimensions and bearings for all reservations and easements, for parks, street widening, utilities and drainage, slope protection and sight clearance as required by Section 4.5 of the Land Subdivision Regulations.

B. Housing Lots:

(1) Identify all housing lots; name and/or number the housing clusters.

(2) Number of housing lots:

(a) The Planning Board reserved final decision on the number of approved lots, pending detailed study of typical house and driveway locations, elevations and grades for Lots 3 through 6, 13, 14, 18 and 31 thorugh 35. These studies were submitted.

(b) The Planning Board has made a detailed study of the proposed development of the several lots and the housing clusters as noted in Section 1B of the preliminary plat resolution and finds said lots to be acceptable and net densities to be generally and reasonably similar to the R-10 zoning district and therefore hereby approves a total of 44 dwelling units in this development.

(3) Each cluster or section of housing shall be submitted in stages for detailed site plan review. Housing locations may be adjusted by the applicant within the R-10 setback requirements in detailed site plan design.

(4) The proposed typical orientation and grading of the lots, clusters, structures, driveways, parking areas, pedestrian areas, roads and driveways, and all utilities, including their construction, have been submitted to the Planning Board in total or in sections or stages for review and final plat and site plan approval.

C. Roads and Parking:

(1) In recognition of the improved design possibilities of the cluster development site plan, the main entrance road may be constructed to Town Collector road standards which shall require a width of 28 feet pavement with concrete or cut stone curbs, positive drainage, including detention basins, all as deemed appropriate by the Planning Board in final plat and site plan review. Curbs may be waived by the Planning Board subject to the recommendations of the Town Engineering Department and the Town Superintendent of Highways. No individual driveways or off-street parking will be allowed along this road. The main entrance road shall be extended, constructed and paved to provide access to adjacent property to the north for possible future connection to adjacent properties.

(2) In the cluster site plan, secondary roads shall be built to local Town street standards with a width of 24 feet with similar curbing, drainage and parking restrictions as C1 above.

(3) In the cluster site plan, minor streets or drives giving access to housing clusters shall meet turn-around standards and dwelling setback requirements of the R-10 Zoning District.

(4) If the applicant elects to proceed with a conventional subdivision, all roads shall be laid out and constructed strictly to Town road standards, including maximum cut or fill of fifteen (15) feet and grades of 10% with short, straight runs up to 12%.

(5) Name all roads and obtain Town approval.

D. Recreation:

(1) In lieu of land, submission of a recreation fee in an amount of $500 per dwelling unit and in a total amount equal to $22,000 to be paid at the time of final plat and/or site plan approval.

(2) The recreation fee, totalling $22,000, as noted in Condition 1D, shall be paid in full prior to endorsement of the subdivision plat. The additional Townwide cluster recreation fee of $500 per dwelling unit, totalling $22,000 and noted as Benefit E shall be paid on an individual dwelling unit basis as a condition prior to the granting of a certificate of occupancy for each dwelling unit. Total recreation contribution to the Town shall thus constitute $44,000, or $1,000 per dwelling.

E. Utilities:

(1) Approval of the Town of Mount Pleasant, the Village of Briarcliff Manor and the County Health Department for provision of water and sewage disposal.

(2) Major distribution of water supply within the development shall be via water lines of eight inch minimum diameter. All water supply facilities shall be adequate in size and as approved by the Town of Mount Pleasant and Village of Briarcliff Manor.

(3) The sewage disposal system, including a lift station if required, shall be connected to the Westchester County trunk sewer line in an adequate manner to meet the service needs of the proposed development and shall meet all the requirements of the Town of Mount Pleasant, Village of Briarcliff Manor and the Westchester County Department of Health.

(4) Sewers and other utility lines, including the sewage lift stations, shall be located within street rights-of-way insofar as possible to minimize destruction of trees and natural landscaping in the open space areas.

(5) Approval of the electric power company and telephone company having jurisdiction to service the development. All electric power and telephone lines shall be underground.

2. Improvements and Construction Plans: The applicant has submitted construction drawings as noted above. All improvements shall be constructed in accordance with the requirements of Section 4.94 of the Land Subdivision Regulations and to standards approved by the Town of Mount Pleasant except as otherwise noted herein:

A. Storm drainage shall be modified in accordance with the Planning Board's "zero increase in rate of run-off" concept, as approved by the Town Engineering Department. All retention basins shall be offered for Town ownership, as with streets, parks and other easements in accordance with Section 3.3 of the Land Subdivision Regulations.

B. Prior to rough grading the applicant shall clear the proposed alignment of each road pavement only, shall stake the top and front of proposed cut, fill and graded slopes for review by the Planning Board. No trees greater than 6" in diameter at breast height shall be cut within the right-of-way without specific Planning Board approval.

C. Show complete proposed construction details and drainage facilities of all community facilities and utilities such as but not limited to:

(1) Water and sewer systems, to include easements on applicant's property from these systems, to permit connection with existing or proposed lines as approved by the Town Engineering Department.

(2) Typical roads of all types.

(3) Driveways and parking areas.

(4) Drainage facilities including gutters, headwalls, piping, detention basins and diversion ditches.

(5) Typical entrance signs and street lighting at road intersections.

3. The applicant shall tender to the Town Attorney proof of ownership of the property shown on the preliminary subdivision plat and site plan.

4. The applicant shall construct or install and shall maintain the following improvements:

A. All roads, paved to standards acceptable to the Planning Board except that the pavement width shall be waived to widths as designated above and shall be modified as necessary in the field, as to width and location, to protect and conserve unique existing trees, natural features, drainage and other matters considered appropriate by the Planning Board.

B. Sight easements shall be provided and appropriately noted at all road intersections and shall be kept permanently cleared of all materials which may obstruct views from vehicles.

C. Storm drainage facilities designed for 100 year storms shall be provided as deemed appropriate by the applicant's engineer and approved by the Town Engineering Department and in general accordance with a drainage and siltation plan recommended or approved by the Soil Conservation Service, said plan shall have zero increase in rate of runoff of storm drainage among its objectives.

D. Appropriate street signs, street lighting and street trees shall be installed at street corners and other areas as approved on the final subdivision plat and site plan.

E. Street trees shall be planted on each side of all proposed streets. Trees shall be of a type indigenous to the area, such as maple, oak or sweetgum, as may be recommended by the Conservation Advisory Commission and shall be generally staggered, one to the other, across each road. Existing trees of three inches or greater in diameter at chest height, noted in "2B above, may be approved in place of and substituted for new trees where approved by the Planning Board upon recommendation of the Town Engineering Department and the Conservation Advisory Commission.

F. All improvements shall be reviewed and approved by the Town Engineering Department and shall be constructed or installed in accordance with the requirements of this resolution and in accordance with the "Standards of the Town of Mount Pleasant," approved by resolution dated November 11, 1975, respectively, except as

hereinwaived. All utilities shall be placed underground or appropriately screened from view in a manner and for reasons which may be approved by the Planning Board.

5. The applicant shall submit provisions for a "homeowner's association," in full compliance with Article 9B of the Real Property Law of the State of New York, to be approved by the Town Attorney and the Planning Board before the issuance of any Certificate of Occupancy, which shall include, but not be limited to the following:

   A. The homeowner's association shall be established before the houses are sold.

   B. Membership shall be mandatory for each immediate and successive lot owner or homeowner.

   C. The open space restrictions shall be permanent and the open space shall be designated as a park and nature preserve and a deed restriction and indenture satisfactory to the Town Attorney shall be included in the deed of each lot and so noted on the plat.

   D. The association shall be responsible for liability insurance, local taxes on common elements, and the maintenance of all common element areas and facilities, open space and recreational areas, roads and related facilities, other than Town accepted facilities.

   E. Homeowners shall pay their proportionate share of the association's costs, and the assessment levied by the association shall become a lien on the individual property if not paid.

   F. The association shall be able to adjust the assessment to individual owners to meet changing needs.

   G. The Town, if necessary, shall be permitted to perform any maintenance work which may not have been done or properly accomplished by the association, and the Town may assess the cost for such work, as well as any taxes which may not have been paid, particularly against all property owners within the subdivision and the homeowner's association.

6. The applicant shall pay to the Town of Mount Pleasant an inspection fee for construction inspection in the amount of 3% of the cost of all site improvements. The applicant shall submit a detailed estimate of the cost of all site improvements for the review and approval of the Town Engineering Department.

7. The applicant shall offer a deed of dedication to the Town of Mount Pleasant for the new street areas and detention basins and recreation areas as shown on the final plat.

8. The applicant shall file with the Town of Mount Pleasant an insurance policy to cover liability involving street beds. Such insurance shall continue until such time as the Town of Mount Pleasant formally accepts such roads.

9. If the applicant does not intend to offer a deed of dedication to the Town of Mount Pleasant for the roads shown on said plat, a note shall be added as follows: "Not offered for dedication."

10. The applicant shall offer a bill of sale to the Town of Mount Pleasant for storm drains and appurtenances.

11. In order to obtain the approval of the Planning Board on the final plat and site plan prior to the completion of the required improvements specified in "4" above:

    A. The applicant may elect to file his subdivision by section(s) and may build or bond the improvements for that section. Such procedure shall require Planning Board endorsement of each section and completion of improvements to the extent considered necessary by the Planning Board prior to the endorsement of the following section.

    B. Should the builder elect to bond the improvements said bond shall include the following items: 20% of the total cost of the improvements shall be covered by an irrevocable letter of credit; the remaining 80% shall be covered by a performance bond; both instruments to be approved by the Town Attorney.

    C. Subsequent sections of the development shall be bonded in the manner in "B" above. Any reduction of performance bond funds must maintain a 20% proportion in a letter of credit as specified in "B" above. Upon filing of each section of the subdivision, the letter of credit shall be maintained in an amount at least equal to 20% of the total cost of bonded improvements as estimated by the Town Engineering Department.

    D. In addition, the applicant shall either file with the Town of Mount Pleasant a performance bond, guaranteeing and assuring the completion of all said improvements, in an amount to be determined by the Planning Board, the Town Engineering Department and the applicant's engineer or shall complete all improvements prior to the issuance of any building permits.

    E. The construction performance bond, which may be offered by the applicant in lieu of actual construction of the improvements prior to filing of the plat, may be transferred in whole or in part from a former section to a subsequent section provided that all construction of the bonded improvements in the formerly filed section has been certified as complete by the Town Engineering Department.

    F. The form of such letter of credit and performance bond shall be approved by the Planning Board, the Town Attorney and the Town Board for each section respectively. The bond shall be conditioned upon the satisfactory completion or installation of all of the above-named improvements in each section within a period of three years from the date of the filing of the letter of credit and the bond with the Town of Mount Pleasant, whichever is the earliest date.

G. Said letter of credit and bond shall be posted within 60 days of final approval of the final plat in its entirety or in sections approved by the Planning Board. The letter of credit shall remain effective for at least two years beyond the issuance of the final Certificate of Occupancy.

12. No Certificate of Occupancy shall be issued for any structure in any one section of a subdivision until the modifications and the improvements, as required in this resolution, have been made, constructed or bonded in that section.

13. The applicant shall file with the Town of Mount Pleasant a maintenance bond in the amount of 25% of the total amount of the cost of the improvements, with the duration being two years from the completion date of all improvements as certified by the Town Engineering Department. Such maintenance bond shall be in a form satisfactory to the Town Attorney and approved in writing by him, and the surety, sufficiency, and manner of execution shall be approved by the Town Board. Such maintenance bond shall guarantee the maintenance of the proposed improvements and the adequate and sufficient drainage protection of the proposed lots in the subdivision, and of adjacent private property and public roads.

14. The Planning Board may waive any additional requirements of gutters, street lights and fire alarm signal devices, due to the lack of connecting facilities and/or the existing rural and open space character of the development, other than as required in this resolution or any future resolution regarding final plats or site plans. Sidewalks are hereby waived due to the lack of connecting faciliites and the rural character of this subdivision.

15. No certificate of occupancy shall be issued for any structure on any of the lots established by this subdivision or any stage or phase thereof until a completed road base, guaranteeing safe year-round use of the road, shall have been constructed to adequately serve said structures.

16. Prior to the release of the letter of credit the applicant or developer shall present to the Town Engineering Department an "as built" drawing. Such drawing shall be prepared by a professional engineer or surveyor and must include but shall not be limited to the following: road grades, typical road cross-sections, drainage structures, lines and inverts; water lines and hydrants; watercourses and cross-sections; retaining walls; and easements.

17. During construction, adequate measures are to be taken to assure proper drainage and to prevent erosion. Nearby culverts, gutters, catchbasins, or the like, which may become clogged by construction, shall be continuously cleaned.

18. In accordance with Article X, Variances for Subdivisions, of the Town of Mount Pleasant Zoning Ordinance, and subject to the satisfactory completion of the requirements of this resolution, the Planning Board

considers the subdivision plat to be consistent with the public welfare, and therefore considers the several variations as to improvements, lot dimensions and building locations to be reasonable and hereby approves them. Should the applicant elect to submit a conventional final plat, the approval granted by this specific section may be recinded.

19. To obtain building permits, the approved, endorsed linen copy of the subdivision plat, in whole or in sections, shall be filed with the County Clerk by the applicant.

    A certified copy of the above indicating proof of filing shall be presented to the Planning Board along with four complete sets of final prints, bearing the signature of each of the following: the Chairman of the Planning Board, the Commissioner of Health of Westchester County, and the owner(s) of the property. These endorsed prints and proof of filing shall be presented to the Secretary of the Planning Board and a receipt received from him for same prior to the issuance of any building permits.

BE IT FURTHER RESOLVED, that in accordance with the authority granted to it by the Town Subdivision Regulations and the State Law the Planning Board hereby waives the requirement of a public hearing on the final plat since the changes noted in the final plat are primarily internal and in the opinion of the Planning Board would have little or no affect upon adjacent properties from that which was illustrated and discussed at the preliminary plat hearing. This resolution shall be binding upon the owners or assignees of all properties involved herein. No portion or section of the subdivision plat shall be approved separately without formal application, review and approval by the Planning Board,

AND BE IT FURTHER RESOLVED, that in the course of review the Planning Board has determined that certain Town easements or reservations of property for highway purposes exist on the property. Since this subdivision is to be approved and the land is to be developed in an appropriate manner the Planning Board is of the opinion that said rights or easements for Town road purposes should be relinquished by the Town.

Kenneth A. Myers

Kenneth A. Myers, Chairman
January 5, 1978

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LIBER 7771 PAGE 559

See Final Amendment Liber 7814 Page 573

DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS

THIS DECLARATION, made on the date hereinafter set forth by SYRACLIFF, INC., a New York corporation with its office at 16 Andrea Court, New Rochelle, New York, hereinafter referred to as "Declarant",

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in the Town of Mount Pleasant, County of Westchester, State of New York, shown on "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, N.Y., Sheet No. 1", dated March 31, 1978 and filed in the Westchester County Clerk's Office (Division of Land Records) on May 1, 1981 as Map No. 20566.

WHEREAS, Declarant will convey the said real property and rights in easements, subject to certain protective covenants, conditions, restrictions, reservations, liens and charges as hereinafter set forth;

NOW THEREFORE, Declarant hereby declares that all of the real property described above shall be held, sold and conveyed subject to the following easements, restrictions, reservations, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the real property. These easements, reservations, covenants, restrictions and conditions shall run with the real property and shall be binding on all parties having or acquiring any right, title or interest in the described properties or any part thereof, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

Section 1. "Association" shall mean and refer to COUNTRYSIDE RESIDENTS ASSOCIATION, INC., its successors and assigns.

Section 2. "Subdivision Map" shall mean and refer to the map entitled "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, N.Y., Sheet No. 1", which was filed in the Westchester County Clerk's Office (Division of Land Records) on May 1, 1981 as Map No. 20566.

See Second Amend. Liber 9386 Page 33

Section 3. "Properties" shall mean and refer to that certain real property described in Schedule "A" to the Declaration and shown on the Subdivision Map, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the members of the Association.

Section 5. "Lot" shall mean and refer to any plot of land shown on a filed Subdivision Map with the exception of the Common Area.

Section 6. "Section" shall mean such Lots and Common Areas set forth on the Subdivision Map and those Lots and Common Areas set forth on each of two additional sheets of a subdivision map to be filed in the Westchester County Clerk's Office together with and subject to easements, restrictions and reservations set forth on any such Subdivision Map and on such additional sheets, required and/or approved by the Planning Board of the Town of Mount Pleasant and subject to Declarant's reservation of the right to convey easements to public authorities and/or to utilities, public or private.

Section 7. "Member" shall mean and refer to every person or entity who holds membership in the Association.

Section 8. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, but excluding those having such interest merely as security for the performance of an obligation.

Section 9. "Declarant" shall mean and refer to SYRACLIFF, INC., for as long as it continues to own any part of the Properties, its successors, assigns and grantees.

Section 10. "Institutional Lender" shall mean a bank, savings and loan association or insurance company which holds a first mortgage on a Lot, together with the improvements thereon.

ARTICLE II
ANNEXATION OF ADDITIONAL SECTIONS

Declarant shall have the right to, and shall, annex additional Sections to the Properties. Such annexation shall take place by Declarant filing such amendment or amendments to this Declaration as shall be necessary.

Thereafter, the Owner of a Lot in such annexed Section shall become a member of the Association. Notice by Declarant of such annexation shall be in writing and shall be sent promptly to the Association and to each of the members.

ARTICLE III
MEMBERSHIP

Declarant represents that it has heretofore caused the Association to be organized under the laws of the State of New York and every person or entity who is a record Owner of a fee or undivided fee interest in any Lot which is subject to covenants of record and to assessment by the Association shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. No Owner shall have more than one membership for each lot owned. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to an assessment by the Association. Ownership of such Lot shall be the sole qualification for membership.

ARTICLE IV
VOTING RIGHTS

The Association shall have one class of voting membership. Members shall be all those Owners as defined in Article II. Members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Article II. When more than one person holds such interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot. Declarant shall not control the Board of Directors of the Association after two (2) years after the date of recording this Declaration, or upon the conveyance, in the aggregate, of at least 50% of the Lots, whichever first occurs.

ARTICLE V
PROPERTY RIGHTS

Section 1. Members' Easements of Enjoyment. Every member shall have a right and easement of enjoyment in and to the Common Area and such easement shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) the right of the Association to permit non-members to use the Common Areas and to pass rules and regulations, and amendments thereto with respect to the use of the Common Areas to control such use by members;

(b) the right of the Association, in accordance with its Articles and By-Laws, to borrow money for the purpose of improving the Common Areas and facilities and in aid thereof to mortgage said property, and the rights of such mortgagee in said properties shall be subordinate to the rights of the homeowners hereunder;

(c) the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument signed by members entitled to cast two-thirds (2/3) of the votes has been recorded, agreeing to such dedication or transfer, and unless written notice of the proposed action is sent to every member not less than 30 days nor more than 60 days in advance; and

(d) the By-Laws of the Association, as the same are amended from time to time.

Section 2. Delegation of Use. Any member may delegate in accordance with the By-Laws, his right of enjoyment to the Common Areas and recreational facilities to the members of his family and his tenants, provided such persons reside on the property.

Section 3. Title to the Common Area. The Declarant hereby covenants for itself, its successors and assigns, that it will convey fee simple title to the Common Areas to the Association, free and clear of all mortgages, liens and encumbrances except such encumbrances and conditions as are set forth on the Subdivision Map and such other encumbrances and conditions as are set forth on Schedule B annexed hereto, except that Declarant expressly reserves the right to grant easements to public authorities and/or to utilities, public or private. Declarant will convey its rights in the Easements to the Association.

Declarant hereby further covenants that it will convey title to the Common Areas in each Section to the Association prior to or simultaneously with the first conveyance of

title to a Lot in that Section, other than the two Lots conveyed to Con Edison.

Declarant hereby reserves the right, for so long as it owns one or more Lots in the Properties, to use part or all of the Common Areas to permit inspection of the Common Areas by prospective purchasers and hereby grants easements and rights-of-way through, over, upon and across the Common Areas to itself for the completion of the construction on the Common Areas and the Lots.

ARTICLE VI
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Properties, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be fixed, established and collected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with such interest, costs, and reasonable attorney's fees shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation shall not pass to his successors in title unless expressly assumed by them.

Section 2. Purpose of Assessments: Responsibilities of Association. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents in the Properties and in particular for the improvement and maintenance of the Properties, taxes, services, and facilities devoted to this purpose and related to the use and enjoyment of the Common Area and of the homes situated upon the Properties. The Association shall be responsible for the management of, repairs and replacements to, and maintenance of the Common Areas.

Section 3. Annual Assessments. After consideration of current maintenance costs, taxes and future needs of the

Association, the Board of Directors shall fix the annual assessment to be paid by each Owner to the Association. The Board of Directors shall prepare a budget upon which the annual assessments for the ensuing year will be based and a copy of such budget shall be submitted to each member at least 30 days prior to the commencement of the effective date of such budget.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy in any assessment year, a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the Common Area, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than 60 days in advance of the meeting setting forth the purpose of the meeting.

So long as Declarant shall continue to own eleven (11) or more of the 44 Lots in all three Sections of the Properties but in no event longer than three (3) years from the date of recording this Declaration the Association may not, without the prior written consent of Declarant (i) levy annual special assessment for capital improvements greater than $500 per Lot or make any addition or alteration to the Common Areas, (ii) create any reserve or contingency funds or increase the existing reserve or contingency funds in excess of 15% or (iii) borrow money, the annual debt service for which exceeds 30% of the total expense budget of the Association, except that the Association may act without such consent if the action is required by law or is reflected in the budget.

In the event an Institutional Lender acquires title to a Lot pursuant to a decree of foreclosure or a deed in lieu of foreclosure prior to the initial sale of all of the Lots by the Declarant to independent third party purchasers, the Association may not levy any special assessments for capital improvements without the prior written consent of such Institutional Lender, provided such consent shall not be unreasonably withheld or delayed.

Section 5. Rate of Assessment. Annual and special assessments for all fees, charges and expenses of the Associ-

ation shall be fixed at a uniform rate for all Lots. At the discretion of the Board of Directors, annual and special assessments may be collected on a monthly basis.

Section 6. Declarant's Obligation. A. Notwithstanding anything to the contrary contained in this Declaration or the By-Laws, the Declarant covenants to pay to the Association the aggregate amount of assessments levied against all Owners pursuant to Sections 3 and 4 of this Article, until all three Sections have been annexed and this Declaration has been amended accordingly.

B. Notwithstanding anything to the contrary contained in this Declaration or the By-Laws, the Declarant's covenant and obligation to pay assessments shall be limited to the lesser of the following sums:

(a) the maximum annual, monthly, or special assessment, as the case may be, determined in accordance with Sections 3 and 5 of this Article VI, or;

(b) (i) the actual cost of operation, maintenance, insurance and repair of the Common Areas; and (ii) other obligations of the Association for such fiscal year of the Association, less (iii) all assessments levied against all other members for such fiscal year. If (iii) is greater than the sum of (i) and (ii) for any fiscal year, the Declarant shall be entitled to credit such difference against its obligation to pay assessments in any subsequent fiscal year.

In supplying services to the members, the Declarant may direct the Association not to supply maintenance or other services to any Lots to which title remains in the Declarant.

Section 7. Quorum for Any Action Authorized Under Section 4. At the first meeting called, as provided in Section 4 hereof, the presence at the meeting of members or proxies entitled to cast sixty per cent (60%) of all the votes shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in Section 4, and the required quorum at any such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 8. Date of Commencement of Annual Assessments: Due Dates. The annual assessments provided for herein shall commence as to all Lots when determined by the Board of

Directors. The first annual assessment shall be adjusted according to the number of months remaining in the fiscal year. Subsequent annual assessments shall be computed to reflect Sections annexed as provided in Article II. Subsequent to such annexation of a Section, the Lots in such Section shall be assessed based on the then current annual (and special, if any) assessment for each Lot belonging to the Association prior to the annexation multiplied by a fraction, the numerator of which shall be the number of months remaining in the fiscal year and the denominator of which shall be twelve (12). The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall upon demand at any time furnish a certificate in writing signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 9. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the maximum rate of interest allowed under the laws of the State of New York, and the Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

Section 10. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot which is subject to any first mortgage, pursuant to a decree of foreclosure under such mortgage, or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such assessments as to payments thereof which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or

from the lien thereof.

Section 11. Exempt Property. The following property subject to this Declaration shall be exempt from the assessments created therein:

(a) all properties dedicated to and accepted by a local public authority; and

(b) the Common Area;

However, no land or improvements devoted to dwelling use shall be exempt from said assessments.

Section 12. Rights of Town of Mount Pleasant. The Town of Mount Pleasant shall have the right to perform any maintenance work which has not been done or properly accomplished by the Association, and the Town may assess the cost for such work, as well as any taxes which may not have been paid, particularly against all Owners and the Association.

ARTICLE VII
MORTGAGES

Section 1. Notice to Association. An Owner who mortgages his Lot with an Institutional Lender shall notify the Board of Directors of the Association in writing of the name and address of such Institutional Lender and shall file a conformed copy of the note and mortgage with the Board of Directors; the Board of Directors shall maintain such information in a book entitled "Mortgages of Lots".

Section 2. Notice of Unpaid Assessments. The Board of Directors, whenever so requested in writing by an Institutional Lender of a Lot, shall promptly report any then unpaid assessments due from, or any other default by, the Owner of the mortgaged Lot.

Section 3. Notice of Default. The Board of Directors, when giving notice to an Owner of a default in paying assessments, shall, if such default shall continue for 90 days, send a copy of such notice to the Institutional Lender holding a mortgage covering such Lot whose name and address is theretofore above furnished to the Board of Directors.

Section 4. Notice of Condemnation. The Association shall send notice to any Institutional Lender holding mortgages on 25% or more of the Lots in the event of a taking in condemnation or by eminent domain of part or all of the

Common Area. Such Institutional Lenders shall have the right to contest any condemnation awards on behalf of the Association. If the Institutional Lender is successful and obtains an increase in the condemnation award as a result of its contest, the Institutional Lender shall be entitled to be reimbursed out of such award for its reasonable expenses, including attorneys fees, for such contest. If the Institutional Lender is not successful in increasing the condemnation award, the contest shall be at the sole cost and expense of the Institutional Lender so contesting.

ARTICLE VIII
SPONSOR'S RIGHT TO CHANGE SUBDIVISION MAP

Section 1. The Declarant hereby reserves the right, subject to the approval of the Town of Mount Pleasant, to make minor revisions of lot lines and road lines from those shown on the Subdivision Map and from those shown on additional sheets of the subdivision map to be filed in order to preserve the natural topography of the land and to increase the size of the lots to accommodate the proposed building or buildings thereon. The Declarant's right reserved hereunder shall include the right:

(a) to subtract from the land conveyed to the Association insubstantial portions thereof for the purpose of adding such portions to one or more of the numbered Lots;

(b) to shift, in an insubstantial manner, the location of a numbered Lot or Lots and the location of a building or buildings; and

(c) to change, in an insubstantial way, the direction of a road or roads.

Section 2. The Association hereby consents (and the deed conveying the Common Area to the Association shall similarly provide) that the Subdivision Map and any additional sheets of the subdivision map to be filed may be amended to effectuate any of the above provisions without any further consent of the Association being required, and further covenants that the Association will, if requested, execute, acknowledge and deliver, without charge, a deed or deeds reconveying to the Declarant, its successors and assigns any land theretofore conveyed to the Association so that a revision or correction deed or deeds conforming to an amended map may be delivered to the Association. The deeds to

numbered lots given to Lot Owners shall also provide that the Subdivision Map and such additional sheets may be amended accordingly for the above purposes without any consent on their part being required, and that the acceptance of a deed shall be deemed a consent to such future amendment or amendments of the Subdivision Map and such additional sheets, and that they covenant that they will, nevertheless, if requested, execute, acknowledge and deliver, without charge, any written consent to such amendment or amendments of the Subdivision Map and such additional sheets.

ARTICLE IX
EXTERIOR MAINTENANCE

Section 1. The obligation to maintain the home and all other improvements on the Lot, including the driveway, is the Lot Owner's.

ARTICLE X
RESTRICTIONS ON USE OF LOTS

Section 1. The Lots may be used for residential purposes as defined in the applicable zoning ordinances, as the same may be amended from time to time, and such other accessory uses as permitted by such zoning ordinances.

Section 2. No commercial vehicles, recreational vehicles, boats, trailers, or campers shall be kept on any Lot or on the Common Areas except with the approval of the Declarant or the Board of Directors of the Association. Homeowners shall not be allowed to repair cars on their premises or store unlicensed or unused cars.

Section 3. No animals, livestock or poultry of any kind shall be raised, bred or kept in any dwelling or on any Lot, except that dogs, cats or other domesticated household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose and provided that not more than two pets in the aggregate may be kept in any single home. No unleashed and unattended animals shall be permitted upon the Common Areas unless carried in suitable containers. Litter from animals shall be removed immediately by the homeowners.

Section 4. Exterior clothes lines shall not be installed.

Section 5. No nuisance nor noises of any kind, unwholesome and offensive to the neighbors, shall be permitted to exist on said premises, nor shall any accumulation of rubbish,

garbage, junk or materials of any kind be permitted to remain on said premises. No noises, sound or music to the extent that it is audible in adjacent premises shall be permitted between the hours of 11:30 P.M. and 7:30 A.M. except on weekends. No advertising signs, billboards or other sign devices shall be permitted on any of said lots excepting developer signs during the period of time the Sponsor is selling homes. A home owner may maintain a "professional office" sign on his Lot and after the Declarant is no longer selling homes an Owner may maintain a "for sale" or "for rent" sign. No permitted sign, other than developer's sign, shall be larger than 8" X 16", or as controlled by Town regulations.

Section 6. No sand, earth or sod shall be removed from a Lot, or excavation be allowed to remain open thereon, except as may be necessary during building construction periods or except as may be approved by Declarant or the Board of Directors of the Association. After construction, lawn and landscaping shall be installed and maintained thereafter in an attractive manner.

Section 7. No radio, television or similar towers shall be erected on any Lot or attached to the exterior of any dwelling, unless prior approval of the Board of Directors is obtained.

Section 8. There shall be no obstruction of the Common Areas nor shall anything be stored in the Common Areas without the prior consent of the Board of Directors.

Section 9. Notwithstanding any provision herein contained to the contrary, during the period of construction and sale of homes in any Section, it shall be expressly permissable for Declarant to maintain upon such portion of the Properties or Common Areas as Declarant deems necessary, such facilities as in the sole opinion of Declarant may be reasonably required, convenient, or incidental to the construction and sale of said homes, and improvements to Common Areas, but without limitation, a business office, storage area, construction trailers, construction materials, signs and sales office. Declarant shall use a reasonable effort during such period of construction and sale to reduce interference with the use and enjoyment of the Common Areas by the Owners as construction and sale come to a close.

ARTICLE XI
INSURANCE AND CONDEMNATION

Section 1. Common Areas. The Board of Directors shall maintain public liability insurance, to the extent obtainable,

covering each Association Member, lessee and occupant, and the managing agent, if any, against liability for any negligent act of commission or omission attributable to them which occurs on or in the Common Areas. All insurance premiums for such coverage shall be paid for by the Association.

Section 2. Condemnation Proceeds. In the event of a taking in condemnation or by eminent domain of all or part of the Common Area, the award made for such taking shall be payable to the Association. The Board of Directors shall arrange for the repair and restoration of such Common Area, and the Board shall disburse the proceeds of such award to the contractors engaged in such repair and restoration in appropriate progress payments. If there shall be a surplus of such proceeds, or if the members shall elect not to repair or restore the Common Area, such surplus or the net proceeds of such award shall, at the discretion of the Board of Directors, be utilized by the Association or disbursed to the members, subject to the rights of any mortgagees holding mortgages on the Common Area and/or Lots.

ARTICLE XII
AMENDMENT OF DECLARATION

Section 1. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, for a term of thirty (30) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years. The covenants and restrictions of this Declaration may be amended during the first thirty (30) year period by an instrument signed by not less than eighty percent (80%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy five percent (75%) of the Lot Owners.

Section 2. Notwithstanding anything to the contrary herein contained, as long as Declarant has title to at least eleven (11) of the forty-four (44) lots in all three Sections, but not more than three (3) years after the date of recording this Declaration, there shall be no amendments to this Declaration which would adversely affect any rights of Declarant reserved or provided herein without first obtaining Declarant's written consent.

Section 3. The Declarant hereby reserves the right to amend this Declaration at any time without the requirement of obtaining the approval or consent or signature of any Lot Owwners for the purpose of annexation of additional Section or Sections to the Properties. Such amendment or amendments to this Declaration, duly executed, in form for recording shall be recorded by the Declarant against the Properties theretofore subject to this Declaration of Covenants, Conditions and Restrictions.

ARTICLE XIII
MERGERS

Upon a merger or consolidation of the Association with another association, its properties, rights and obligations may, by operation of law, be transferred to another surviving or consolidated association, or, alternatively, the properties, rights and obligations of another association may, by operation of law, be added to the properties, rights and obligations of the Association as a surviving corporation pursuant to a merger. The surviving or consolidated association may administer the covenants and restrictions established by this Declaration within the Properties, together with covenants and restrictions established upon any other properties as one scheme. No such merger or consolidation, however, shall affect any revocation, change or addition to the covenants established by this Declaration with the Properties, except as herein provided.

ARTICLE XIV
ADDITIONAL EASEMENTS

The Declarant hereby gives, conveys, grants and reserves for the benefit of the Declarant and of the respective Owners and occupants of all or any part of the Properties, their guests, licensees and invitees the following:

(a) an easement and right of way for ingress and egress, by vehicle or on foot, in, to, upon and across the streets and roads now or hereafter constructed on the Properties.

(b) an easement, right, license and privilege to connect to and make use of, and maintain, repair and replace utility lines, wires, pipes, conduits, sewers, water and drainage lines and appurtenances now or hereafter installed in all or any part of the Properties, subject to the requirements of governmental bodies and public utility companies and their ownership of such utilities.

(c) an easement and right of way for ingress and egress on foot in, to, and upon the walkways now or hereafter constructed on the Properties.

The aforementioned easements, rights, and privileges are hereby established and created by the Declarant and the Declarant does hereby grant them to each individual, business or other entity hereafter owning any portion of the Properties, including Declarant itself. Said easements shall also be for the benefit of the Association, its members, guests, licensees, invitees and employees. The granting of the aforementioned easements, rights and privileges is perpetual and such easements, rights and privileges shall run with the land.

ARTICLE XV
GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this 21st day of June 1982.

SYRACLIFF, INC.

By: Joseph Cigarone
President

SYRACLIFF, INC. CORPORATE SEAL 1979 NEW YORK

LIBER 7771 PAGE 574

STATE OF NEW YORK

COUNTY OF Westchester SS.:

On the 21st day of June, 1982, before me came JOSEPH SYRACUSE to me known, who, being by me duly sworn did depose and say that he resides at 16 Andrea Court, New Rochelle, New York, that he is the President of SYRACLIFF, INC., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Albert A. Capellini

Notary Public STATE OF NEW YORK
ALBERT A. CAPELLINI
QUALIFIED IN WESTCHESTER COUNTY
NO. 4705915
TERM EXPIRES MARCH 30, 1983

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Mount Pleasant, County of Westchester and State of New York, bounded and described as follows:

Beginning at a point on the easterly side of the Briarcliff-Peekskill Parkway as widened and shown on acquisition map filed in the Westchester County Clerk's office as Map No. 15031 where the same is intersected by the northerly side of Carleton Avenue;

running thence along the easterly and southeasterly side of the Briarcliff-Peekskill Parkway as shown on Map No. 15031, the following courses and distances:

North 28° 28' 11" West 181.19 feet,
North 20° 02' 05" West 283.87 feet,
North 8° 01' 01" East 183.20 feet,
North 10° 31' 46" East 200.20 feet,
North 38° 37' 51" East 110.50 feet,
North 25° 28' 31" East 185.80 feet,
North 15° 42' 53" East 201.00 feet and
North 37° 26' 16" East 235.37 feet to the southerly line of land now or formerly of Ferguson;

thence along said land now or formerly of Ferguson, South 71° 32' 55" East 110.62 feet to a stone wall;

thence along said stone wall and along the southerly line of Ferguson,

South 73° 12' 05" East 141.89 feet and
South 82° 17' 35" East 214.99 feet to a point;

thence in a northeasterly direction along a curve to the right having a radius of 285.00 feet, a distance of 64.49 feet to a point of tangency;

thence North 70° 12' 04" East 66.31 feet to a point of curve;

thence along a curve to the right having a radius of 217.00 feet, a distance of 341.37 feet to a point on a stone wall;

thence along said stone wall, the following courses and distances:

South 74° 08' 35" East 9.93 feet,
South 73° 38' 35" East 29.01 feet,
South 78° 21' 35" East 18.16 feet,
South 67° 46' 35" East 5.88 feet to an intersecting stone wall;

thence along a stone wall and land of Ferguson, the following courses and distances:

North 28° 40' 55" East 35.31 feet,
North 8° 27' 25" East 7.52 feet,
North 28° 25' 25" East 6.68 feet,
North 23° 26' 25" East 16.98 feet,
North 10° 05' 25" East 6.64 feet,
North 33° 12' 25" East 8.12 feet,
North 17° 14' 25" East 10.72 feet,
North 24° 14' 25" East 35.91 feet,
North 29° 54' 25" East 14.09 feet,
North 22° 53' 25" East 29.45 feet,
North 20° 15' 25" East 11.32 feet,
North 16° 48' 35" East 30.90 feet,
North 18° 42' 35" East 116.62 feet and
North 6° 39' 35" East 14.73 feet to an intersecting stone wall;

thence continuing along land of Ferguson and along a stone wall, the following courses and distances:

South 72° 25' 55" East 10.33 feet,
South 85° 01' 21" East 71.71 feet,
South 89° 26' 13" East 42.45 feet,
South 83° 27' 15" East 65.00 feet,
South 85° 38' 55" East 55.75 feet,
North 87° 27' 27" East 11.50 feet,
South 85° 17' 50" East 93.84 feet,
South 86° 02' 47" East 120.24 feet,
South 85° 55' 57" East 121.67 feet,
South 85° 08' 17" East 128.13 feet and
South 85° 07' 51" East 164.74 feet to an intersecting stone wall and the westerly line of land now or formerly of Jacob Eisenberg;

thence along a stone wall and along the westerly line of said land of Eisenberg, the following courses and distances:

South 1° 49' 48" West 139.36 feet,
South 4° 07' 28" West 96.50 feet,
South 13° 21' 38" West 124.53 feet,
South 18° 23' 48" West 152.37 feet,
South 17° 50' 18" West 320.12 feet and
South 35° 56' 28" West 3.85 feet to an intersecting stone wall;

thence along a stone wall, in part along the northerly line of Jacob Eisenberg and in part along the northerly line of land now or formerly of Lois D. Rosenthal, the following courses and distances:

North 76° 25' 47" West 44.43 feet,
North 79° 10' 37" West 507.87 feet,
North 79° 03' 05" West 2.47 feet,
North 75° 52' 30" West 65.55 feet,
North 69° 47' 10" West 78.08 feet, and
North 63° 09' 50" West 53.01 feet to an angle point;

thence along a stone wall and the westerly line of land now or formerly of Rosenthal, South 35° 50' 10" West 104.12 feet to the northerly line of land now or formerly of John R. and Dorothy Schoemer;

thence along the northerly, northwesterly and westerly lines of land now or formerly of Schoemer, the following courses and distances:

North 61° 24' 20" West 52.35 feet,
North 70° 14' 20" West 92.99 feet,
North 72° 54' 20" West 73.86 feet,
South 51° 00' 40" West 242.32 feet,
South 36° 24' 40" West 259.75 feet,
South 27° 45' 40" West 183.80 feet,
South 21° 25' 30" West 171.93 feet and
South 1° 39' 45" East 61.41 feet to the northerly line of land now or formerly of Roman;

thence along the same, North 66° 33' 09" West 182.30 feet to the easterly side of Patricia Avenue as shown on "Survey of portions of Carleton, Patricia and Powell Avenues to be laid out through property of G. A. Todd" filed in the Office of the Register of Westchester County, now County Clerk's Office, Division of Land Records, on January 29, 1931 as Map No. 3729;

thence northerly along the easterly side of Patricia Avenue along a curve to the right having a radius of 385.00 feet, a distance of 7.81 feet to a monument shown on Map No. 3729;

thence crossing Patricia Avenue, North 57° 10' 20" West 50.00 feet to the westerly side of Patricia Avenue;

thence southerly along the westerly side of Patricia Avenue along a curve to the left having a radius of 435.00 feet, a distance of 162.43 feet to a point of reverse curve;

thence along a curve to the right having a radius of 23.87 feet, a distance of 50.77 feet to a point of tangency on the northeasterly side of Carleton Avenue;

thence along the same, North 46° 42' 40" West 81.37 feet to a point;

thence along the northerly side of Carleton Avenue, South 43° 17' 20" West 50.00 feet and South 48° 36' 20" West 94.26 feet to the easterly side of the Briarcliff-Peekskill Parkway to the point or place of beginning.

SCHEDULE B

1. State of facts shown on the map entitled "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, N.Y., Sheet No. 1", which was filed in the Office of the County Clerk of Westchester County (Division of Land Records) on May 1, 1981 as Map No. 20566.

3. Covenants and restrictions in Liber 5191 cp 204 and a boundary line agreement in Liber 7566 cp 213.

4. Easements granted to permit connection of water and sewer systems with existing or proposed lines as approved by the Town Engineering Department.

5. Sight easements at all road intersections requiring that such intersections be kept permanently cleared of all materials which may obstruct view from vehicles.

6. Easements for all purposes in favor of unsold lots upon, over and under the streets and roads abutting improved lots to which title has closed, which easement shall exist until the dedication of such streets and roads has been accepted by the municipality having jurisdiction thereover, or until such municipality has accepted a performance bond covering the costs of any improvements to such streets and roads which are prerequisite to its acceptance of the dedication thereof.

7. Easements reserved in favor of unsold lots on and over any streets and roads as may be reasonably necessary to allow the installation and maintenance of sewers, gas, electric and other utilities serving the unsold lots.

8. Reservation by the Sponsor to itself of title to the streets and roads adjoining improved lots to which title has closed, which reservation of title shall terminate upon the dedication of all streets and roads shown on the "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, N.Y., Sheet No. 1", which was filed in the Office of the County Clerk of Westchester County (Division of Land Records) on May 1, 1981, as Map No. 20566.

LIBER 7771 PAGE 580

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

for

COUNTRYSIDE RESIDENTS ASSOCIATION, INC.

Property affected by this declaration is that certain real property in the Town of Mount Pleasant, County of Westchester, State of New York, shown on "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, N.Y., Sheet No. 1", dated March 31, 1978 and filed in the Westchester County Clerk's Office (Division of Land Records) on May 1, 1981 as Map No. 20566.

Town of Mt Pleasant
Sec. 1
Blk 3
Lot - pa 5C

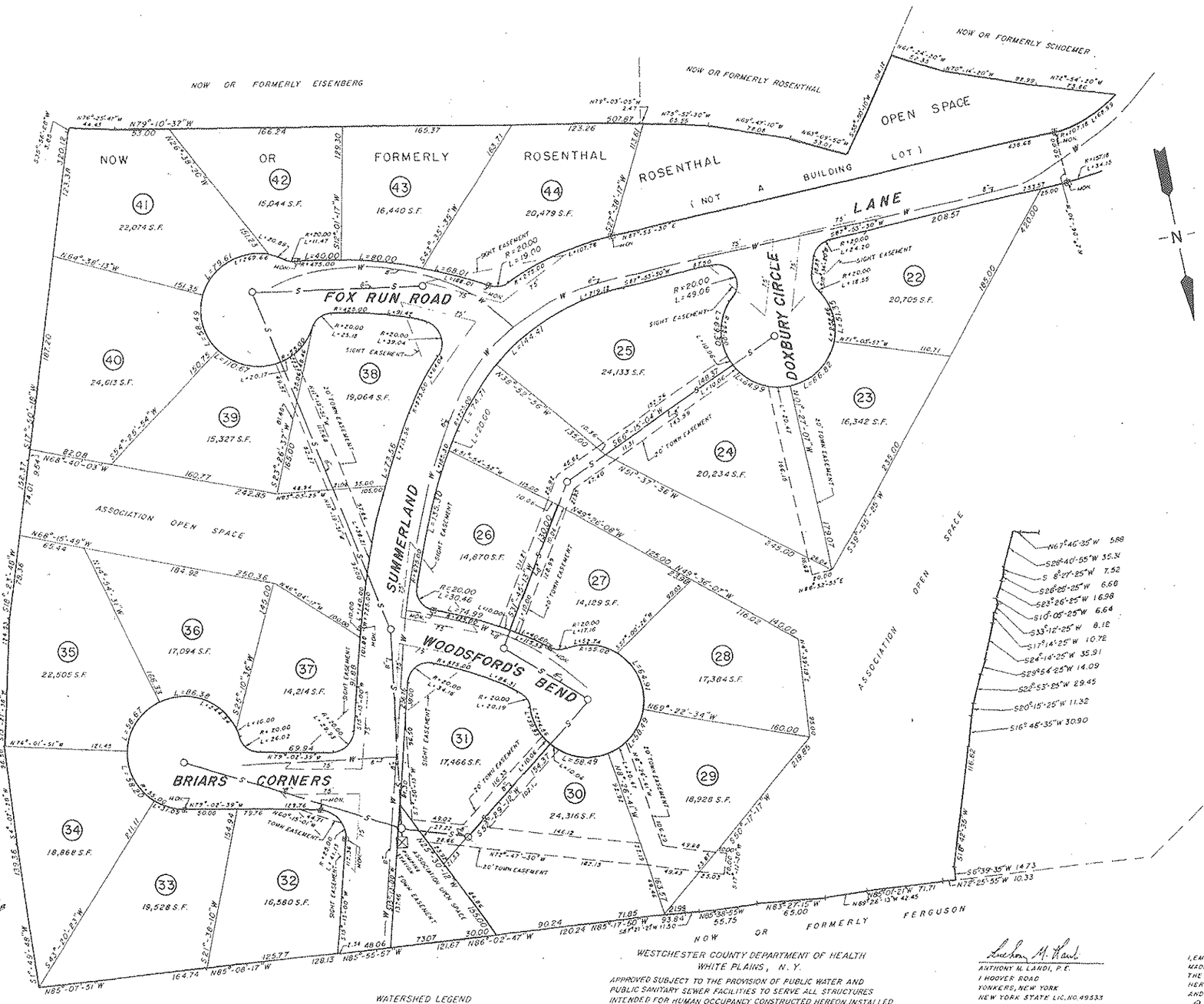
RECORD AND RETURN TO:
LOUIS SHERMAN, Esq.
ROTHEIMER GARTLIR GOTTLIEB & GROSS
409 FIFTH AVENUE, NEW YORK, N.Y. 10017

21010 #4

Stat'y Chg. 1
Rec'd Chg. 6
Filing Chg.
Cross Ref'ns
Cert./Recpt.
Total 6 7
Towns 1 | Bal'd
92750/46
Returned

WESTCHESTER COUNTY CLERK'S OFFICE
RECEIVED FOR RECORD

The foregoing instrument was endorsed for record as follows:
The property affected by this instrument is situate in the
TOWN OF MT. PLEASANT
COUNTY OF WESTCHESTER
DECLARATION OF COVENANTS AND RESTRICTIONS AND EASEMENTS,
recorded in the Division of Land Records of the County Clerk's
Office of Westchester County on JUNE 24, 1982
at 10:09A M in Liber 7771 Page 559 et Seq.
Witness my hand and Official Seal
George R. Morrow
County Clerk



APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERKS OFFICE

Joseph Spaccarotta 12/17/83

SYRACLIFF, INC., OWNER
16 ANDREA COURT
NEW ROCHELLE, NEW YORK

Richard Rosenthal 12/17/83

RICHARD ROSENTHAL, OWNER
TODD LANE
BRIARCLIFF MANOR, NEW YORK

NOTE: REFER TO SECTION 3.143 OF THE TOWN OF MOUNT PLEASANT LAND SUBDIVISION REGULATIONS.

FILED APR. 3 1984
NUMBER 21511
AMT. PAID 10

Filed in the Office of the County Clerk of Westchester County (Division of Land Records)
April 3, 1984
Andrew J. Spano County Clerk

SUBDIVIDER

Joseph Spaccarotta 11/10/78
SECRETARY-TREASURER DATE

SYRACUSE BROS. DEVELOPMENT CORP.
5 ROLLING WAY
PEEKSKILL, NEW YORK

APPROVED BY RESOLUTION NUMBER 335 OF THE MOUNT PLEASANT TOWN PLANNING BOARD.

Edward A. Lucchino 3/31/84
CHAIRMAN DATE

Edward A. Lucchino 10/22/80

DRAWING SIZE	REDUCTION RATIO

APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERKS OFFICE

Joseph A. Spaccarotta 10/24/78

CLEAR CORPORATION PRES
TODD LANE
BRIARCLIFF MANOR, NEW YORK

WATERSHED LEGEND

PROPERTY SHOWN HEREON IS SUBJECT TO THE RULES AND REGULATIONS FOR THE PROTECTION FROM CONTAMINATION OF THE PUBLIC WATER SUPPLY OF THE NEW ROCHELLE WATER COMPANY, POCANTICO DIVISION.

WESTCHESTER COUNTY DEPARTMENT OF HEALTH
WHITE PLAINS, N.Y.

APPROVED SUBJECT TO THE PROVISION OF PUBLIC WATER AND PUBLIC SANITARY SEWER FACILITIES TO SERVE ALL STRUCTURES INTENDED FOR HUMAN OCCUPANCY CONSTRUCTED HEREON, INSTALLED AS SHOWN ON PLANS APPROVED AND FILED IN THIS OFFICE, ANY ERASURES, CHANGES, ADDITIONS OR ALTERATIONS OF ANY KIND EXCEPT THE ADDITION OF SIGNATURES OF OTHER APPROVING AUTHORITY AND THE DATE THEREOF MADE ON THIS PLAN AFTER THE DATE OF THIS APPROVAL SHALL INVALIDATE THIS APPROVAL.

Edward Schlaich 12/21/78
RECOMMENDED BY Robert Schlaich P.E. 11/27/78
DATE

1st DEPUTY COMMISSIONER OF HEALTH E. Franklin Hall M.D. 12/1/78
DATE

E. Franklin Hall M.D. 6/6/79

Anthony M. Landi
ANTHONY M. LANDI, P.E.
1 HOOVER ROAD
YONKERS, NEW YORK
NEW YORK STATE LIC. NO. 49533

I, EMMANUEL J. CUPO, THE SURVEYOR WHO MADE THIS MAP DO HEREBY CERTIFY THAT THE SURVEY OF THE PROPERTY SHOWN HEREON WAS COMPLETED NOV. 26, 1977 AND THIS MAP WAS COMPLETED MARCH 31, 1978.

Emmanuel J. Cupo
EMMANUEL J. CUPO, SURVEYOR
43 MONTAGUE STREET
YONKERS, NEW YORK
NEW YORK STATE LIC. NO. 39924

REVISED DEC. 17, 1983
REVISED MAY 6, 1979
REVISED NOVEMBER 8, 1978

SUBDIVISION MAP OF

COUNTRYSIDE

TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N. Y.

SHEET NO. 3

COUNTY BLOCKS 8932 & 8934
SHEET 128 - 129

SCALE: 1" = 50'

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
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DAVID L. SNYDER*
LESLIE J. SNYDER
ROBERT D. GAUDIOSO

FREDERICK W. TURNER, COUNSEL

*ADMITTED NY, NJ AND DC

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:
Tarrytown office

September 27, 2010

VIA FED EX: No. 865991800743

Michael McLaughlin, Chair
Members of the Town Planning Board
Town of Mount Pleasant
One Town Hall Plaza
Valhalla, New York 10595

RE: Proposed Taconic Tract Development

Dear Mr. Chairman and
Members of the Mount Pleasant Planning Board:

This firm represents Josh Tane, a resident of 6 Fox Run Road, Town of Mt Pleasant, in connection with the above-captioned proposal now pending before you. Mr. Tane has retained this firm to review the record developed in support of this proposed project, specifically the Draft Environmental Impact Statement (DEIS) which is pending your approval and adoption, and comment on the sufficiency, and legality, of the applicant's proposal to construct a new road on Parcel D(8)[1] - an area of land which has specifically been dedicated, by deed and prior Planning Board resolution, as open space.

The Proposal

The applicant proposes creating a new 19 lot subdivision (16 new lots) as a "cluster subdivision," as opposed to a conventional subdivision, "to preserve the natural and

[1] The lot herein referred to as Parcel D(8) is a wedge of land located in and part of the adjacent Countryside subdivision approved by this Board in 1978; it is bounded by Carleton Avenue on the north and northwest, 2 Fox Run Road on the east, and the Saunders property, 128 Todd Lane, and the Manuele property, 124 Todd Lane, on the south. Parcel D(8) is an irregular, "bowtie" shaped parcel measuring approximately .56 acres.

scenic qualities of open lands."[2] According to the applicant, clustering, if approved by this Board under Town Law §278[3] would allow for "preserving a certain portion of the development for open space."[4] Although the applicant acknowledges the merits and purposes of a cluster subdivision, ironically the applicant seeks to construct a new road across a parcel dedicated as open space in 1978 in connection with the adjacent "Countryside" subdivision; the applicant intends to use Parcel D(8) as "primary access" to the proposed subdivision.[5] We strenuously object to any development of Parcel D(8) and specifically object to any use of Parcel D(8) as access to the proposed subdivision.

The several objections to developing Parcel D(8) in violation of the open space restriction are well documented.[6] Although the applicant "disagrees" with these objections, the attempt to refute the restriction barring any development on Parcel D(8) is pure sophistry. In a transparent attempt to finesse the several prohibitions on any use of Parcel D(8), the applicant makes the following points:

- The applicant appears to allege, without explicitly stating, that the chronology of several

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[2] Draft Environmental Impact Statement in Support of Taconic Tract Development, Mount Pleasant, New York §I(D)(1) at p. I-2, (undated) (hereinafter referred to as DEIS).

[3] The legality of the Town entertaining a cluster subdivision is highly questionable given that essential delegation of authority from the Town Board required by Town Law §278 to authorize a cluster development is absent from the Mount Pleasant Town Code and cannot be reconciled with the Section 218-95 of the Town Code which references Town Law §281, rather than Section 278 as required by Town Law.

[4] DEIS §III(A)(1)(b) at p. III. A-2.

[5] As stated in the DEIS: "The primary access to the [proposed] subdivision will be through a new private access road, 'Road B,' from Carlton" across Parcel D(8). DEIS §I(D)(8) at p. I-6.

[6] See Letter from Josh Tane to Michael McLaughlin, dated December 8, 2008; Comments from the Mount Pleasant CAC to Michael McLaughlin, undated; Memorandum from Patrick Cleary to Chairman McLaughlin, dated August 5, 2010; Letter from Josh Tane to Michael McLaughlin, dated July 26, 2010; Letter from William S. Null, President of the Countryside Residents' Association, Inc. to Michael McLaughlin, dated August 10, 2010; Comments on the Taconic Tract Development Draft Environmental Impact Statement submitted by Alan Crosswell, dated April 20, 2010; and Letter from Josh Tane to Michael McLaughlin, dated April 27, 2009.

real property filings somehow vitiates the efficacy of the open space restriction.[7] Specifically, the applicant implies that because the deed transferring Parcel D(8) to Richard Rosenthal[8] was recorded before the final subdivision map[9] and the "First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements"[10] (First Amendment) were recorded, there is (presumably) some unstated, unspecified defect that negates the restriction on the use of open space and permits the proposed development. In weaving an unnecessarily convoluted history of Parcel D(8) in an effort to escape the open space restriction, the applicant ignores several crucial points: 1. The initial "Declaration of Covenants, Conditions, Restrictions and Easements"[11] (Initial Declaration) that reserved certain specified common areas of the Countryside subdivision for common ownership that the First Amendment refers to was filed *before* the deed transferring Parcel D(8) to Rosenthal and, the Initial Declaration specifically reserves the right to amend same. 2. The Final Plat approval adopted by this Board for the Countryside subdivision, which specifically reserved a "permanent" restriction on any development of open space, was adopted and filed *before* the transfer to Rosenthal and, moreover, specifically refers to the entire Countryside Subdivision, thus including Parcel D(8) (the applicant's references to the successive dates that the 3 section maps of the Counrtyside subdivision were filed is, therefore, of no moment). 3. And lastly, any ambiguity about the efficacy of notice can be resolved by reference to the plain terms of the deed transferring Parcel 8(D) to Rosenthal; this deed explicitly and expressly acknowledges the open space restriction and, moreover, states title is "subject to" "the Declaration of covenants, maintenance, assessments, conditions, restrictions, reservations and easements recorded June 24, 1982 in Liber 7771, cp 559 [i.e., the initial Declaration] and amendments thereto." Thus, when Rosenthal took title to Parcel D(8) he was clearly on notice that this parcel was subject to the open space restriction.

- The applicant alleges that the initial Declaration "does not define the term 'open space'" and therefore the "Declaration and its amendments do not define the purported 'open space' limitations on Lot D(8)."[12] The Initial Declaration does, however, state as follows: "'Common Area' shall mean all real property owned by the Association for the common

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[7] DEIS §III(A)(1)(b) at p. III.A-7.

[8] Deed, at Liber 7892, cp 215, filed January 5, 1984.

[9] RO Map No. 21511, filed April 3, 1984.

[10] Amended Declaration, Liber 7914, cp 573, filed April 18, 1984. The First Amendment made the initial Declaration applicable to RO Map No. 21511.

[11] Initial Declaration, Liber 7771, 559, filed June 24, 1982.

[12] DEIS §III(A)(1)(b) at p. III. A-7.

use and enjoyment of the members of the Association."[13] First, any confusion by what the term "Common Area" refers to can quickly be resolved by reference to the Countryside Subdivision Offering Plan which states: "All of the Association Open Space is referred to herein as the 'Common Area.'"[14] Clearly, the sponsor/ developer intended that "Common Area" and "Open Space" be synonymous.[15] Second, the applicant asserts that Parcel D(8) does not now qualify as protected "open space" because the definition of "Common Area" in the Initial Declaration (and Offering Plan) was - at that time - defined as "all real property owned by the [Countryside Residents'] Association" and because Parcel D(8) is not now owned by the Countryside Residents' Association "Lot D(8) does not meet this definition"[16] of open space. This argument is wrong and, moreover, disingenuous. The restriction preserving all open space in the Countryside subdivision was imposed as a deed restriction to "run with the land"[17] on all Common Areas (defined as open space) by (i) the sponsor's Offering plan; (ii) this Board's 1978 final subdivision approval; (iii) and the initial Declaration[18] - before Rosenthal took title to Parcel D(8) in 1984. Thus, the restriction continues to "run with the land" and bind the applicant as a matter of law.

- The applicant notes that the open space restriction was not contained in a deed transferring Parcel D(8) from Waterhouse to Saunders,[19] apparently implying, without stating, that this omission vitiates the restriction. Any suggestion that omitting a previously recorded deed restriction in a subsequent deed negates or dilutes the authority of the initial deed restriction is wrong and contrary to well-established law. New York State real property law is very, very clear that a property owner is charged with "record

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[13] Initial Declaration, at Liber 7771 at cp 560.

[14] Offering Plan for Countryside Residents Association, Inc. at p.3, (approved Feb. 2, 1982).

[15] See Memorandum from Patrick Cleary to Chairman McLaughlin ¶12 at p. 2, dated August 5, 2010.

[16] DEIS §III(A)(1)(b) at pp. III.A-7-8.

[17] Where an easement or covenant is properly recorded and appears in the chain of title, it "runs with the land" and "bind[s] all successors." Riverside South Planning Corp. v. CRP/Extell Riverside, L.P., 13 N.Y.3d 398, 892 N.Y.S.2d 303 (2009). See Smith v. Town of Mendon, 4 N.Y.3d 1, 789 N.Y.S.2d 696 (2004).

[18] Declaration of Restrictions, at Liber 7771, cp 559.

[19] Deed, at Control No. 453460007, filed December 16, 2005.

notice" of all restrictions that appear in his/ her chain of title.[20] Significantly, the open space restriction here at issue expressly states that it shall "run with the land in perpetuity."[21] Because the restriction on open space is in the applicant's (direct & immediate) chain of title, the restriction on open space, as well as the affirmative obligation to keep this parcel in its natural state, is binding on all subsequent owners of Parcel D(8), including the applicant.

- Without expressly stating the meaning or significance, the applicant appears to argue that because Rosenthal constructed a private driveway across Parcel D(8) to provide direct access to Carleton Avenue from Rosenthal's adjacent property following the transfer title, this vitiates the open space restriction.[22] The obvious retort is "so what;" no reasonable person can equate a driveway designed to serve a single-family home with a 50' road intended as primary access to 16 homes. The distinction between a private driveway and a road is significant as the scale is no analogous. Moreover, there is an obvious lack of documentation to substantiate the applicant's claim that the existing driveway was built by Rosenthal after 1984. The applicant offers no maps, photos, drawing, plans, or any other evidence to support the allegation that Rosenthal constructed the driveway after 1984. And, most telling is the applicant's failure to cite any authority as to effect of such construction, if true. It is entirely possible that driveway predated Rosenthal's purchase of Lot D(8).

- The applicant asserts that "there was never any objection to the improvements" by (presumably) Rosenthal.[23] The significance of this observation is unclear. As noted by the Town Planner, the existing driveway may also violate the open space restriction.[24] As requested below, the applicant's efforts to reach this conclusion should be documented and disclosed.

- The applicant suggests that a utility easement in the deed transferring Lot D(8) to Rosenthal which obligated the Town to "restore the surface and grade . . . and any

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[20] Pedowitz, Real Estate Titles §17.15(a) at p. 7-11 (Lexis-Nexis 2001). Witter v. Taggart, 78 N.Y.2d 234, 573 N.Y.S.2d 146 (1991); Buffalo Academy of the Sacred Heart v. Boehm Brothers, 267 N.Y. 242 (1935).

[21] Deed, at Liber 7892 at p. 216.

[22] DEIS §III(A)(1)(b) at p. III.A-8.

[23] Id.

[24] Memorandum from Patrick Cleary to Chairman McLaughlin ¶13 at p. 3, dated August 5, 2010.

pavement, curbs . . . and any other improvements" after making any disturbance within a defined area is somehow significant. According to the applicant the utility easement leads to the "[c]lear[ ]" (?!?) conclusion that "surface improvements" were "anticipated on Lot D(8) and are not inconsistent with the open space restriction."[25] The applicant's attempt to transform a "plain vanilla" utility easement into a nullification of a recorded restriction on development shows creativity, but must be rejected. First, the open space restriction and utility easement can be harmonized and co-exist and there is no evidence of a clear intent to negate, annul or otherwise void the open space restriction. The utility easement at issue is a standard form, boilerplate provision that lawyers routinely add to deeds. Moreover, there is a logical explanation for this easement: this lot (Parcel D[8]) borders a public road, i.e., Carleton Road, and the right-of-way (ROW) for Carleton is 50' and thus extends beyond the pavement edge. And, Carleton has curbing. Therefore, the town could reasonably be expected to someday "disturb" the pavement and curbing proximate to Parcel D(8) while discharging its duty to maintain Carleton and/ or disturb the pavement and curbing on Parcel D(8) while exercising its rights under the utility easement. Significantly, the utility easement runs to the municipality, not private parties, and can be viewed as prudent land use planning for future utility infrastructure. If the parties had envisioned a roadway across Parcel D(8), they would have so indicated. Lastly, note that the utility easement appears very narrow and covers a small area within Lot D(8), which may coincide with the existing driveway. If the utility easement and existing driveway across Parcel D(8) are coextensive, language regarding restoration of the pavement may refer to the future obligation to restore the driveway if the municipality accesses the utility work.

Significantly, the DEIS omits any mention of this Board's 1978 resolution granting Final Plat approval to the adjacent Countryside subdivision. The 1978 final plat approval for the entire Countryside subdivision states that "[t]he open space restrictions shall be permanent and the open space shall be designated as a park and a nature preserve" and so restricted by deed.[26] Both the Countryside Residents' Association and the Town Conservation Advisory Council (CAC) have submitted written comments urging this Board to give meaning to its 1978 approval and the perpetual dedication of open space. As stated by the CAC: "The notion that deeded open space can be arbitrarily used for a road undermines the long term goals and the purpose of conservation planning."[27] This Board has an obligation to uphold the open space on Parcel D(8) and reject any effort to develop this same lot.

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[25] DEIS §III(A)(1)(b) at pp. III.A-8-9.

[26] Final Plat Approval of the Countryside Subdivision ¶5 at p. 9, adopted by the Mount Pleasant Planning Board January 5, 1978.

[27] Comments from the Mount Pleasant CAC to Michael McLaughlin at p.3, undated.

The Prohibition Against any Development on
Parcel D(8) is Valid and Must Enforced

The restriction prohibiting any development on Parcel D(8) is well documented; the restriction exists in the following public records:

- The Countryside Subdivision plat, recorded as RO Map No. 21511 which was filed in the Office of the Westchester County Clerk on April 3, 1984.
- The Offering Plan for Countryside Residents' Association, Inc., approved February 2, 1982.
- The initial "Declaration of Covenants, Conditions, Restrictions and Easements," filed with the Offering Plan referred to above and separately in the Office of the Westchester County Clerk on June 24, 1982, at Liber 7771, cp 559.
- The deed, recorded at Liber 7892, cp 215, filed January 1984, transferring Parcel D(8) from Briarcliff Contemporaries, Inc. to Richard Rosenthal.
- Mount Pleasant Planning Board Resolution No. 335, adopted January 5, 1978.
- Significantly, the applicant acknowledges that Rosenthal "signed sheet No. 3 [depicting Parcel D(8)] as an owner of property shown on Sheet 3."[28]

Individually and cumulatively, these public records establish a clear and unimpeachable record establishing that the restriction was (i) recorded and (ii) in the applicant's direct chain of title. And, assuming arguendo, that there is some (unknown) infirmity in the chain of title, the notation on the subdivision map alone is sufficient notice of the open restriction. In the case of O'Mara v. Town of Wappinger, 9 N.Y.3d 303, 309, N.Y.S.2d 9, (2007) an open space restriction not recorded in the real property records of the County Clerk, but noted only the subdivision plat, was deemed adequate notice to bind a subsequent, innocent purchaser. As held by the Court of Appeals: "An open space restriction placed on a final plat pursuant to Town Law §276, when filed in the Office of the County Clerk pursuant to Real Property §334, is enforceable against a subsequent purchaser." O'Mara v. Town of Wappinger, 9 N.Y.3d 303, 309, 849, N.Y.S.2d 9, 12 (2007). The O'Mara Court went on to note that "[t]he ability to impose such conditions on the use of land through the zoning process is meaningless without the ability to enforce those conditions, even against a subsequent purchaser." Id. at 311. See Huggins v. Castle Estates, Inc., 36 N.Y.2d 427, 431, 369 N.Y.S.2d 80, 85 (1975)("where a party conveys realty by reference in

[28] DEIS §III(A)(1)(b) at p. III.A-7.

the deed to a filed map which designates areas such as streets, parks or beaches, a negative easement has been consistently recognized.").

Legally enforceable notice of the open space restriction is undeniable, leaving only the issue of Rosenthal's ownership and use of Parcel D(8) as a driveway to serve his single-family home. In a markedly similar case, the Appellate Division held that following dedication as open space during a cluster subdivision, the owner hold title as a "fiduciary" on behalf of all persons "benefitting from the reserved [open space] area." East Hampton v. Fleming, 53 A.D.3d 641, 862 N.Y.S.2d 108 (2nd Dept 2008). Therefore, any "use" of Parcel D(8) by Rosenthal was subordinate to its dedication as open space. Id.

Nor is there any ambiguity that Parcel D(8) is part of this Board's 1978 open space designation. The 1978 resolution of approval adopting the plan for Countryside states: "The total amount of open space land shown on the final plat is 18.35 acres, or in excess of 38% of the 47.69 acre site."[29] Excluding Parcel D(8) from the Countryside plat, a count to the total open area dedicated as open space is approximately 17.79 acres.[30] Very simply, the area of Parcel D(8) must be included in the open space calculation of the Countryside subdivision to reconcile the approval resolution and the filed subdivision plat.

There is lastly one final issue, heretofore unaddressed, that precludes any future development on Parcel D(8): the Countryside subdivision plat, specifically RO Map No. 21511, carries a notation indicating that Parcel D(8) is "NOT A BUILDING LOT" - meaning no building permit can issue authorizing improvements to Parcel D(8).[31] This same issue was part

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[29] Mount Pleasant Planning Board Resolution No. 335, adopted January 5, 1978.

[30] The 17.79 acres is based on the following calculation:

Tax Lot ID	Area
98.11-2-1	16.18 acres
98.11-2-28	.80 acres
98.11-2-24	.16 acres
98.11-1-1	.02 acres
98.11-2-47	.17 acres
98.11-2-59	.28 acres
98.11-2-58	.18 acres
Total acreage:	**17.79**

[31] Significantly, the zoning could is not limited to regulation "buildings," includes, by definition, any "structures" that require a location on the ground. See Mount Pleasant Zoning

(continued...)

of the O'Mara case, discussed above. In O'Mara one of the conditions of approval of the subdivision was "that no building permits would be issued" for the dedicated open space as indicated on the subdivision plat. O'Mara, 849 N.Y.S.2d at 10. As stated above, in O'Mara the Court of Appeals held that the prohibition barring the issuance of any building permits on the plat alone, without recording in the restriction in the land registry, to be sufficient. Assuming arguendo that the proposed cluster design is approved, the applicant would be required to show plans and secure a building permit for "all proposed new construction," including the proposed road across Parcel D(8).[32] Such a building permit would, however, be wholly inconsistent with the plat notation indication that Parcel D(8) is not a building lot.

Requested Actions

We assert that the applicant's DEIS does not, in its present form, sufficiently address the legality of using parcel D for access to the proposed subdivision. The Town Planner concurs with this same belief.[33] Accordingly, we urge that this Board require the applicant to take the following actions before further considering accepting the DEIS as complete:

1. Please direct the applicant to ascertain whether Parcel D(8) is included in the survey description, Schedule A, attached to the Offering Plan for the Countryside Residents Association, Inc. at pp. 63 - 66, approved February 2, 1982. To avoid any ambiguity and resolve this issue with finality, this representation should be made by a surveyor, licensed in the State of New York, and sworn to under penalties of perjury.

2. Please direct the applicant to survey and measure the total area of Parcel D(8) and supply this information to this board.

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[31](...continued)
Code §218-3. Please note that the code prohibits a subdivision that violates "other required spaces," to wit: "Should a lot thereafter be formed from the part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless both the new lot and the portion of the old lot remaining comply with all of the provisions of this chapter." Mount Pleasant Zoning Code § 218-9.

[32] Mount Pleasant Town Code §68-7(D).

[33] Memorandum from Patrick Cleary to Chairman McLaughlin ¶¶12 - 14, at pp. 2 - 3, dated August 5, 2010.

3. The applicant states, categorically and without qualification, that Parcel D(8) "was cleared for construction of a driveway to provide access . . . to Carleton Avenue" after Parcel D(8) was conveyed Rosenthal. DEIS §III(A)(1)(b) at p. III.A-8. We request that this Board direct the applicant to provide documentation substantiating its claim that the existing drive was constructed after the parcel was conveyed to Rosenthal, or indicate that there is no evidence to document when the driveway was constructed.

4. The DEIS states that "to the Applicant's knowledge" there was no objection to the minor improvements to Parcel D(8). DEIS §III(A)(1)(b) at p. III.A-8. The Applicant should explain what efforts, if any, were made to ascertain whether any objections were raised to these improvements.

5. Please direct the applicant to show the parameters of the utility easement area recited in Liber 7892, 215.

6. Please consider this letter, and the questions raised herein, part of the official record of the Taconic Tract application.

In conclusion, the applicant has not demonstrated a right to contravene the open space restriction on Parcel D(8). There are numerous and significant unanswered questions about the applicant's plan to use Parcel D(8) as access to the proposed Taconic Tract subdivision and we respectfully request that all unanswered questions be resolved before this Board gives any further considered to the Taconic Tract DEIS.

Very truly yours,

Frederick W. Turner
Snyder & Snyder, LLP

cc:
Josh Tane (via e-mail)
Patrick Cleary, Town Planner (via e-mail)
Gerald D. Reilly, Town Attorney (via e-mail)
Mount Pleasant, CAC (via U.S. Mail)
Geraldine Tororella, attorney for the applicant (via U.S. Mail)

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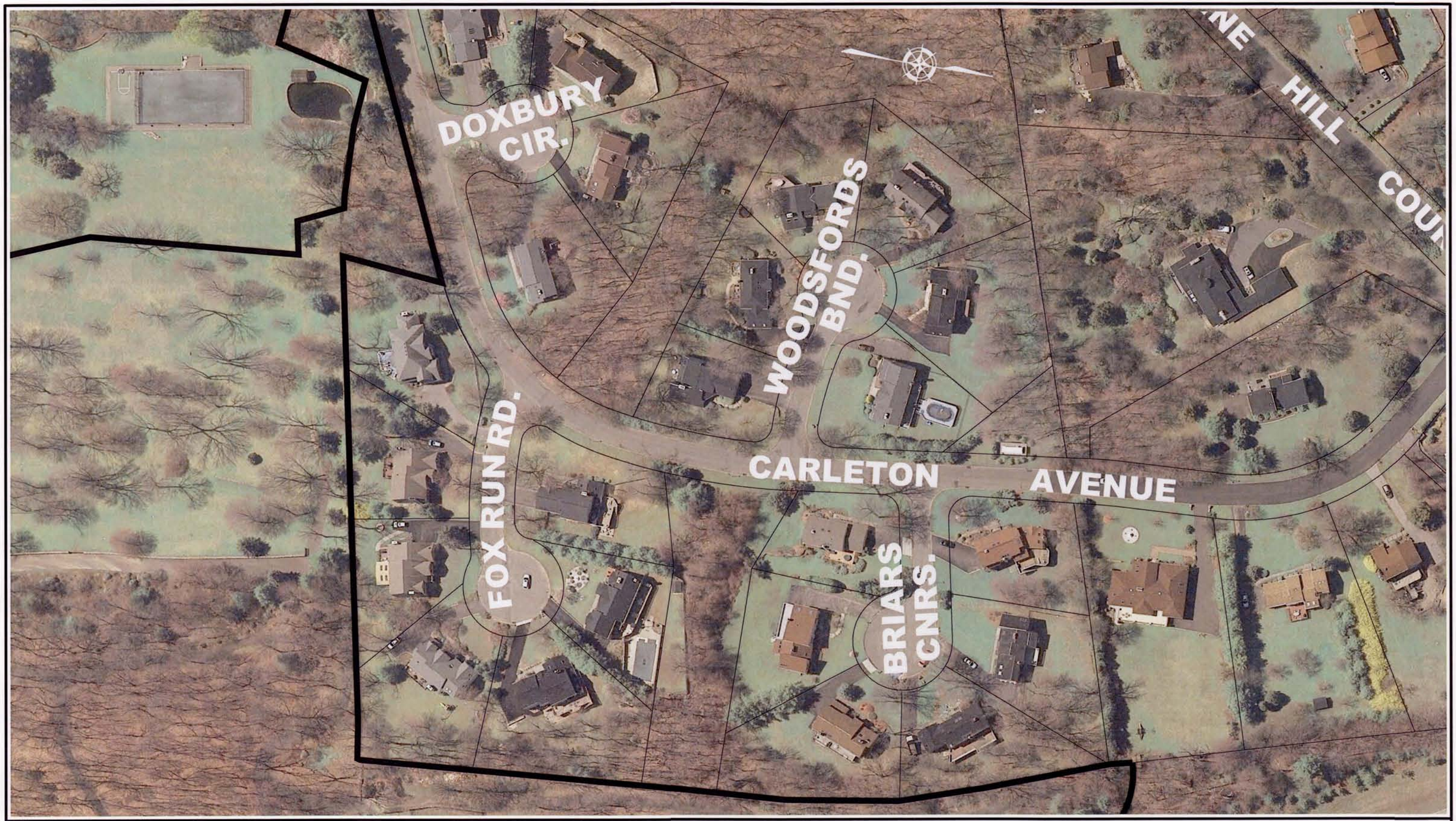

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OPEN SPACE ENCROACHMENTS

TACONIC TRACT DEVELOPMENTS, LLC
TOWN OF MOUNT PLEASANT, NY

SOURCE: WSP SELLS OCTOBER 2010

Drawing Path\Name: L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FEIS\Exhibit - Aerial Open Space Encroachments.dwg Date Printed: Oct 21, 2010, 11:21am
Xref's Attached:

Appendix B

Letter from Hocherman Tortorella and Wekstein, LLP, to Planning Board and Town Attorney, October 21, 2010

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MARSHALL S. SCHIFF

October 21, 2010

Via Federal Express

Hon. Michael McLaughlin, Chairman
and Members of the Planning Board
Town of Mount Pleasant
One Town Hall Plaza
Valhalla, New York 10595

Gerald D. Reilly, Esq.
Town Attorney
Town of Mount Pleasant
One Town Hall Plaza
Valhalla, New York 10595

Re: Taconic Tract Development, LLC
Application for Preliminary Subdivision Approval
Property Located On and Between Carlton Avenue and Washburn Road
Section 98.11, Block 2, Lots 37, 38, 39, 42 and Part of 40

Dear Chairman McLaughlin and Members of the Board and Mr. Reilly:

As you know, this firm represents Taconic Tract Development, LLC ("Taconic Tract"), one of the owners of the above-referenced property (the "Property") for which subdivision approval is sought. The subdivision plan shows a road to serve the proposed lots extending from Washburn Road on the south through the Property to Carlton Avenue on the north. The connection to Carlton Avenue is proposed over property owned by Sharon Saunders. Some residents in the abutting Countryside Subdivision have asserted that such property is preserved as designated "open space" pursuant to the approvals for the Countryside Subdivision and that the natural features cannot be disturbed in any manner or fashion for any purpose. (Hereinafter, the parcel at issue which the opponents claim is open space is referred to as "Parcel D".) Such opponents argue that since Parcel D is labeled "open space" on one of the Filed Maps for the Countryside Subdivision, it is subject to the terms and conditions of the Declaration of Covenants, Conditions, Restrictions and Easements recorded in connection with the

Countryside Subdivision (the "Declaration"), that such Declaration requires all open space in the Countryside Subdivision to remain in its natural condition in perpetuity, and therefore, that Parcel D cannot be improved for any purpose, including access. We submit this letter to rebut such assertions, which are reiterated in the August 10, 2010 letter from William S. Null, President of the Countryside Residents' Association, Inc. (the "Association") and the September 27, 2010 letter from Frederick W. Turner, Esq. of Snyder & Snyder, LLP, counsel for Mr. Josh Tane, an abutting neighbor (sometimes collectively referred to as "the Countryside Resident Opponents".) For the reasons discussed more fully below, we believe the Board cannot deny the roadway connection over Parcel D or refuse to review the subdivision with the proposed road configuration because of the open space covenant affecting Parcel D.

Parcel D was acquired by Mrs. Saunders' predecessor-in-interest, Richard Rosenthal, in January 1984. There is no dispute that the Deed from Briarcliff Contemporaries, Inc. to Richard Rosenthal, dated January 4, 1984 (the "Briarcliff-Rosenthal Deed"), contains the following provision:

> THE PREMISES HEREIN CONVEYED shall be maintained by the party of the second part [referring to Rosenthal], his heirs, distributees, administrators, executors, grantees, successors and assigns in perpetuity as open space preserving same in its present natural condition and not permitting or causing thereon any construction, improvements or alterations of the existing natural state of the premises. This restriction shall run with the land in perpetuity.

Hereinafter this provision is referred to as the "Open Space Covenant."[1]

Nor is there any dispute that the April 3, 1984 Filed Map showing Parcel D (Filed Map 21511) contains a label across Parcel D that reads "Rosenthal Open Space" (hereinafter sometimes referred to as the "Open Space Label"). The issue raised by the Open Space Covenant and the Open Space Label is whether they prohibit surface and sub-surface improvements of Parcel D for a roadway connection to Carlton Avenue.

Analysis of the scope and meaning of the Open Space Covenant and Open Space Label must begin, in the first instance, with the applicable legal standards and principles that govern the enforceability of restrictive covenants, such as the Open Space Covenant and Open Space Label, which

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[1] The Planning Department's records contain an acknowledgment from Mr. Rosenthal that Parcel D would be subject to such a covenant.

have been articulated by the New York Court of Appeals and the Appellate Division, Second Department (the intermediate appellate court with jurisdiction over Westchester County), as follows:

> Restrictive covenants are also commonly categorized as negative easements. They restrain servient landowners from making otherwise lawful uses of their property. However, the law has long favored free and unencumbered use of real property, and *covenants restricting uses are strictly construed against those seeking to enforce them. Courts will enforce restraints only where their existence has been established by clear and convincing proof by the dominant landowner.*

Witter v. Taggart, 78 N.Y.2d 234, 237-38, 573 N.Y.S.2d 146, 148 (1991) (emphasis added; citations omitted). In the recent case of *Kemp v. Village of Scarsdale,* 71 A.D.3d 956, 897 N.Y.S.2d 498 (2d Dep't 2010), the Second Department reiterated that:

> Since the law favors the free and unobstructed use of real property, a restrictive covenant must be strictly construed against those seeking to enforce it, and may not be given an interpretation extending beyond the clear meaning of its terms. "'[W]here the language used in a restrictive covenant is equally capable of two interpretations, the interpretation which limits the restriction must be adopted.'"

71 A.D.3d at 956, 897 N.Y.S.2d at 499 (citations omitted). Furthermore, in evaluating the meaning of a restriction and its intended scope, consideration of the surrounding circumstances is appropriate. *See Liebowitz v. Forman*, 22 A.D.3d 530, 531-32, 802 N.Y.S.2d 238, 239 (2d Dep't 2005).

As discussed more fully below, the Countryside Resident Opponents have not demonstrated clearly and convincingly that Parcel D is required to be left wholly untouched, in its natural condition and state, in perpetuity or that the proposed roadway is precluded by the Open Space Covenant and Open Space Label. Indeed, we believe the records of the Planning Board approvals, the unfiled maps of the Countryside Subdivision in the Planning Board files, the Filed Maps for the Countryside Subdivision in the Westchester County Clerk's Office, the Open Space Label itself, the provisions of the Briarcliff-Rosenthal Deed, and the actual manner in which Parcel D has been improved and used since the Open Space Covenant was first recorded demonstrate that surface and sub-surface disturbance of Parcel D for accessways and utilities was planned and expected and, therefore, does not run afoul of the Open Space Covenant or the Open Space Label. As such, the Countryside Resident Opponents' objection to the proposed roadway across a small section of Parcel D does not provide a basis for the Board to refuse to proceed with its review of the subdivision as proposed.

The Countryside Subdivision was initially approved as a cluster subdivision of up to 44 lots. Preliminary Subdivision Approval for the Countryside Subdivision was originally granted on September 15, 1976 and Final Plat approval was granted on January 5, 1978. Although the Resolutions of Preliminary and Final Plat approval purportedly covered all 44 lots and related roads and open spaces, we have not been able to locate a single filed map showing the entire subdivision, none can be found in the Town Planning Department's records, and none has been presented to the Planning Board by the Countryside Resident Opponents or their counsel.[2]

The Resolutions of Approval for the Countryside Subdivision, copies of which have been provided to the Board by the Countryside Resident Opponents, refer to the preservation of open space in the Subdivision as "permanently undeveloped land available for the use of the future residents of the site [presumably referring to the Countryside Subdivision property] and the visual enjoyment of visitors and adjacent property owners." (Preliminary and Final Resolutions page 2; *see also* Condition 5(c) thereof) However, the very next paragraphs in the Resolutions of Preliminary and Final Subdivision Approval expressly permit the construction of active recreational amenities and landscaping in the open space, open space that, according to the Countryside Resident Opponents, was required to be maintained in its natural state and condition. (Preliminary and Final Resolutions page 2) Thus, the Resolutions do not contain a clear and blanket prohibition against the improvement of the open space parcels in the Subdivision.

The lots in the Countryside Subdivision were eventually created in sections upon the filing of three separate filed maps, the first of which was filed on May 1, 1981, as Filed Map 20566. That Map depicts nine lots and, significantly, does not cover or include Parcel D.[3] A copy is enclosed.

The next Filed Map related to the Countryside Subdivision was filed in the Westchester County Clerk's Office on April 3, 1984 as Filed Map 21511. Like Filed Map 20566, Filed Map 21511 depicts "open space," but unlike the former does so with two distinctly different labels – "Association Open Space" and "Rosenthal Open Space." Parcel D is labeled "Rosenthal Open Space." No notes on or explanation of the open space terms are found on Filed Map 21511.

Filed Map 21511 actually supports the position that the Rosenthal Open Space is not to be treated in a uniform fashion with the Association Open Space. Specifically, unlike any other parcel of open space shown on that Map, Parcel D bears the legend "NOT A BUILDING LOT." If, in fact, no

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[2] The maps and plans in the Planning Department's records that predate the creation of the Covenant and filing of Filed Map 21511 do not support the Countryside Resident Opponents' interpretation of the Open Space Covenant and Open Space Label. None of them bears an "open space" designation on the bow tie-shaped parcel that is Parcel D and some show the bow tie as part of building lots. A plan depicting the latter example is enclosed.

[3] The "Association Open Space" shown on Filed Map 20566 is west of Parcel D.

disturbance of the Rosenthal Open Space were permitted, then the legend prohibiting the construction of a building thereon would be wholly unnecessary and, conversely, finding the Rosenthal Open Space to be subject to the same restrictions as all other open space would be to interpret the map in a manner in which the differing designations cannot be reconciled. Of course, under fundamental rules of construction, a legal instrument cannot be interpreted in a way that renders any provision superfluous and all provisions thereof should be read in a manner which harmonizes them. *See, e.g., Muzak Corporation v. Hotel Taft Corporation,* 1 N.Y.2d 42, 46, 150 N.Y.S.2d 171, 174 (1956)("the rules of construction of contracts require us to adopt an interpretation which gives meaning to every provision of a contract or, in the negative, no provision of a contract should be left without force and effect."); *Beal Savings Bank v. Sommer,* 8 N.Y.3d 318, 324-325, 834 N.Y.S.2d 44, 47-48 (2007) ("The court should 'construe the agreements so as to give full meaning and effect to the material provisions' ... A reading of the contract should not render any portion meaningless ... Further, a contract should be 'read as a whole, and every part will be interpreted with reference to the whole"); McKinney's Statutes §98 ("All parts of a statute must be harmonized with each other as well as with the general intent of the whole statute, and effect and meaning must, if possible, be given to the entire statute and every part and word thereof."); McKinney's Statutes §231 ("In the construction of a statute, meaning and effect should be given to all its language, if possible, and words are not to be rejected as superfluous when it is practicable to give to each a distinct and separate meaning"). The Countryside Resident Opponents' position runs afoul of both rules, and, in light of the heavy burden they bear to establish that the land use restriction on which they rely prohibits the proposed road, should be rejected.

The Countryside Resident Opponents' heavy reliance on the terms and conditions of the Declaration to define the scope and meaning of the restrictions to which Parcel D is subject is misplaced.[4] The Countryside Declaration was initially submitted for recording at or about the time of filing of Filed Map 20566 and it specifically referred to and covered the property shown on Filed Map 20566, which notably did not include Parcel D. The Declaration includes a provision that allows it to be amended to cover additional sections of the subdivision and it was amended at or around the time Filed Map 21511 was filed. However, Mr. Rosenthal purchased Parcel D on January 4, 1984, three months before Filed Map 21511 was filed and the First Amendment to the Declaration was recorded. (*See* the deed in Liber 7892, Page 215.) Thus, Parcel D was never owned by the Association and, therefore, it is not and never was governed by the Declaration.[5] For these reasons, contrary to the assertions in Mr. Null's and Mr. Turner's letters, the terms and conditions of the Declaration do not bear on the permitted use and improvement of Parcel D, nor does the Declaration provide a basis upon which the Countryside Resident Opponents can enforce the Open Space Covenant against Parcel D.

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[4] Copies of the Declaration and its Amendments were included with Mr. Null's August 10, 2010 letter.

[5] The Planning Board's Resolution of Approval for Filed Map 21511, dated December 12, 1983, specifically acknowledges that Parcel D was not going to be conveyed to the Association.

Even if the Board were to find that Parcel D was somehow subject to the Declaration, however, none of the Declaration's terms and conditions govern its use. Specifically, the Declaration does not define "open space" (regardless of its ownership) or, more importantly, "Rosenthal Open Space." While it contains restrictions on the use, maintenance and assessment of "Common Area" property, held for the benefit of members of the Association, Parcel D does not meet the definition of "Common Area" in the Declaration. It is not owned by the Association, the Association does not insure it, and Association members do not have any right to use or access it. Indeed, Parcel D is fully enclosed by fencing and physically inaccessible to Association residents. Therefore, even though Parcel D is denominated "Rosenthal Open Space" on Filed Map 21511, the terms and conditions of the Declaration do not clearly and convincingly define how it can (and cannot) be used and improved.

Turning to the Briarcliff-Rosenthal Deed, in which the Open Space Covenant first appears, the provisions of the Deed, when read together, convey that the natural condition of Parcel D was expected to be disturbed with surface and sub-surface improvements, not that the Parcel was intended to be left in its natural state and condition for all purposes. A copy of the Deed is enclosed. Besides the Open Space Covenant, the Deed into Mr. Rosenthal also contained a reservation of easement for utility purposes over a portion of Parcel D. The utility easement was reserved for the specific purpose of permitting the installation of underground utilities which, by their nature, require the removal of vegetative cover and excavation thereby making it impossible to preserve the "present natural condition" of the portion of Parcel D on which the easement was located and comply with a restriction that prohibited the "construction, improvements or alterations of the existing natural state of" Parcel D.[6]

The easement reservation went on to provide that following any work in the utility easement area, "the surface and grade of the General Utility Easement Area and any pavement, curbs, shrubbery, landscaping and any other improvements, except trees" would be restored. That work permitted and fully expected to be conducted in the utility easement on Parcel D, including pavement, curbs and landscaping, directly conflicts with the interpretation of the Open Space Covenant advocated by the Countryside Resident Opponents.[7]

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[6] The Briarcliff-Rosenthal Deed further contained a post-closing "survival provision" which stated that certain provisions of an unrecorded contract between the grantor's predecessor and Mr. Rosenthal would survive closing. We have attempted to find that contract or its provisions, without success, and while we cannot say that they permitted surface and sub-surface improvements on Parcel D, there is no basis to conclude they did not.

[7] Counsel for Mr. Tane dismisses the restoration language in the reservation of utility easement, which specifically requires the restoration of pavement, curbs, shrubbery, landscaping and "other improvements" in the utility easement, on one hand as boilerplate and on the other as referring to curbing and pavement for the subdivision roadway that the easement abuts. To dismiss the language as boilerplate is equivalent to excising it from the easement's terms in contravention of the above-mentioned rules of construction which require an interpretation that

Adding to the high burden imposed on the Countryside Resident Opponents in the context of the possible conflicting interpretations of the meaning and scope of the Open Space Covenant and Open Space Label, is the fact that the natural condition of Parcel D was altered, and construction occurred on and improvements were made to Parcel D by Mr. Rosenthal subsequent to his acquisition of Parcel D and the creation of the Open Space Covenant. As explained in the Affidavit of Andrew Saunders, sworn to October 21, 2010, submitted herewith, after Mr. Rosenthal purchased Parcel D, a portion of it was cleared and graded for the creation of a 27-foot-wide curb cut on Carlton Avenue and the construction of a paved driveway approximately 11 feet wide which provided access from an abutting parcel of land to the west (now owned by Manuele) to Carlton Avenue. The construction of the curb cut and driveway required grading, land disturbance, and the alteration of "the existing natural state of the premises." A sliding gate was also installed across the driveway, which required the installation of footings for the posts. Substantial stone walls with in-ground footings were built on sections of Parcel D and the Parcel was enclosed with a fence. All of these improvements were readily visible from the public road and surrounding properties. Further, as explained in the Saunders Affidavit, underground utilities were installed both inside and outside the utility easement on Parcel D. Enclosed herewith is an excerpt of a survey showing the location of such underground utilities.

It should be noted in the context of the argument by the Countryside Resident Opponents that Parcel D is subject to the same restrictions on open space that are applicable to the Association Open Space, that portions of the Association Open Space have not been maintained in their natural condition. Rather, they have been cleared and planted for residential lawns, fenced, and at least one shed appears to have been constructed within Association Open Space. An aerial photograph showing the modifications to the Association Open Space is enclosed herewith. Certainly such facts have a bearing on the proper interpretation of the Open Space Covenant. Either Association residents are being allowed to violate the restrictions governing Association Open Space, or the Open Space Covenant is not as clear and absolute as the Countryside Resident Opponents would have the Board conclude.

There is no record of any objection to or complaint about the improvements that were made to Parcel D from the Town or the Countryside residents. There are no complaints, stop work orders, or violations in the Building Department files for Parcel D and no one has presented any evidence of objections or complaints to the substantial work which occurred thereon. Given the open and notorious nature of the above-ground improvements described above, the lack of such objections further demonstrates that the Open Space Covenant was never intended to bar all improvement of Parcel D.

---

gives meaning to all parts. An explanation that relates the restoration activities to the roadway improvements does not withstand scrutiny. Curbing and pavement for a 28-foot-wide paved roadway (such as Carlton Avenue) would not be located at the outer edge of the 50-foot-wide right-of-way where the utility easement was located. For this same reason the shrubbery, landscaping and "other improvements" referred to in the restoration language cannot reasonably be construed to apply to roadway improvements.

The Countryside Resident Opponents do not contest that the improvements exist.[8] Their main defense, offered by counsel for Mr. Tane, is "so what," a defense that does nothing to help the Countryside Resident Opponents meet their heavy burden of demonstrating with clear and convincing evidence that the Open Space Covenant should be construed to prohibit the proposed subdivision road connection to Carlton Avenue. The mere existence of improvements directly contradicts the interpretation of the Open Space Covenant proffered by the Countryside Resident Opponents and cannot be ignored or disregarded by this Board in considering the meaning and scope of the Covenant.

The Countryside Resident Opponents further attempt to distinguish the improvements that have been made to Parcel D from those that are proposed by our client, without success. The proposed roadway connection would be substituted for the existing driveway which would be abandoned so that only one curb cut would continue to exist on Carlton Avenue. All work necessary to construct the roadway connection over Parcel D is at or below grade and no structures would be required. We believe the Open Space Covenant does not preclude surface and sub-surface improvements on Parcel D and since all proposed roadway improvements over Parcel D would fit within those categories, the work would not violate the Covenant.[9]

We believe that the objections to the roadway connection over Parcel D are motivated by the Countryside Resident Opponents' desire to prevent traffic from the proposed subdivision from using Carlton Avenue, a public road maintained with real estate tax revenues collected from all property owners in the Town, including the owners of Taconic Tract. However, there is no sound planning reason to preclude access from the subdivision to Carlton Avenue; indeed, there are sound planning reasons to permit it. The traffic studies in the Draft Environmental Impact Statement ("DEIS") indicate that 16 new homes will add approximately 23 vehicle trips to local roadways during the peak hour periods (i.e. less than 2 cars every five minutes during the peak hours), that such additional traffic will have no impact on the operation of existing intersections, and that the new intersection connection will operate at Level of Service A, the highest and best level possible under accepted traffic engineering standards. In addition, the site distance at the proposed intersection meets or exceeds recommended standards so no legitimate safety issue is raised by the connection. *See* DEIS, pages G-6 through G-9.

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[8] The Countryside Resident Opponents have questioned the basis for Taconic Tract's statement that the improvements to Parcel D were made after Mr. Rosenthal purchased Parcel D and the Open Space Covenant was created. The Affidavit of Mr. Saunders submitted herewith eliminates any uncertainty regarding the timing of the improvements in relation to Mr. Rosenthal's acquisition.

[9] Counsel for Mr. Tane further argues that Filed Map 21511 states that the Rosenthal Open Space is not a building lot and that a building permit would be required for the roadway improvements so the proposed work is prohibited for that additional reason. We respectfully submit that no logical interpretation of the Town of Mount Pleasant Zoning Ordinance or Subdivision Regulations requires a building permit for the construction of a road shown on an approved subdivision map.

Taconic Tract will maintain the road as a private road but will allow it to be used on an emergency basis by buses from the Todd School and emergency vehicles as a connection from Washburn Road to Carlton Avenue when other routes may be blocked. In addition, Taconic Tract hopes to be able to connect the water main in Carlton Avenue to the main in Washburn Road so as to "loop" the water system, an improvement that will enhance water pressure for domestic and firefighting purposes in the water system that serves the Washburn Road and Carlton Avenue neighborhoods.

In summary, the Countryside Resident Opponents have not been able to and cannot prove clearly and convincingly that the Open Space Covenant and Open Space Label prohibit the construction of the roadway improvements on Parcel D. At a minimum, the foregoing discussion and evidence demonstrate that the Open Space Covenant and Open Space Label are equally capable of at least two interpretations. Accordingly, the restriction should not be applied to preclude the roadway connection over Parcel D or to prevent the review of the subdivision from proceeding due to its road layout. *Kemp*, 71 A.D.3d at 956, 897 N.Y.S.2d at 499 ("[T]he interpretation which limits the restriction must be adopted.").

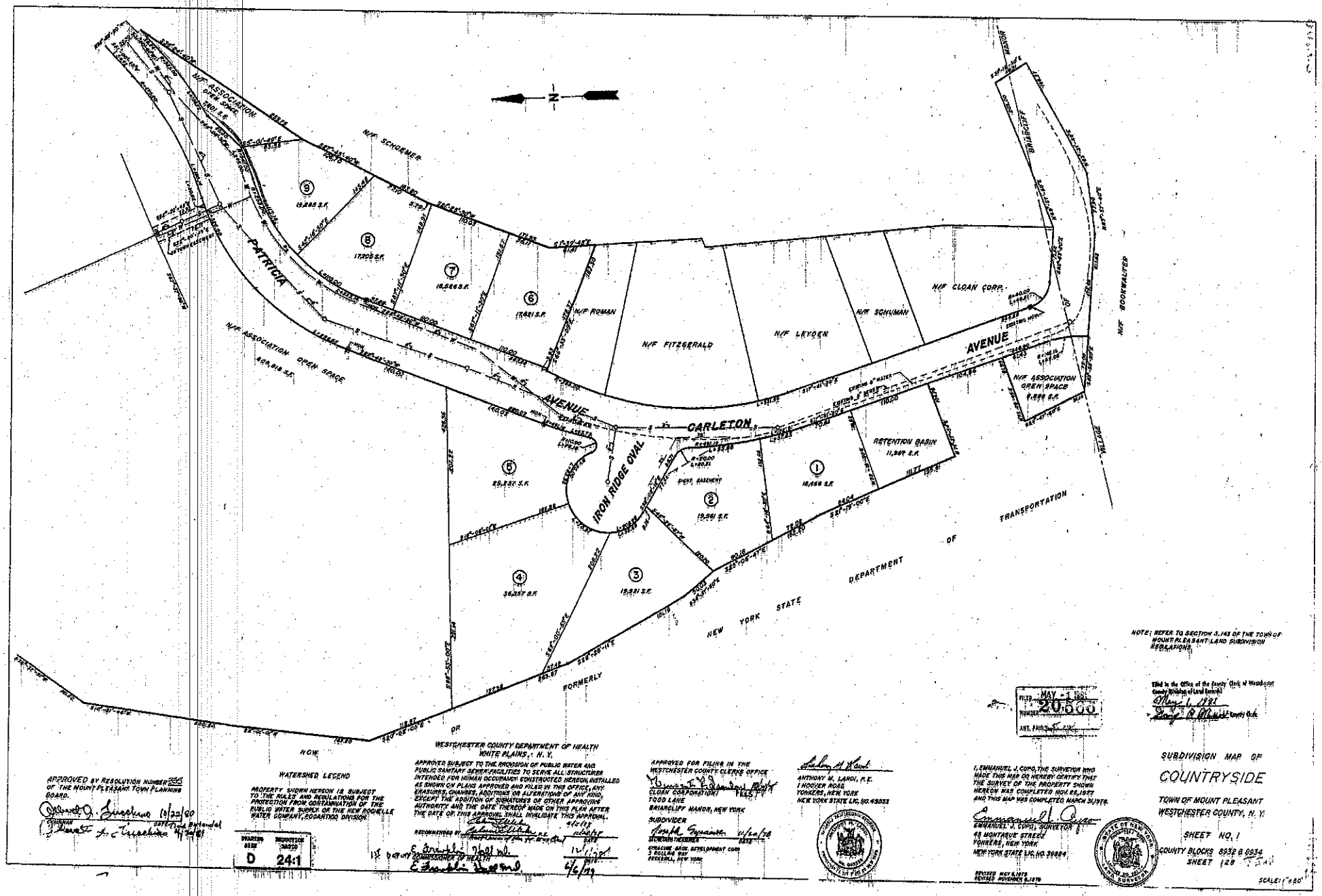
Should you have any questions or require any additional information, please contact us.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella

GNT:mcv
Enclosures
cc: *(via electronic mail)*
Patrick Cleary, AICP, PP
William S. Null, Esq., President, Countryside Residents' Association, Inc.
Fredrick W. Turner, Esq.
Mr. Andrew Saunders
David Smith, AICP
Mr. John Gelcich
Susan K. Fasnacht, P.E.
Ms. Amanda DeCesare


N
N/F SCHOEMER
N/F ASSOCIATION OPEN SPACE
PATRICIA
N/F ASSOCIATION OPEN SPACE
N/F ROMAN
N/F FITZGERALD
N/F LEYDEN
N/F SCHUMAN
N/F CLOAN CORP.
N/F BOOKWALTER
AVENUE
CARLETON
AVENUE
IRON RIDGE OVAL
N/F ASSOCIATION GREEN SPACE
RETENTION BASIN
11,397 S.F.
TRANSPORTATION
DEPARTMENT
OF
NEW YORK STATE
FORMERLY
OR
NOW
WATERSHED LEGEND
PROPERTY SHOWN HEREON IS SUBJECT TO THE RULES AND REGULATIONS FOR THE PROTECTION FROM CONTAMINATION OF THE PUBLIC WATER SUPPLY OF THE NEW ROCHELLE WATER COMPANY, EQUANITOO DIVISION.
APPROVED BY RESOLUTION NUMBER 254 OF THE MOUNT PLEASANT TOWN PLANNING BOARD.
DATE 10/22/80
DATE Time Extended 11/24/81
DRAWING SIZE D
REDUCTION RATIO 24:1
WESTCHESTER COUNTY DEPARTMENT OF HEALTH
WHITE PLAINS, N. Y.
APPROVED SUBJECT TO THE PROVISION OF PUBLIC WATER AND PUBLIC SANITARY SEWER FACILITIES TO SERVE ALL STRUCTURES INTENDED FOR HUMAN OCCUPANCY CONSTRUCTED HEREON, INSTALLED AS SHOWN ON PLANS APPROVED AND FILED IN THIS OFFICE, ANY ERASURES, CHANGES, ADDITIONS OR ALTERATIONS OF ANY KIND, EXCEPT THE ADDITION OF SIGNATURES OF OTHER APPROVING AUTHORITY AND THE DATE THEREOF MADE ON THIS PLAN AFTER THE DATE OF THIS APPROVAL SHALL INVALIDATE THIS APPROVAL.
RECOMMENDED BY
DATE 4/6/79
DATE 4/6/79
APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERK'S OFFICE
CLOAN CORPORATION
TODD LANE
BRIARCLIFF MANOR, NEW YORK
SUBDIVIDER
SYRACUSE MEDICAL DEVELOPMENT CORP.
3 COLLEGE WAY
ROCHELLE, NEW YORK
ANTHONY M. LANDI, P.E.
1 HOOVER ROAD
YONKERS, NEW YORK
NEW YORK STATE LIC. NO. 49333
I, EMMANUEL J. CUPO, THE SURVEYOR WHO MADE THIS MAP DO HEREBY CERTIFY THAT THE SURVEY OF THE PROPERTY SHOWN HEREON WAS COMPLETED NOV. 28, 1977 AND THIS MAP WAS COMPLETED MARCH 31, 1978.
EMMANUEL J. CUPO, SURVEYOR
48 MONTAGUE STREET
YONKERS, NEW YORK
NEW YORK STATE LIC. NO. 39884
REVISED MAY 4, 1978
REVISED NOVEMBER 8, 1978
FILED MAY 1 1981
NUMBER 20600
ANT. PAID
NOTE: REFER TO SECTION 3.143 OF THE TOWN OF MOUNT PLEASANT LAND SUBDIVISION REGULATIONS.
Filed in the Office of the County Clerk of Westchester County Division of Land Records
May 1, 1981
SUBDIVISION MAP OF
COUNTRYSIDE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N. Y.
SHEET NO. 1
COUNTY BLOCKS 8932 & 8934
SHEET 1 OF 1
SCALE: 1" = 80'

R03684005

FORM 3256

Standard N.Y.B.T.U. Form 8007 Bargain and Sale Deed with Covenant against Grantor's Acts — Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

LIBER 7892 PAGE 215

THIS INDENTURE, made the 4th day of January, nineteen hundred and eighty-four

BETWEEN

BRIARCLIFF CONTEMPORARIES, INC.
A New York corporation having an office at:
16 Andrea Court, New Rochelle, New York 10804

party of the first part, and

RICHARD ROSENTHAL, residing at Todd Lane (no number)
Briarcliff Manor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN ($10.00).....

..... dollars,

lawful money of the United States, and other good and valuable consideration.....paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or

successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of Mount Pleasant, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point in the westerly line of lands now or formerly of Schoemer, said point being distant North 51 degrees 00' 40" East a distance of 242.32 feet from the intersection of the East line and the North line of Patricia Avenue, as shown on "Subdivision Map of Countryside, Town of Mount Pleasant, Westchester County, New York, Sheet No. 1" made by Emmanuel J. Cupo, March 31, 1978, filed in the County Clerk's Office May 1, 1981 as Map No. 20566;

thence through the lands now or formerly of S.B. & W. Investors Inc., on a curve to the right having a radius of 107.18 feet, a distance of 68.99 feet;

thence North 87 degrees 53' 30" West a distance of 438.68 feet to the lands now or formerly of Rosenthal;

thence along the lands now or formerly of Rosenthal South 27 degrees 38' 17" East a distance of 113.61 feet;

thence North 75 degrees 52' 30" West a distance of 65.55 feet;

thence North 69 degrees 47' 10" West a distance of 78.08 feet;

thence North 63 degrees 09' 50" West a distance of 53.01 feet;

thence South 35 degrees 50' 10" West a distance of 104.12 feet to said lands now or formerly of Schoemer;

thence along the lands now or formerly of Schoemer North 61 degrees 24' 20" East a distance of 52.35 feet;

thence North 70 degrees 14' 20" West a distance of 92.99 feet;

thence North 72 degrees 54' 20" West a distance of 73.86 feet to the point or place of Beginning.

RESERVING unto the party of the first part, its successors and assigns forever, the right to convey and dedicate to the Town of Mount Pleasant a permanent general utility easement for the installation, maintenance, repair, replacement and use of sewer, water and drainage lines, including normal surface appurtenances such as manholes, with the following described easement area:

BEGINNING at a point in the lands now or formerly of S. B. & W. Investors, Inc. said point being distant northeasterly from the intersection of the westerly boundary line of lands now or formerly of Schoemer with the easterly side of Patricia Avenue, as shown on "Subdivision Map of Countryside, Town of Mount Pleasant, N.Y., Sheet No. 1" made by Emmanuel J. Cupo, March 31, 1978, filed in the County Clerk's Office, May 1, 1981, as Map No. 20566, the following courses and distances:

JAN-5 1984

TAX STAMPS ATTACHED $ 400.00

North 51 degrees 00 minutes 40 seconds East a distance of 242.32 feet; a curve to the right having a radius of 107.18 feet a distance of 68.99 feet; North 87 degrees 53 minutes 30 seconds East a distance of 170.00 feet;

thence through the lands now or formerly of S. B. & W. Investors, Inc. North 87 degrees 53 minutes 30 seconds East a distance of 45.00 feet; thence South 2 degrees 6 minutes 30 seconds East a distance of 15.00 feet; thence South 87 degrees 53 minutes 30 seconds West a distance of 45.00 feet; thence North 2 degrees 6 minutes 30 seconds West a distance of 15.00 feet to the point or place of beginning.

AND FURTHER RESERVING unto the party of the first part, its successors and assigns forever, the right to enter upon the premises for the purpose of replacing and altering the lines installed within the General Utility Easement area to the extent required by the Town of Mount Pleasant as a condition to its acceptance of the aforesaid contemplated conveyance and dedication; PROVIDED HOWEVER, that in exercising such permitted rights within the General Utility Easement, the party of the first part, its successors and assigns shall not do or suffer to be done any injury to the premises adjoining the General Utility Easement Area and shall at all times after completion of any work done thereon restore the surface and grade of the General Utility Easement Area and any pavement, curbs, shrubbery, landscaping and any other improvements, except trees, thereon, as nearly as possible to the original condition, at its sole cost and expense.

THE PREMISES HEREIN CONVEYED shall be maintained by the party of the second part, his heirs, distributees, administrators, executors, grantees, successors and assigns in perpetuity as open space preserving same in its present natural condition and not permitting or causing thereon any construction, improvements or alterations of the existing natural state of the premises. This restriction shall run with the land in perpetuity.

SUBJECT TO the Declaration of covenants, maintenance, assessments, conditions, restrictions, reservations and easements recorded June 24, 1982 in Liber 7771 cp 559 and any amendments thereto.

SUBJECT TO covenants, restrictions, agreements, easements and consents of record.

THE GRANTOR RESERVES to itself, its successors and assigns, title to the streets and roads adjoining or proposed to be adjoining the above-described premises conveyed herein, and the grantor shall have the right, but not the obligation, to dedicate the same to the governmental agency, department or board having jurisdiction thereover.

THIS CONVEYANCE has been made with the consent of the holders of at least two-thirds of the outstanding shares of the grantor entitled to vote thereon obtained at a meeting duly called.

GRANTOR and GRANTEE have agreed that the provisions of Paragraphs 31, 32, 33, 34, 36, 38, 39, 40, 41, 42, 43, 45, 46 and 47 of the Contract of Sale made as of the 19th day of November, 1983 between Syrucliff, Inc., predecessor to the Grantor, and Grantee, ~~a memorandum of which is being recorded simultaneously herewith in the Office of the County Clerk of Westchester County, Division of Land Records~~; shall survive the delivery of this deed and shall be binding upon and inure to the benefit of the respective heirs, administrators, executors and assigns of Grantor and Grantee.

[illegible]

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

BRIARCLIFF CONTEMPORARIES, INC.
BY:

JOSEPH SYRACUSE, President

RECEIVED
400
REAL ESTATE
JAN 6 - 1994
TRANSFER TAX
WESTCHESTER
COUNTY

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

LIBER 7892 PAGE 218

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF WESTCHESTER

On the 4th day of January 19 84, before me personally came Joseph Syracuse to me known, who, being by me duly sworn, did depose and say that he resides at No. 15 Andrea Court, New Rochelle, New York 10804 that he is the President of Briarcliff Contemporaries, Inc. the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

NOTARY PUBLIC

ALBERT A. CAPELLINI
Notary Public, State of New York
Qualified in Westchester County
No. 4703915
My Commission Expires March 30, 19 85

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No. ; that he is the of , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 72183-3765

BRIARCLIFF CONTEMPORARIES, INC.

TO

RICHARD ROSENTHAL

SECTION 1
BLOCK 3
LOT p/o 5C-10
COUNTY OR TOWN Mt Pleasant

Recorded at Request of COMMONWEALTH LAND TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

MICHAEL BENNER, ESQ.
299 Park Avenue
New York, New York 10171

Zip No

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
COMMONWEALTH LAND
TITLE INSURANCE COMPANY
A Reliance Group Company

#46

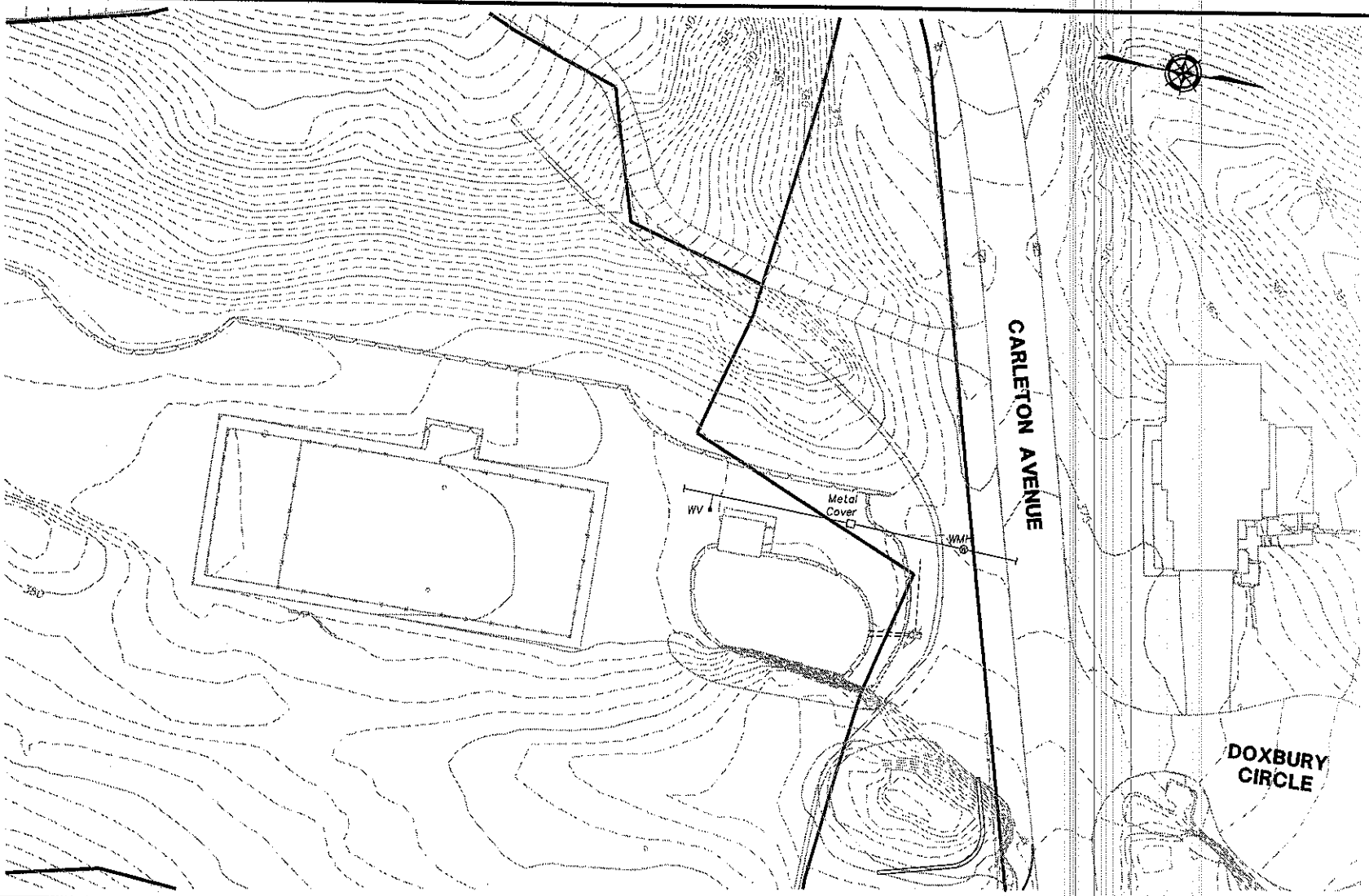
L. 333

The foregoing instrument was endorsed for record as follows:
The property affected by this instrument is situate in the TOWN OF MT. PLEASANT
County of Westchester, N. Y. A True copy of the original DEED
recorded in the Division of Land Records of the County Clerk's Office of Westchester County on JAN. 5, 1984
at 2:01 PM in Liber 7892 Page 215 of Deeds.

Witness my hand and Official Seal

Andrew J. Spano
County Clerk.

84005 7026



WSP · SELLS

Transportation & Infrastructure

555 Pleasantville Road • Briarcliff Manor, NY 10510 • 914.747.1120
www.wspsells.com

0 20 40
SCALE

CARLETON AVENUE UTILITY CONNECTIONS

TACONIC TRACT DEVELOPMENTS, LLC
TOWN OF MOUNT PLEASANT, NY

SOURCE: WSP SELLS OCTOBER 2010

Drawing Path/Name: L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FEIS\050078-Conventional Plans.dwg Date Printed: Oct 21, 2010, 10:50am
Xref's Attached: Inscook; xref Adjacent Prop Lines; xref Village Line; xref Prop Lines and Bearings; xref Soils; xref Trees; xref LOD Sheets DGS Conventional Oct 05; xref Slopes Existing 30 Acre Parcel-UPDATED 09-2010; Wet Points Oct 2010

County of Westchester
Town of Mount Pleasant
----------X

Application of Taconic Tract LLC

for Subdivision Approval

----------X

AFFIDAVIT

STATE OF NEW YORK)
) s.s.:
COUNTY OF WESTCHESTER)

Andrew Saunders, being duly sworn, deposes and states as follows:

1. I am the managing member of Taconic Tract, LLC ("Taconic Tract"), owner of the property that is the subject of the Taconic Tract subdivision application pending before the Town of Mount Pleasant Planning Board (the "Taconic Tract Subdivision").

2. I reside at 128 Todd Lane in the Town, which abuts the Taconic Tract Subdivision and a subdivision of homes to the north known as the Countryside Subdivision, in the former Waterhouse Estate. Prior to my wife purchasing the parcel on which our home is located in 2005 ("Our Homestead Parcel"), my wife and I owned the house at 136 Todd Lane. I resided in that home for approximately 30 years. Thus, I have been a resident of the neighborhood in which the Taconic Tract Subdivision is located for approximately 35 years (the "Todd Lane/Washburn Road/Carlton Avenue Neighborhood").

3. Accordingly, I resided in the Todd Lane/Washburn Road/Carlton Avenue Neighborhood prior to the construction of the Countryside Subdivision homes which began in or around the mid 1980s and am personally and fully familiar with the condition of a bow-tie

shaped parcel fronting on Carlton Avenue, now owned by my wife, over which Taconic Tract proposes a road connection to Carlton Avenue (hereinafter "Parcel D"), at that time, and the improvements that have been made to it since Mr. Rosenthal acquired it in January 1984.

4. I give this Affidavit at the request of Taconic Tract's counsel because counsel for residents in the Countryside Subdivision has questioned the basis for statements in the Draft of Environmental Impact Statement that existing improvements to Parcel D were made by Mr. Rosenthal after the Countryside Subdivision was approved and he purchased Parcel D.

5. When the Countryside Subdivision was approved in the late 1970s, Mr. Richard Rosenthal owned Our Homestead Parcel as well as property abutting it to the west (known as tax lot 46) which is now owned by "Manuele". After he acquired Parcel D in January 1984, Mr. Rosenthal made a number of substantial modifications and improvements to Parcel D, all of which required modification of the natural state of that Parcel. He made a 27-foot wide curb cut on Carlton Avenue and built a substantial driveway over Parcel D and what is now the Manuele Property to connect Todd Lane and Carlton Avenue, which required him to remove vegetation from, excavate and grade Parcel D. The driveway is approximately 11 feet wide, paved and gated. Mr. Rosenthal also built substantial 6-foot high and greater stone walls on portions of Parcel D; the stone walls are secured with footings built into the ground of Parcel D, the construction of which required excavation at the surface and below. He further enclosed Parcel D with a chain link fence, the posts for which are set in footings around the perimeter of Parcel D. Still further, Mr. Rosenthal imported fill to Parcel D and regraded portions of it in connection with his planting of approximately 15 trees thereon to enhance the screening of his main residence parcel.

6. All of the foregoing improvements were and are readily visible from the public street and surrounding properties.

7. I also learned recently that in addition to such improvements, Parcel D was excavated for the installation of a water main, meter, water service line, sewer service line, and connection to the storm sewer. This excavation occurred both within a utility easement that affects Parcel D and beyond it to the south in the direction of (and eventually onto) Our Homestead Parcel. The installation of these utility facilities required the Parcel's natural state to be altered.

8. If the open space covenant affecting Parcel D meant that surface and sub-surface conditions of the Parcel could not be altered in any manner whatsoever, the foregoing improvements on Parcel D could never have been made.

Andrew Saunders

Sworn to before me this
21 day of October, 2010.

CAROL S. STEIN
Notary Public, State of New York
No. 01ST6165630
Qualified in Westchester County
Commission Expires May 14, 2011

Notary Public

Carol S. Stein 10/21/10

Appendix C

Photo-documentation of existing main and service connection to Briarcliff Manor water

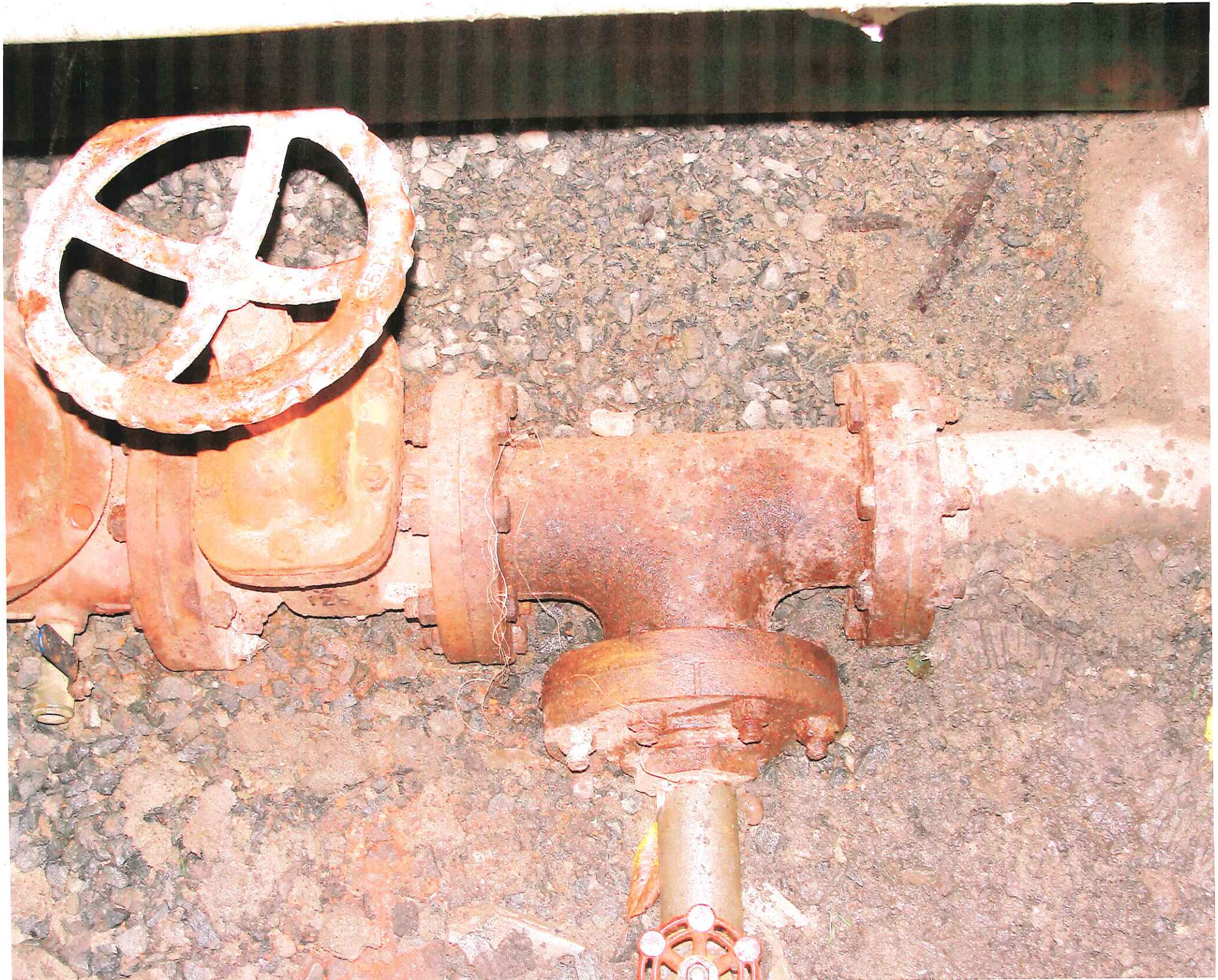
Meter
PRV

NEW
HEAVY
DUTY

METER
CUBIC FEET
0 0 0 3 7 5 0
10 FEET

NEPTUNE METER CO.
TRIDENT
52687

Hoist
Pipe
6"
5"



Appendix D

Andrew Saunders Letter to A. Crowell, November 4, 2010

ANDREW SAUNDERS
TODD LANE
BRIARCLIFF MANOR, N. Y. 10510

November 4, 2010

Mr. Alan Croswell
144 Washburn Road
Briarcliff Manor, New York 10510

Re: Former Connection Between Existing Drainage System and Residence at 144 Washburn Road

Dear Alan:

I am writing to confirm our discussion on Saturday October 2, 2010 about the storm drainage system that extends from the property owned by Taconic Tract Development LLC, across the yards at 136 Todd Lane and your yard (144 Washburn Road) and connects to the catch basin in Washburn Road at the driveway entrance to Taconic Tract's property. As you'll recall, you commented at the public hearing on the DEIS for this subdivision about the drainage system and how the existing conditions related to it were not, in your opinion, accurately portrayed in the DEIS. You have mentioned several times how a drain that feeds into that storm system is located on your property but was not accurately depicted in DEIS materials.

As I explained to you, we have determined that the drainage system that crosses your yard discharges into the catch basin in Washburn Road east of your property and at the driveway entrance to Taconic Tract's site and that the catch basin discharges its flows into the pond on the Heller property.

During our conversation you acknowledged to me that at one time in the recent past, there was a connection from your house to the storm drainage system (which we believe was not authorized) as it discharged "grey water", that Mr. Heller was aware of the connection because you and he discussed it and its link to the pond on his property and that a few years ago you had the "grey water" connection between your house and the storm drainage system corrected and legalized.

Very truly yours,

Andrew Saunders

AS:mc
cc: Mount Pleasant Planning Board
David Smith, AICP
Amanda DeCesare, P.E.
Geraldine N. Tortorella, Esq.

Appendix E

Revised Exhibit III B-1

Exhibit FEIS III.B-2, Photographs

Photograph A: Washburn Road Entrance

Photograph A-1: Washburn Road Entrance - in the winter

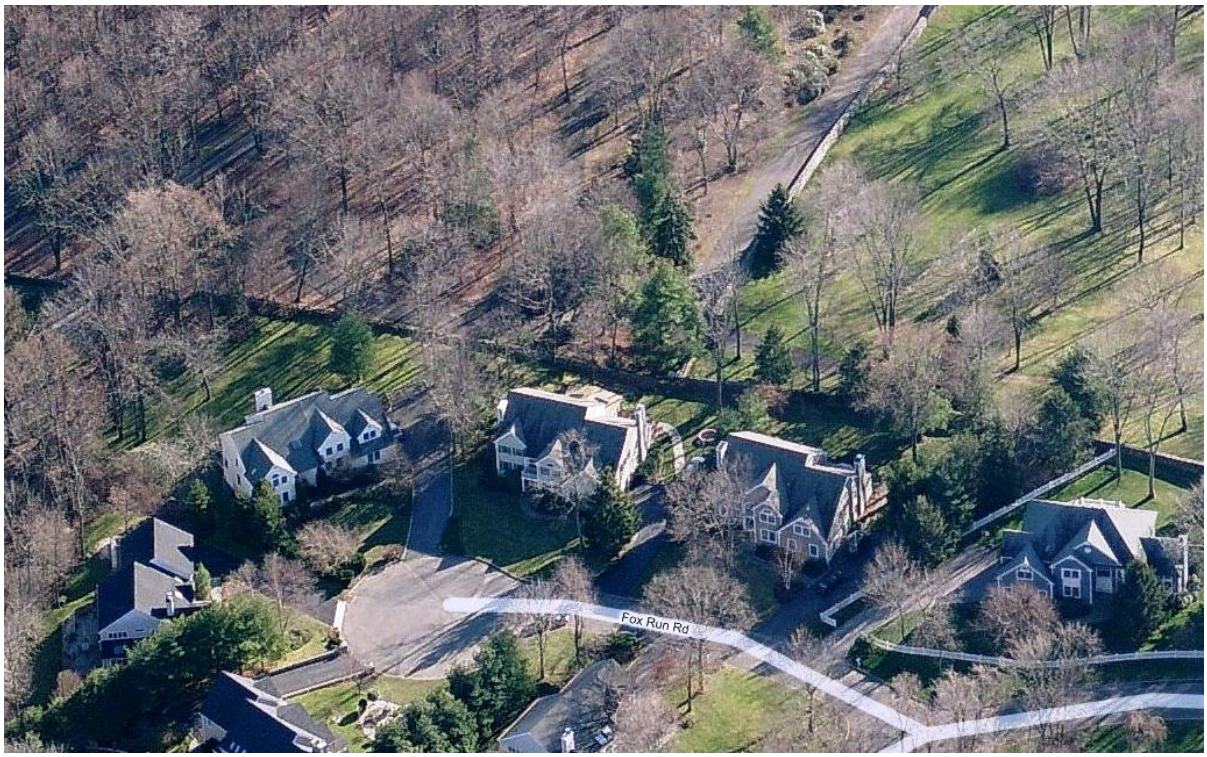
Photograph B: View from the Taconic Parkway Northbound

Photograph C: View from the Taconic Parkway Southbound

Photograph D: View from the Taconic Parkway Northbound

Photograph E: View from the Taconic Parkway Southbound

Photograph F: View from Fox Run Road to Lot-6



Photograph G: Aerial photo from Fox Run Road to the proposed site, 2009 navtec

Photograph H: Project Entrance looking south into Project Site from Carleton Avenue

Photograph H: Briars Corners to the Project Site

Exhibit III.B-3, Visualizations

Visualization A - Washburn Road Entrance, 3D CAD rendering

Visualization B - Taconic Parkway Northbound, 3D CAD Superimposed onto Photo

Appendix F

Revised Photo Key Plan for

DEIS Exhibit III-B2

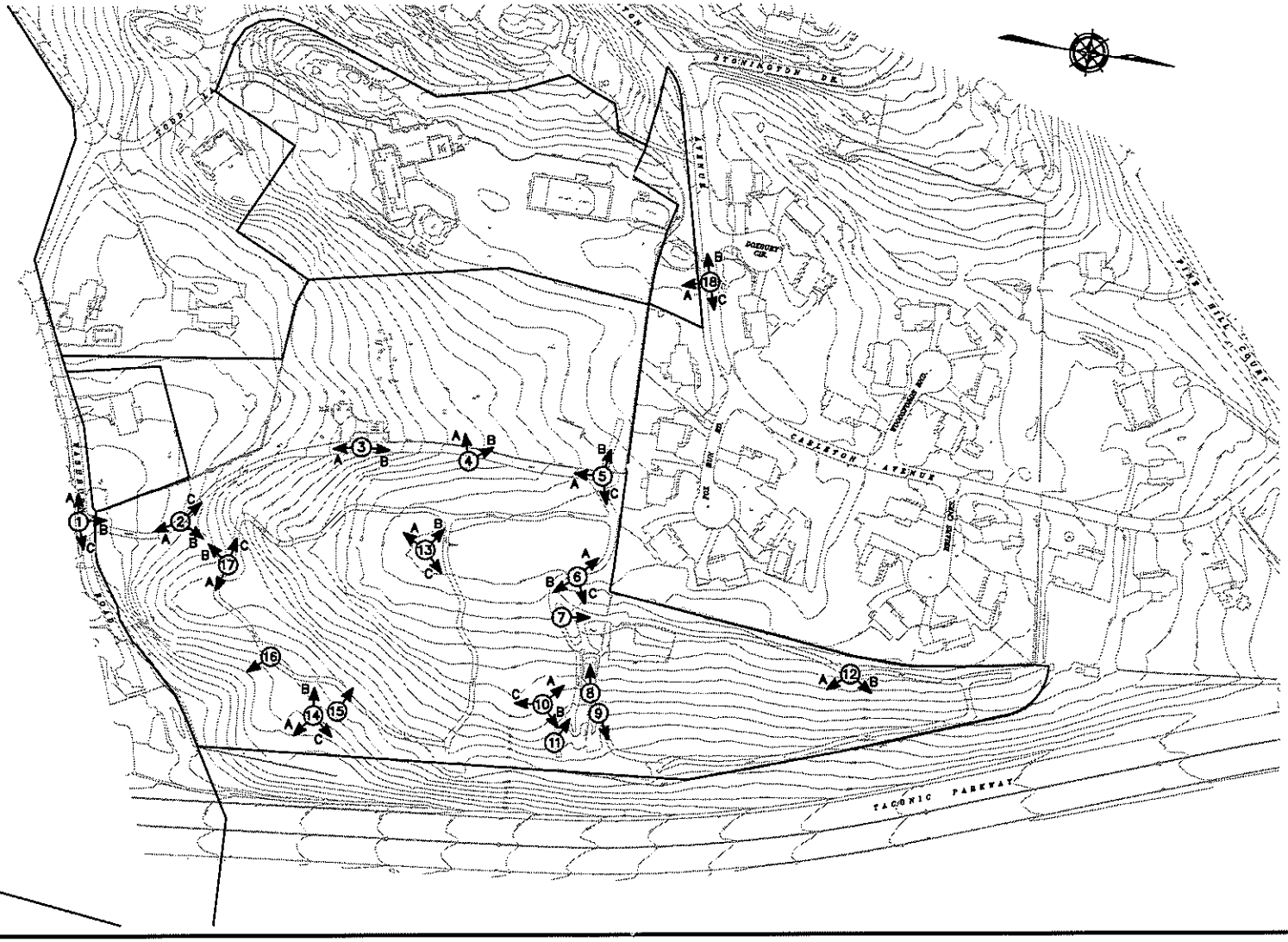


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FIGURE: VISUAL RESOURCES
PHOTO KEY PLAN

TACONIC TRACT DEVELOPMENTS, LLC
TOWN OF MOUNT PLEASANT, NY

SOURCE: WSP SELLS SEPTEMBER 2009

Drawing Path/Name: P:\055078\3_Drawings\1_Working\Submission\2009\DEIS\055078 Visual Resources Figure.dwg Date Printed: Sep 30, 2009, 12:35pm
Xref's Attached: tacoccd; xref Adjoiner Prop Lines; xref Prop Lines and Bearings; xref Soils; xref Trees; xref Slopes Existing 30 Acre Parcel; xref LOD Slopes DEIS Conventional

Appendix G

Conventional Steep Slope Analysis

DISTURBANCE DUE TO:

- ROADS
- DRAINAGE FACILITIES/UTILITIES (OUTSIDE ROAD R.O.W.)
- HOUSES
- DRIVEWAYS

0 50 100

SCALE

SLOPE ANALYSIS CATEGORIES CONVENTIONAL LAYOUT

TACONIC TRACT DEVELOPMENTS, LLC
TOWN OF MOUNT PLEASANT, NY

SOURCE: WSP SELLS MARCH 2011

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Appendix H

Updated Plan Sheets

F E I S P L A N S E T F O R:

TACONIC TRACT DEVELOPMENTS, LLC
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

SITE LOCATION MAP
N.T.S.

SCALE: 1" = 200'

200 0 100 200 400

GRAPHIC SCALE (IN FEET)
1 inch = 200 ft.

Lot Areas				
Section	Block	Lot	Area (ac.)	
98.10	2	40	7.58	
98.10	2	39	6.50	
98.10	2	42	0.97	
98.10	2	38	10.74	
98.10	2	37	4.21	
	Total Area		30.00	ac.

SPECIAL DISTRICTS

BRIARCLIFF MANOR SCHOOL DISTRICT
MOUNT PLEASANT REFUSE
EAST BRIARCLIFF FIRE DEPARTMENT
SAW MILL RIVER SEWER
MOUNT PLEASANT LIBRARY
MOUNT PLEASANT CONSOLIDATED LIGHTING
COUNTY SOLID WASTE
PLEASANTVILLE AMBULANCE DISTRICT

DRAWING INDEX

SHEET 1 - TITLE SHEET
SHEET 2 - EXISTING CONDITIONS PLAN - EAST SIDE
SHEET 3 - EXISTING CONDITIONS PLAN - WEST SIDE
SHEET 4 - SITE PLAN - EAST SIDE
SHEET 5 - SITE PLAN - WEST SIDE
SHEET 6 - GRADING, DRAINAGE & UTILITY PLAN - EAST SIDE
SHEET 7 - GRADING, DRAINAGE & UTILITY PLAN - WEST SIDE
SHEET 8 - ROADWAY PROFILES
SHEET 9 - EXISTING STEEP SLOPES PLAN - EAST SIDE
SHEET 10 - EXISTING STEEP SLOPES PLAN - WEST SIDE
SHEET 11 - STEEP SLOPES PLAN - EAST SIDE
SHEET 12 - TREE PLAN - EAST SIDE
SHEET 13 TREE PLAN - WEST SIDE
SHEET 14 - EXISTING TREE LIST

EXISTING PUBLIC WATER/PUBLIC SEWER
WESTCHESTER COUNTY DEPARTMENT OF HEALTH
NEW ROCHELLE, NEW YORK

APPROVED PURSUANT TO CHAPTER 873, ARTICLE X, SECTIONS 873.951 AND 873.1021 OF THE WESTCHESTER COUNTY SANITARY CODE SUBJECT TO THE PROVISION OF PUBLIC WATER SUPPLY AND PUBLIC SANITARY SEWER FACILITIES TO SERVE ALL STRUCTURES INTENDED FOR HUMAN OCCUPANCY CONSTRUCTED HEREIN.

EACH PURCHASER OF PROPERTY SHOWN HEREON SHALL BE FURNISHED A TRUE COPY OF THIS PLAT SHOWING THIS ENDORSEMENT. ANY ERASURES, CHANGES, ADDITIONS OR ALTERATIONS OF ANY KIND, EXCEPT THE ADDITION OF SIGNATURES OF THE APPROVING AUTHORITY AND THE DATE THEREOF MADE ON THIS PLAN AFTER THIS APPROVAL, SHALL INVALIDATE THIS APPROVAL.

APPROVAL BY THE ASSISTANT COMMISSIONER OF HEALTH ON BEHALF OF THE DEPARTMENT OF HEALTH

NOT FOR CONSTRUCTION

PREMISES HEREON BEING LOCATED ON SHEET NO. 128 & 129 BLOCK 8934 IN WESTCHESTER COUNTY INDEX MAPS.

TITLE SHEET
CONVENTIONAL LOT LAYOUT
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

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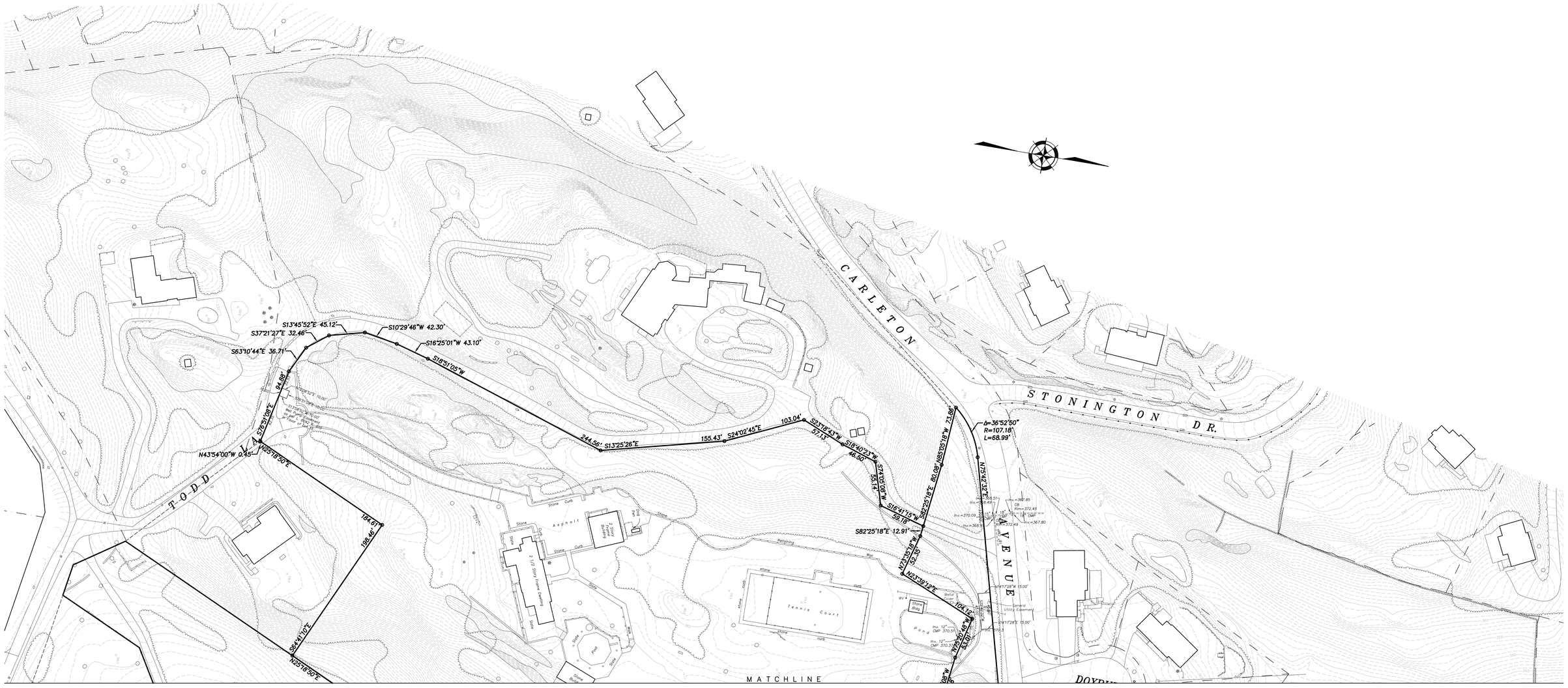
NO.	DATE	REVISIONS

N.Y. STATE LIC. PROFESSIONAL ENGINEER

SHEET 1 OF 14

L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FEIS\Title Sheet Conventional.dwg Mar 16, 2011 - 9:11am

MATCHLINE
N12°13'00"W
383.96'
N05°22'30"E
164.30'
N20°36'05"E 2.13'
N69°38'20"W 48.26'
287.44'
281.29'
N15°27'19"E
113.60'
S88°45'57"W 2.47'
436.68'
501.87'
N07°35'30"W
S63°30'30"W 32.00'
N11°44'50"W
180.03'
N66°50'00"E
426.95'
N85°02'00"W
212.09'
272.66'
N22°56'40"W 10.98'
98.42'
N30°47'00"W
N29°49'40"W
N23°06'40"W 78.56'
S83°43'30"W 38.88'
S79°58'10"W 36.35'
S72°38'50"W 25.11'
S60°03'00"W 9.40'
S53°51'10"W 79.55'
S70°05'00"W 27.85'
S50°39'40"W 49.09'
S30°36'20"W 10.72'
S33°03'40"W
117.81'
S86°28'00"W
S55°28'40"W
48.00'
S04°59'03"E
500.68'
S05°01'47"E
444.98'
S19°13'40"E
299.84'
S21°15'56"E
329.57'
R=100.00'
Δ=74°30'50"
L=130.05'
N03°17'00"W 26.01'
139.98'
N10°21'10"W
96.50'
N08°03'30"W
124.53'
N01°10'40"E
152.37'
N06°12'50"E
320.19'
S05°39'20"W
N23°45'05"E 3.85'
S88°37'10"E 44.43'
N88°39'00"E
N88°33'28"W
65.55'
N89°58'
78.70'
EASEMENT
W A S H B U N R O A D
FOX RUN RD.
CARLETON AVENUE
WOODSFORDS BND.
BRIARS CNRS.
T A C O N I C P A R K W A Y
Lower Level El.=310.56
1 Story Frame Garage
Upper Level El.=320.65
Asphalt
Drive
Stone
Wall
Fence
Line
Bench
Septic Covers
Valves
Well
Elec. Box
Pavers
Deck
Grass
Shrub
Tree
Edge
Curb
Gate
Stairs
Steps
Pool
Pool Deck
Pool Equipment
Tennis Court
Fence Post
Gate Post
Hydrant
Sign
Light
Utility Pole
Guy Wire
Manhole
Catch Basin
Drain
Inlet
Cleanout
Flagpole
Mailbox
Bollard
Rock
Boulder
Retaining Wall
Concrete
Brick
Gravel
Mulch
Lawn
Shrub Bed
Tree Line
Woods
Wetland
Stream
Pond
Dam
Spillway
Culvert
Pipe
Conduit
Cable
Guy Anchor
Transformer
Meter
Valve
Hose Bib
Spigot
Air Conditioner
Generator
Satellite Dish
Antenna
Chimney
Vent
Skylight
Window
Door
Threshold
Step
Landing
Porch
Deck
Patio
Walk
Path
Trail
Bridge
Footbridge
Boat Dock
Boat Ramp
Mooring
Buoy
Piling
Bulkhead
Seawall
Revetment
Riprap
Erosion Control
Silt Fence
Hay Bale
Construction Fence
Temporary Fence
Temporary Stake
Temporary Flag
Temporary Light
Temporary Sign
Temporary Barrier
Temporary Drain
Temporary Culvert
Temporary Pipe
Temporary Conduit
Temporary Cable
Temporary Guy Anchor
Temporary Transformer
Temporary Meter
Temporary Valve
Temporary Hose Bib
Temporary Spigot
Temporary Air Conditioner
Temporary Generator
Temporary Satellite Dish
Temporary Antenna
Temporary Chimney
Temporary Vent
Temporary Skylight
Temporary Window
Temporary Door
Temporary Threshold
Temporary Step
Temporary Landing
Temporary Porch
Temporary Deck
Temporary Patio
Temporary Walk
Temporary Path
Temporary Trail
Temporary Bridge
Temporary Footbridge
Temporary Boat Dock
Temporary Boat Ramp
Temporary Mooring
Temporary Buoy
Temporary Piling
Temporary Bulkhead
Temporary Seawall
Temporary Revetment
Temporary Riprap
Temporary Erosion Control
Temporary Silt Fence
Temporary Hay Bale
Temporary



NOTES:

1. THIS MAP PREPARED BY AERIAL SURVEY PERFORMED BY WSP SELLS IN FEBRUARY 2006, AND BY USING DATA ON A MAP PREPARED BY DONALD J. DONNELLY, L.S., TITLED 'SUBDIVISION PLAT – LOT LINE CHANGE' PREPARED FOR JOHN N. & LISA A. MANUELE & LAWRENCE M. & CHRISTINE S. WATERHOUSE, DATED JULY 31, 1996.

NOT FOR CONSTRUCTION

EXISTING CONDITIONS PLAN
WEST SIDE - CONVENTIONAL
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

50 0 25 50 100
SCALE: 1" = 50'

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ZONING CONFORMANCE CHART

ZONING DISTRICT: R-40 (SINGLE FAMILY RESIDENTIAL)

CATEGORY	REQUIRED	PROVIDED																
		LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16	LOT 17*
MINIMUM LOT AREA	40,000 SQ.FT.	46,614 SQ.FT.	40,390 SQ.FT.	42,166 SQ.FT.	43,709 SQ.FT.	50,019 SQ.FT.	41,047 SQ.FT.	41,664 SQ.FT.	41,640 SQ.FT.	40,500 SQ.FT.	44,112 SQ.FT.	45,140 SQ.FT.	47,171 SQ.FT.	40,248 SQ.FT.	40,052 SQ.FT.	62,532 SQ.FT.	149,161 SQ.FT.	284,630 SQ.FT.
MINIMUM LOT WIDTH (AT FRONT YARD SETBACK)	100 FT.	215	165	148	150	175	241	243	237	150	170	252	141	142	153	108	103	320
MEAN LOT WIDTH	150 FT.	218	154	159	150	175	209	223	237	150	167	157	219	237	164	170	235	335
MINIMUM LOT DEPTH	175 FT.	152	256	267	280	285	223	187	175	270	270	302	228	181	245	390	736	700+
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES OR/ 35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	2 1/2 Stories
MINIMUM FRONT YARD (PRINCIPAL STRUCTURE)	60 FT.	79	101	63	60	60	72	88	60	123	73	89	87	65	68	68	98	663
MINIMUM SIDE YARD (PRINCIPAL STRUCTURE)	25 FT.	50.8	25	25	25	60	65	45	25	25	25	28.1	27.1	28.7	25	25	25	415
MINIMUM REAR YARD (PRINCIPAL STRUCTURE)	50 FT.	72	122	155	182	75	61	50	75	106	157	76	81	66	114	184	325	417
MAXIMUM BUILDING COVERAGE (PERCENT OF LOT AREA)	10%	5.1	5.9	5.7	5.5	4.8	5.8	5.8	5.8	5.9	5.4	5.3	5.1	6.0	6.0	3.8	1.6	1.0
MINIMUM FLOOR AREA	1,200 SQ.FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	2,400 SQ. FT.	3,311 SQ.FT.
OPEN SPACE	1,200 SQ.FT.	46,688 SQ.FT.	40,390 SQ.FT.	42,166 SQ.FT.	43,709 SQ.FT.	50,019 SQ.FT.	42,006 SQ.FT.	36,050 SQ.FT.	35,211 SQ.FT.	40,500 SQ.FT.	44,112 SQ.FT.	45,140 SQ.FT.	47,171 SQ.FT.	40,248 SQ.FT.	40,064 SQ.FT.	62,532 SQ.FT.	149,161 SQ.FT.	284,630 SQ.FT.

SUBDIVISION CONFORMANCE CHART

ZONING DISTRICT: R-40 (SINGLE FAMILY RESIDENTIAL)
(SUBDIVISION REGULATIONS §A227-24)

CATEGORY	REQUIRED	PROVIDED
MINIMUM R.O.W. WIDTH LOCAL STREET (FT.)	50	50
MINIMUM PAVEMENT WIDTH LOCAL STREET (FT.)	24	24
MAXIMUM GRADE LOCAL STREET (%)	10[1]	10.83
MINIMUM GRADE (%)	1	1.50
TURNAROUND DIAMETER R.O.W. (FT.) PAVEMENT MINIMUM (FT.)	100 85	100 85
MAXIMUM LENGTH OF CUL-DE-SAC PERMANENT DEAD END STREET 6 x MIN. LOT WIDTH 6 x 150 FT. = 900 FT.	900	541
MINIMUM CENTERLINE RADIUS OF CURVE-LOCAL STREET (FT.)	250	250
MINIMUM RADIUS AT INTERSECTION R.O.W. (FT.) PAVEMENT (FT.)	20 30	20 30
MINIMUM TANGENT LENGTH LOCAL STREET (FT.)	100	131
SIGHT DISTANCE AT INTERSECT. (FT.)	75	75 (MIN.)

[1] GRADES UP TO FOURTEEN PERCENT (14%) MAY BE ALLOWED AT THE DISCRETION OF THE PLANNING BOARD FOR SHORT, STRAIGHT RUNS.

NOTE:
MAXIMUM HEIGHT OF WALLS SHOWN ON PLAN IS 6 FT.

* EXISTING WATERHOUSE LOT

NOT FOR CONSTRUCTION

SITE PLAN
EAST SIDE - CONVENTIONAL
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

50 0 25 50 100
SCALE: 1" = 50'

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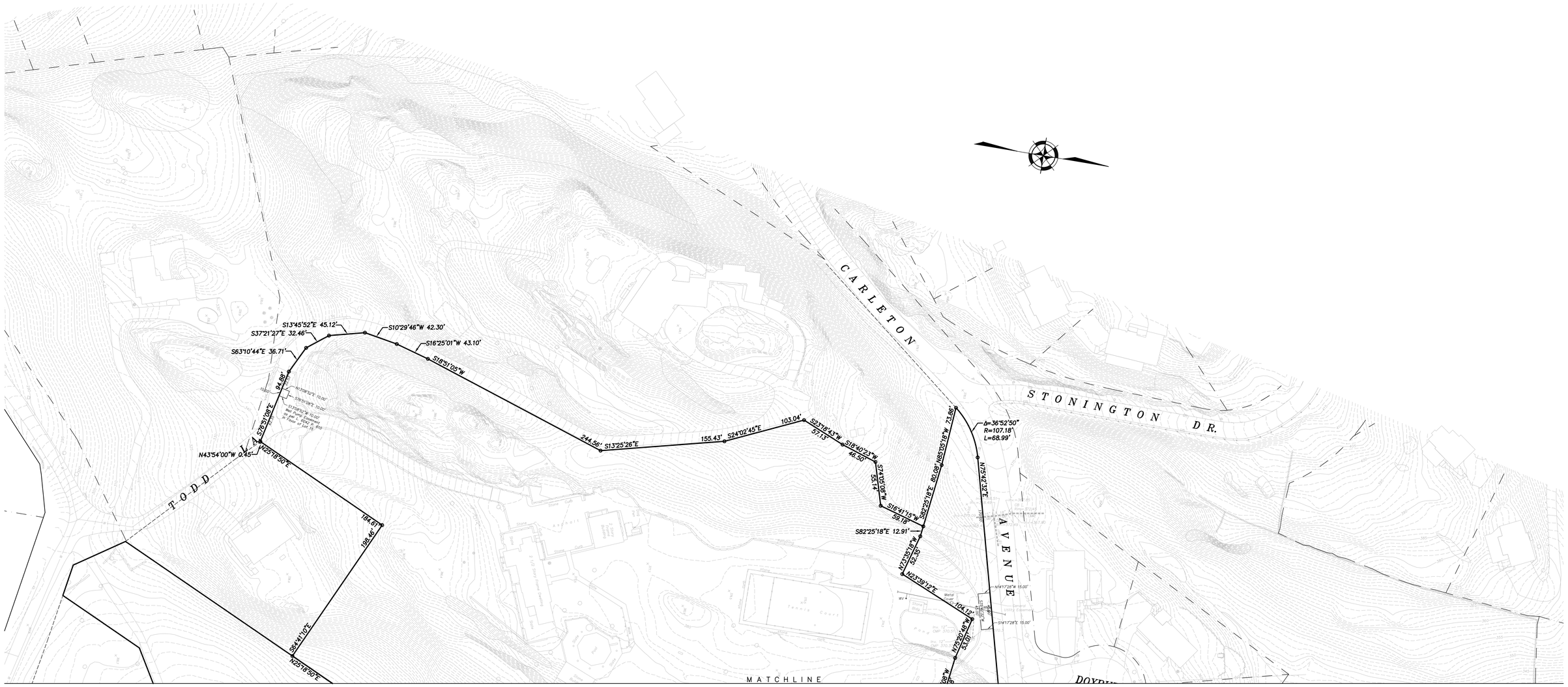
CARLETON
STONINGTON DR.
TODD
AVENUE
MATCHLINE
S13°45'52"E 45.12'
S37°21'27"E 32.46'
S63°10'44"E 36.71'
S10°29'46"W 42.30'
S16°25'01"W 43.10'
S19°51'05"W
244.56' S13°25'26"E
155.43' S24°02'45"E
103.04' S23°18'43"W
57.13'
S18°40'23"W
46.50'
S17°05'08"W
55.14'
S16°41'15"W
59.18'
S82°25'18"E 12.91'
N73°35'18"W
52.30'
N23°39'12"E
104.12'
N72°20'48"W
53.01'
S82°25'18"E 80.08' N85°05'18"W 73.86'
Δ=36°52'30"
R=107.18'
L=68.99'
N75°42'32"E
S76°51'08"E
94.89'
N43°54'00"W 0.45'
N25°18'50"E
164.61'
198.46'
S64°41'10"E
N25°18'50"E
Metal Cover
WV 4
Tennis Court
Pond
Gap Snow Fence
Bldg
Bldg
Bldg

NOT FOR CONSTRUCTION

GRADING, DRAINAGE & UTILITY PLAN
EAST SIDE - CONVENTIONAL
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 50'

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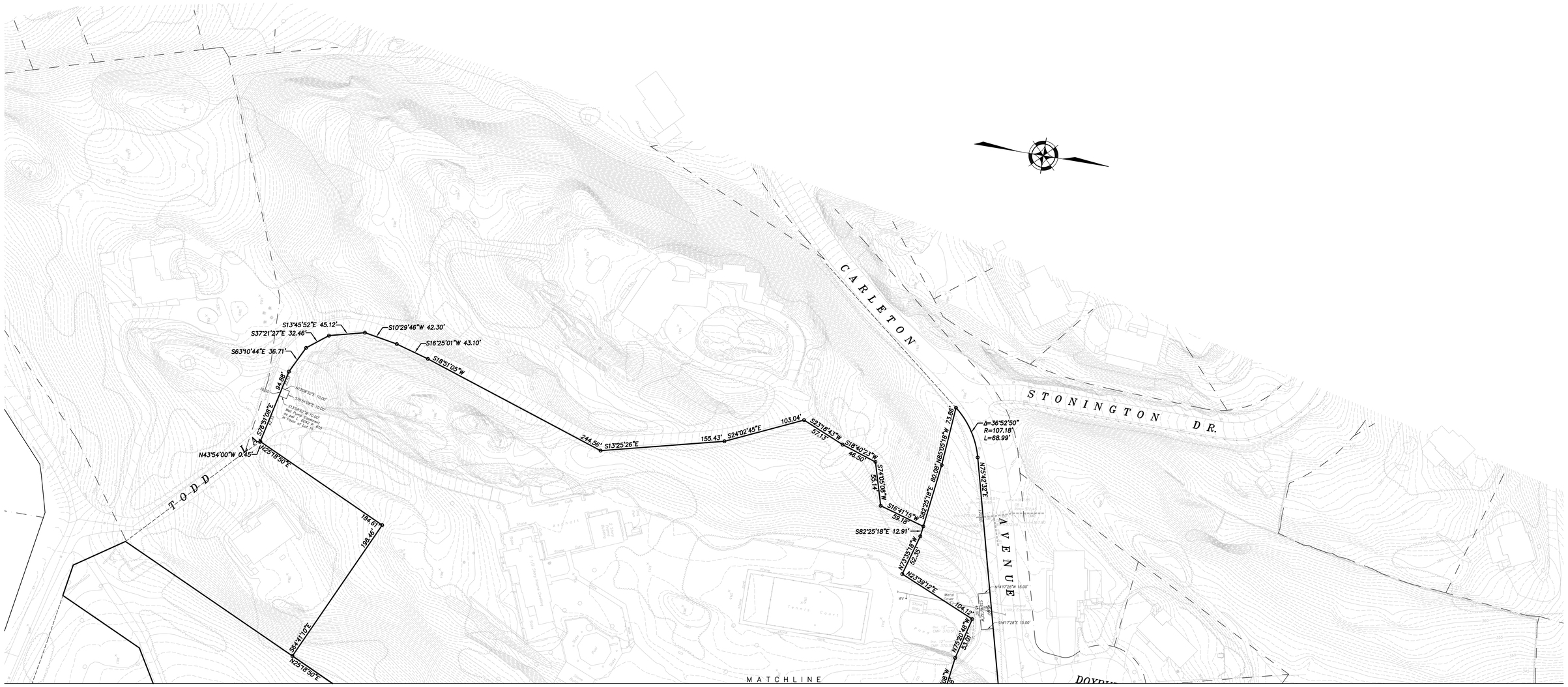
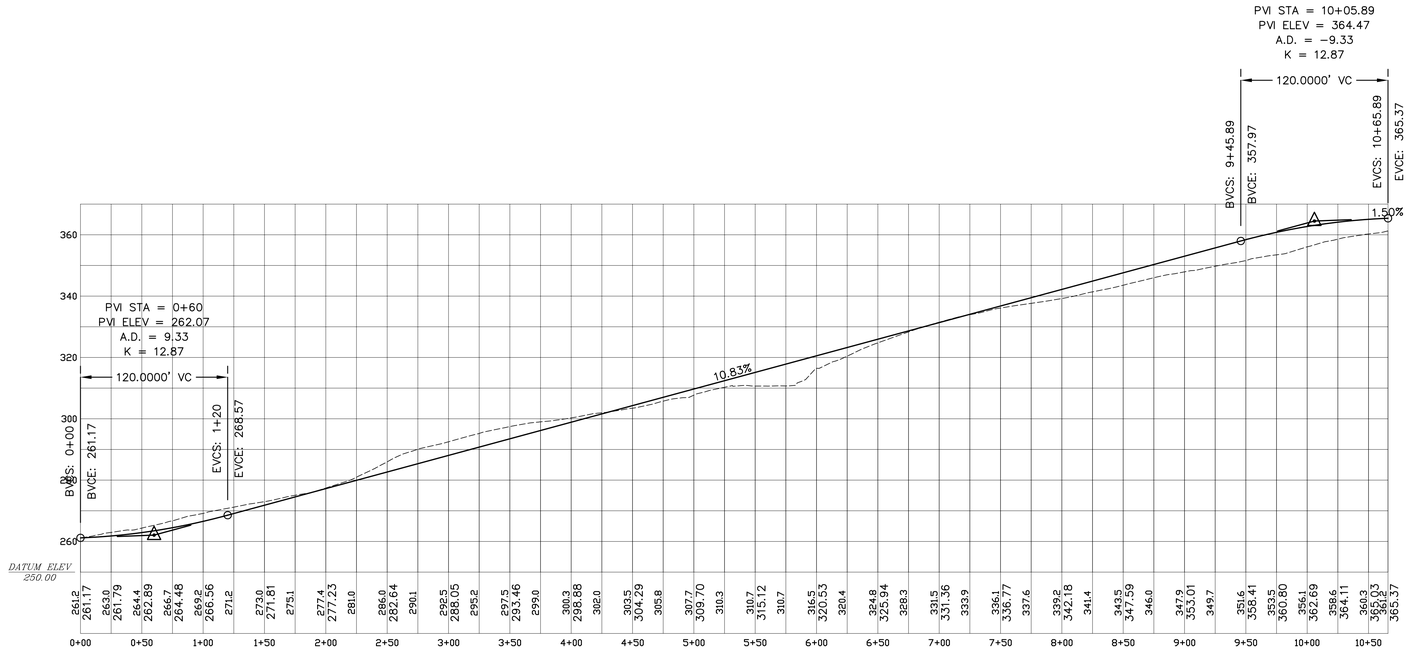
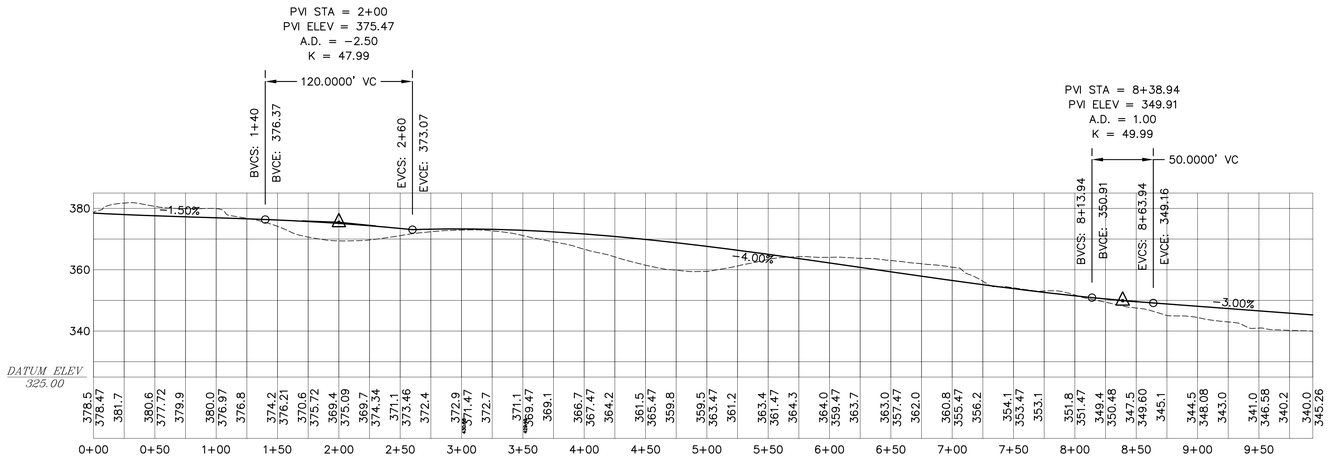

CARLETON
STONINGTON DR.
TODD
AVENUE
MATCHLINE
S13°45'52"E 45.12'
S37°21'27"E 32.46'
S10°29'46"W 42.30'
S16°25'01"W 43.10'
S63°10'44"E 36.71'
S19°51'05"W
94.89'
S76°51'08"E
N43°54'00"W 0.45'
N25°18'50"E
244.56'
S13°25'26"E
155.43'
S24°02'45"E
103.04'
S23°18'43"W
57.13'
S18°40'23"W
46.50'
S74°05'08"W
55.14'
S16°41'15"W
59.18'
S82°25'18"E 12.91'
N73°35'18"W
52.30'
N23°39'12"E
104.12'
N72°20'48"W
53.01'
S82°25'18"E 80.08'
N82°05'18"W 73.86'
N75°42'32"E
Δ=36°52'30"
R=107.18'
L=68.99'
N14°17'28"W 15.00'
S14°17'28"E 15.00'
184.61'
198.46'
S64°41'10"E
N25°18'50"E
Tennis Courts
Golf Shop
Pond
Metal Cover
WV
Bldg
Bldg
Bldg



PROFILE OF ROAD A

HORIZ. SCALE 1" = 50'
VERT. SCALE: 1" = 20'



PROFILE OF ROAD B

HORIZ. SCALE 1" = 50'
VERT. SCALE: 1" = 20'

NOT FOR CONSTRUCTION

ROADWAY PROFILES
CONVENTIONAL LAYOUT
PREPARED FOR

TACONIC TRACT DEVELOPMENTS, LLC

LOCATED IN THE

TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

SCALES AS NOTED

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SHEET 8 OF 14

Drawing Path\Name: L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FEIS\Profiles Conventional.dwg Date Printed: Mar 16, 2011, 9:00am
Xref's Attached

NOT FOR CONSTRUCTION

SLOPES LEGEND	EXISTING STEEP SLOPES AREAS																	
	RANGE	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16	TOTAL SITE AREAS (ACRES)	TOTAL SITE % OF OVERALL AREA
	0 - 15%	35,625	13,931	12,382	32,673	38,674	35,046	24,267	7,351	13,254	9,458	30,988	3,432	6,518	15,363	19,591	28,737	13.3	44%
	15 - 25%	7,331	19,842	25,923	10,882	8,955	4,960	7,344	17,216	12,587	8,788	12,737	15,721	19,415	16,284	33,853	65,931	9.0	30%
	25 - 35%	2,835	5,802	3,796	144	1,576	866	5,822	11,468	9,367	12,932	1,061	16,145	12,330	5,347	5,656	44,175	4.8	16%
	> 35%	729	573	47	0	802	160	4,226	5,434	5,291	12,977	350	11,877	1,935	3,063	3,422	10,052	2.9	10%
																			100%

EXISTING STEEP SLOPES PLAN
EAST SIDE - CONVENTIONAL
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 50'

UNAUTHORIZED ALTERATIONS AND ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.

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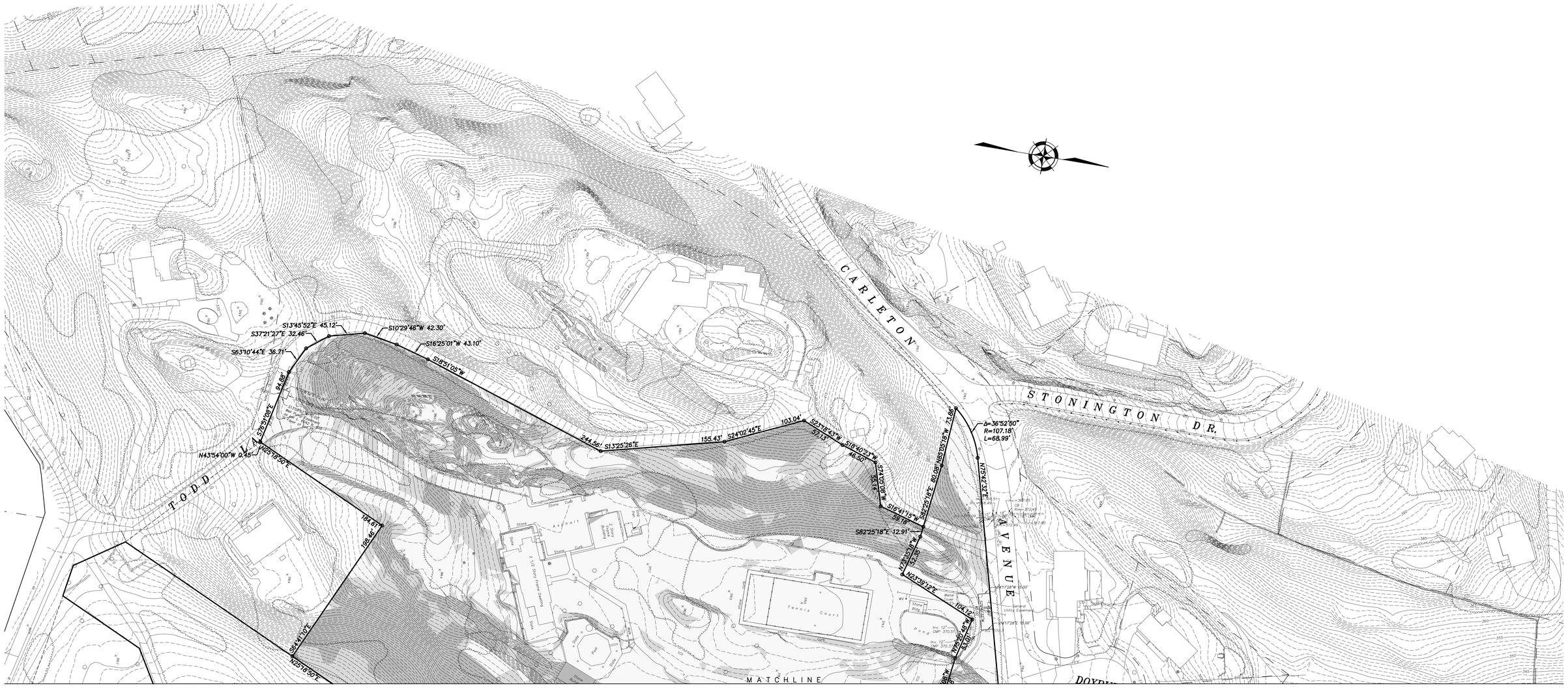
N.Y. STATE LIC. PROFESSIONAL ENGINEER

SHEET 9 OF 14

Drawing Path:\Name: L:\Proj\050078\J_Drawings_Working\Submissions\2010\FEIS\050078-Conventional Plans.dwg Date Printed: Mar 16, 2011, 8:54am
Xref's Attached: tacocad; xref Adjoiner Prop Lines; xref Village Line; xref Soils; xref Trees; xref Slopes Existing 30 Acre Parcel-UPDATED 09-2010; Wall Points Oct 2010; xref 050078-2010 boundary final; xref LOD Slopes FEIS Conventional



NOT FOR CONSTRUCTION

EXISTING STEEP SLOPES PLAN
WEST SIDE - CONVENTIONAL
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

50 0 25 50 100
SCALE: 1" = 50'

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SHEET 10 OF 14

Drawing Path\Name: L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FEIS\050078-Conventional Plans.dwg Date Printed: Mar 16, 2011; 8:53am
Xref's Attached: tacocad; xref Adjoiner Prop Lines; xref Village Line; xref Soils; xref Trees; xref Slopes Existing 30 Acre Parcel-UPDATED 09-2010; Wall Points Oct 2010; xref 050078-2010 boundary final; xref LOD Slopes FEIS Conventional

SLOPES LEGEND	SLOPE RANGES	ACREAGE
	0–15%	6.17
	15–25%	3.36
	25–35%	1.16
	>35%	0.46
TOTALS		11.15

AREA OF DISTURBANCE FOR EACH LOT PER SLOPE RANGE

	LOT 1		LOT 2		LOT 3		LOT 4		LOT 5		LOT 6		LOT 7		LOT 8		LOT 9		LOT 10	
	AREA =	46,614	AREA =	40,390	AREA =	42,166	AREA =	43,709	AREA =	50,019	AREA =	41,047	AREA =	41,664	AREA =	41,640	AREA =	40,500	AREA =	44,112
	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT
ROADS																				
0% - 15%	684.3	1.5%	147.2	0.4%	27.2	0.1%	2861.9	6.5%	8018.1	16.0%	5865.6	14.3%	4980.3	12.0%	197.6	0.5%	0.0	0.0%	3804.1	8.6%
15% - 25%	1249.7	2.7%	442.0	1.1%	1707.9	4.1%	332.0	0.8%	1836.2	3.7%	1671.4	4.1%	2201.8	5.3%	630.0	1.5%	76.4	0.2%	537.0	1.2%
25% - 35%	441.9	0.9%	121.5	0.3%	40.7	0.1%	0.0	0.0%	354.6	0.7%	308.2	0.8%	790.1	1.9%	677.8	1.6%	893.6	2.2%	649.7	1.5%
> 35%	122.9	0.3%	0.5	0.0%	2.3	0.0%	0.0	0.0%	268.0	0.5%	160.8	0.4%	1209.4	2.9%	836.9	2.0%	488.0	1.2%	1047.2	2.4%
DRAINAGE/UTILTIES (OUTSIDE ROAD R.O.W.)																				
0% - 15%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	241.6	0.6%	0.0	0.0%	2342.0	5.8%	198.7	0.5%
15% - 25%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	342.0	0.8%	0.0	0.0%	509.0	1.3%	27.0	0.1%
25% - 35%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	480.1	1.2%	0.0	0.0%	347.1	0.9%	127.3	0.3%
> 35%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	114.7	0.3%
HOUSES																				
0% - 15%	6569.9	14.1%	2180.7	5.4%	3911.8	9.3%	5336.8	12.2%	3141.8	6.3%	5198.7	12.7%	4475.6	10.7%	437.4	1.1%	2682.8	6.6%	172.3	0.4%
15% - 25%	0.0	0.0%	7012.7	17.4%	626.3	1.5%	0.0	0.0%	263.9	0.5%	147.8	0.4%	246.9	0.6%	3146.2	7.6%	1686.7	4.2%	2303.4	5.2%
25% - 35%	0.0	0.0%	1489.3	3.7%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	1952.3	4.7%	244.2	0.6%	4825.2	10.9%
> 35%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.9	0.0%	336.7	0.8%	636.7	1.6%	612.1	1.4%
DRIVEWAYS																				
0% - 15%	5100.0	10.9%	3529.5	8.7%	1769.3	4.2%	5639.0	12.9%	3494.9	7.0%	21316.9	51.9%	7999.3	19.2%	1043.3	2.5%	2941.9	7.3%	3850.0	8.7%
15% - 25%	1682.5	3.6%	1878.0	4.6%	1998.2	4.7%	615.4	1.4%	24.0	0.0%	456.5	1.1%	0.6	0.0%	5254.4	12.6%	6394.2	15.8%	2755.6	6.2%
25% - 35%	96.2	0.2%	721.7	1.8%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	3219.3	7.7%	5008.3	12.4%	1122.2	2.5%
> 35%	57.6	0.1%	128.6	0.3%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.5	0.0%	983.9	2.4%	1746.9	4.3%	95.9	0.2%

	LOT 11		LOT 12		LOT 13		LOT 14		LOT 15		LOT 16		ROAD A + B		OPEN SPACE		TOTAL
	AREA =	45,140	AREA =	47,171	AREA =	40,248	AREA =	40,052	AREA =	62,532	AREA =	149,161	AREA =	111,838	AREA =	59,578	AREA
	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	SF	% of LOT	(ACRES)
ROADS																	
0% - 15%	0.0	0.0%	243.7	0.5%	0.0	0.0%	1399.9	3.5%	0.0	0.0%	228.4	0.2%	73335.7	65.6%	0.0	0.0%	2.34
15% - 25%	0.0	0.0%	677.6	1.4%	2324.1	5.8%	565.8	1.4%	0.0	0.0%	480.7	0.3%	30113.0	26.9%	0.0	0.0%	1.03
25% - 35%	0.0	0.0%	878.3	1.9%	2026.0	5.0%	0.0	0.0%	0.0	0.0%	87.8	0.1%	4313.1	3.9%	0.0	0.0%	0.27
> 35%	0.0	0.0%	979.7	2.1%	204.5	0.5%	0.0	0.0%	0.0	0.0%	256.1	0.2%	4076.5	3.6%	0.0	0.0%	0.22
DRAINAGE/UTILTIES (OUTSIDE ROAD R.O.W.)																	
0% - 15%	0.0	0.0%	932.7	2.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	10903.8	18.3%	0.34
15% - 25%	0.0	0.0%	874.1	1.9%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	5657.7	9.5%	0.17
25% - 35%	0.0	0.0%	474.8	1.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	1398.1	2.3%	0.06
> 35%	0.0	0.0%	29.4	0.1%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	86.8	0.1%	0.01
HOUSES																	
0% - 15%	8690.5	19.3%	236.3	0.5%	835.0	2.1%	5920.3	14.8%	2218.0	3.5%	5040.5	3.4%	0.0	0.0%	0.0	0.0%	1.31
15% - 25%	332.6	0.7%	624.8	1.3%	4526.7	11.2%	2813.1	7.0%	7509.1	12.0%	2258.0	1.5%	0.0	0.0%	0.0	0.0%	0.77
25% - 35%	4.9	0.0%	2700.8	5.7%	1009.0	2.5%	196.9	0.5%	1127.5	1.8%	79.6	0.1%	0.0	0.0%	0.0	0.0%	0.31
> 35%	0.0	0.0%	1475.6	3.1%	367.3	0.9%	0.0	0.0%	429.9	0.7%	37.1	0.0%	0.0	0.0%	0.0	0.0%	0.09
DRIVEWAYS																	
0% - 15%	19730.1	43.7%	648.4	1.4%	4657.6	11.6%	5404.4	13.5%	1893.9	3.0%	6099.8	4.1%	0.0	0.0%	0.0	0.0%	2.18
15% - 25%	11036.5	24.4%	9016.4	19.1%	8938.1	22.2%	3778.2	9.4%	5209.2	8.3%	1569.4	1.1%	0.0	0.0%	0.0	0.0%	1.39
25% - 35%	526.2	1.2%	6717.1	14.2%	4313.9	10.7%	0.0	0.0%	314.7	0.5%	442.3	0.3%	0.0	0.0%	0.0	0.0%	0.52
> 35%	183.2	0.4%	2472.1	5.2%	590.4	1.5%	0.0	0.0%	10.3	0.0%	88.5	0.1%	0.0	0.0%	0.0	0.0%	0.15

STEEP SLOPES PLAN
CONVENTIONAL LAYOUT
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 50'

UNAUTHORIZED ALTERATIONS AND ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.

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SHEET 11 OF 14

Drawing Path\Name: L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FDS\050078-Conventional Plans.dwg Date Printed: Mar 18, 2011, 4:18pm
Xref's Attached: tacoscd, xref Adjoiner Prop Lines, xref Village Line, xref Soils, xref Trees, xref Slopes Existing 30 Acre Parcel-UPDATED 09-2010, Wall Points Oct 2010, xref 050078-2010 boundary final, xref LCD Slopes FDS Conventional

NOT FOR CONSTRUCTION

TREE PLAN
EAST SIDE - CONVENTIONAL
PREPARED FOR
TACONIC TRACT DEVELOPMENTS, LLC
LOCATED IN THE
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NEW YORK

50 0 25 50 100
SCALE: 1" = 50'

UNAUTHORIZED ALTERATIONS AND ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.

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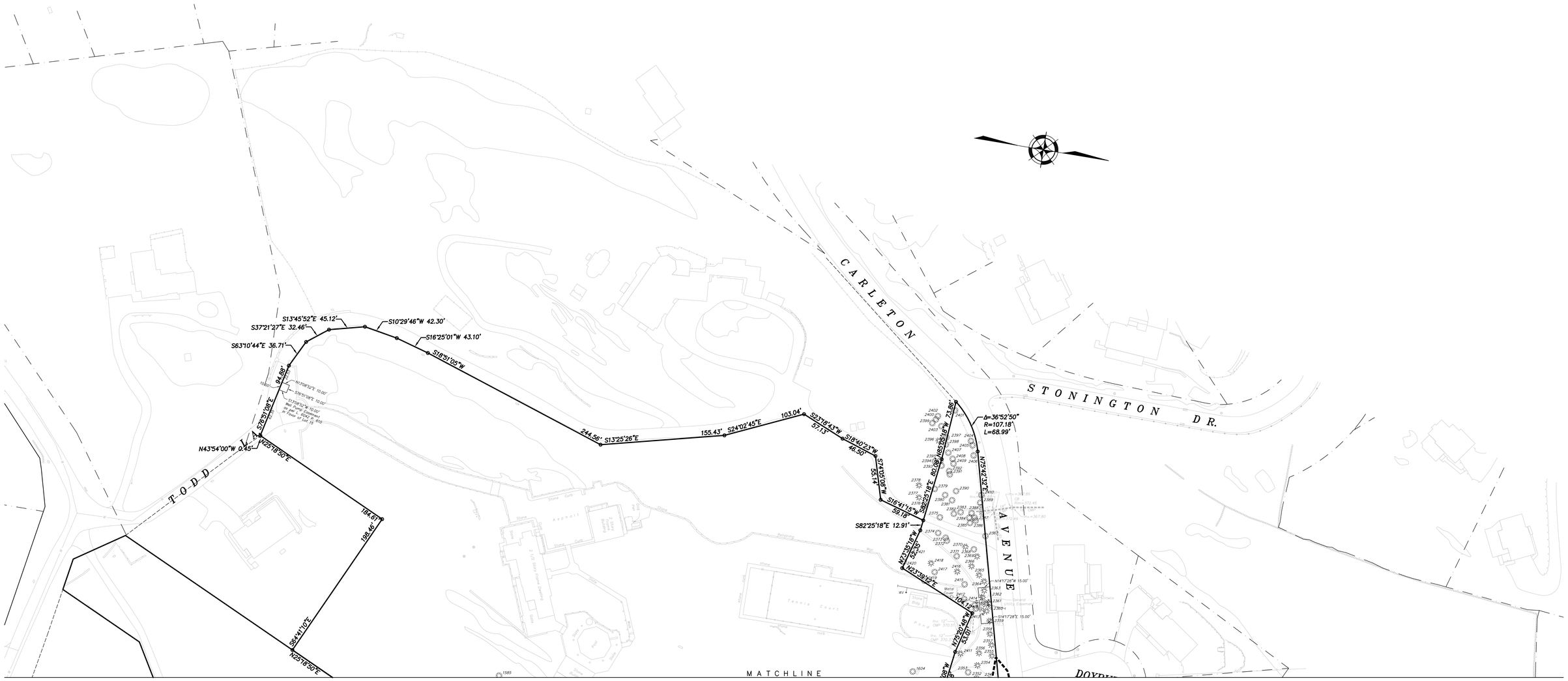
Drawing Path\Name: L:\Proj\050078\3_Drawings\1_Working\Submissions\2010\FEIS\050078-Conventional Plans.dwg Date Printed: Mar 16, 2011, 8:38am
Xref's Attached: tacocad; xref Adjoiner Prop Lines; xref Village Line; xref Soils; xref Trees; xref Slopes Existing 30 Acre Parcel-UPDATED 09-2010; Wall Points Oct 2010; xref 050078-2010 boundary final; xref LOD Slopes FEIS Conventional


S13°45'52"E 45.12'
S10°29'46"W 42.30'
S37°21'27"E 32.46'
S16°25'01"W 43.10'
S63°10'44"E 36.71'
S19°51'05"W
94.89'
S79°51'08"E
N43°54'00"W 0.45'
N23°18'50"E
244.56' S13°25'26"E
155.43' S24°02'45"E
103.04'
S23°18'43"W
S18°40'23"W
48.50'
S7°05'08"W
55.14'
S16°41'15"W
59.18'
S82°25'18"E 12.91'
N23°18'50"E
184.61'
198.46'
S84°41'10"E
N23°18'50"E
Δ=36°52'50"
R=107.18'
L=68.99'
N75°42'32"E
N25°25'18"E 80.08'
N23°18'50"E 73.86'
N21°35'18"W
52.30'
N23°59'12"E
N14°17'28"W 15.00'
S14°17'28"E 15.00'
N72°40'48"W
53.01'
CARLETON
STONINGTON DR.
TODD
AVENUE
MATCHLINE
Tennis Court
Asphalt
Stone Curb
Metal Cover
Stone Step
Pond
Top Of Dam 310.81
Bot. Of Dam 305.81
Bot. 12" Outlet Pipe 304.31
Top 12" Inlet Pipe 310.31
Bot. 12" Inlet Pipe 309.31
Top Of Dam 310.81
Bot. Of Dam 305.81
Bot. 12" Outlet Pipe 304.31
Top 12" Inlet Pipe 310.31
Bot. 12" Inlet Pipe 309.31
Bottom Of Pond 302.31
Bottom Of Pond 302.31
Bottom Of Pond 302

NO.	SIZE (INCHES)	TYPE	COND.	ASSESSMENT
1	12	SPRUCE		To Be Removed
2	8	SPRUCE		To Be Removed
3	48	MAPLE		To Be Removed
4	12	SPRUCE		To Be Removed
5	12	SPRUCE		To Be Removed
6	16	WHITE PINE		To Be Removed
7	16	WHITE PINE		To Be Removed
8	16	WHITE PINE		To Be Removed
9	18	SPRUCE		To Be Removed
10	14	SPRUCE		To Be Removed
11	14	WHITE PINE		To Be Removed
12	14	WHITE PINE		To Be Removed
13	10	WHITE PINE		To Be Removed
14	8	TWIN SPRUCE		To Be Removed
15	14	SPRUCE		To Be Removed
16	18	MAPLE		To Be Removed
17	22	OAK		To Be Removed
18	20	LOCUST		To Be Removed
19	40	LOCUST		To Be Removed
20	30	LOCUST		To Be Removed
21	30	OAK		To Be Removed
22	24	LOCUST		To Be Removed
23	24	LOCUST		To Be Removed
24	16	LOCUST		To Be Removed
25	22	OAK		To Be Removed
26	22	LOCUST		To Be Removed
27	28	OAK		To Be Removed
28	30	MAPLE DLUMP		To Be Removed
29	18	UNKNOWN	DEAD	To Remain
30	10	ASH		To Be Removed
31	24	OAK		To Be Removed
32	18	ASH		To Be Removed
33	12	MAPLE		To Be Removed
34	30	LOCUST		To Be Removed
35	20	UNKNOWN	DEAD	To Remove
36	28	MAPLE		To Be Removed
37	16	MAPLE		To Be Removed
38	22	MAPLE		To Be Removed
39	14	MAPLE		To Be Removed
40	12	MAPLE		To Be Removed
41	12	MAPLE		To Be Removed
42	16	MAPLE		To Be Removed
43	10	UNKNOWN	DEAD	To Be Removed
44	6	MAPLE		To Be Removed
45	8	ASH		To Be Removed
46	4	LOCUST		To Be Removed
47	4	ASH		To Be Removed
48	20	LOCUST		To Be Removed
49	14	ASH	DEAD	To Be Removed
50	18	LOCUST	DEAD	To Be Removed
51	18	LINDEN		To Be Removed
52	18	MAPLE		To Be Removed
53	14	MAPLE		To Be Removed
54	24	MAPLE		To Be Removed
55	24	OAK		To Be Removed
56	20	OAK		To Be Removed
57	18	MAPLE		To Be Removed
58	18	MAPLE		To Be Removed
59	30	MAPLE		To Be Removed
60	24	UNKNOWN	DEAD	To Be Removed
61	15	MAPLE		To Be Removed
62	16	MAPLE		To Be Removed
63	6	TWIN OAK		To Be Removed
64	22	OAK		To Be Removed
65	10	OAK		To Be Removed
66	12	LOCUST		To Be Removed
67	6	OAK		To Be Removed
68	10	MAPLE		To Be Removed
69	8	TULIP		To Be Removed
70	26	MAPLE		To Be Removed
71	20	TULIP		To Be Removed
72	14	LOCUST		To Be Removed
73	18	OAK		To Be Removed
74	6	TULIP		To Be Removed
75	8	MAPLE		To Be Removed
76	24	BLACK CHERRY		To Be Removed
77	16	LOCUST		To Be Removed
78	16	LOCUST		To Be Removed
79	14	BLACK CHERRY		To Be Removed
80	16	OAK		To Be Removed
81	24	MAPLE		To Be Removed
82	8	SPRUCE		To Be Removed
83	12	LOCUST		To Be Removed
84	36	LOCUST	DEAD	To Remove
85	26	OAK		To Be Removed
86	14	ASH		To Be Removed
87	8	ASH		To Be Removed
88	8	MAPLE		To Remain
89	8	MAPLE		To Remain
90	8	LOCUST		To Remain
91	8	MAPLE		To Remain
92	8	MAPLE		To Remain
93	4	MAPLE		To Remain
94	4	MAPLE		To Remain
95	4	ASH		To Remain
96	6	ASH		To Remain
97	8	ASH		To Remove
98	6	OAK		To Remove
99	8	TULIP		To Remove
100	24	OAK		To Remove
101	4	OAK		To Remove
102	10	TULIP		To Remove
103	4	OAK		To Remove
104	4	MAPLE		To Remove
105	4	OAK		To Remove
106	20	OAK		To Remove
107	8	MAPLE		To Remove
108	6	ASH		To Remove
109	6	MAPLE		To Remove
110	12	OAK		To Remove
111	14	OAK		To Remove
112	10	OAK		To Remove
113	8	OAK		To Remove
114	8	BLACK CHERRY		To Remove
115	8	OAK		To Remove
116	14	BLACK CHERRY		To Remove
117	8	MAPLE		To Remove
118	14	SWAG HICKORY		To Remove
119	8	OAK		To Remove
120	6	TULIP		To Remove
121	10	WHITE OAK		To Remove
122	10	LOCUST	DEAD	To Remove
123	18	CEDAR		To Remove
124	8	BLACK CHERRY		To Remove
125	8	BLACK CHERRY		To Remove
126	8	OAK		To Remove
127	8	OAK		To Remove
128	12	OAK		To Remove
129	12	OAK		To Remove
130	8	ASH		To Be Removed
131	22	BLACK CHERRY		To Be Removed
132	6	TRIPLE ASH		To Be Removed
133	8	OAK		To Be Removed
134	20	MAPLE DLUMP		To Be Removed
135	8	ASH		To Be Removed
136	8	ASH		To Be Removed
137	8	OAK		To Be Removed
138	26	OAK		To Be Removed
139	12	MAPLE		To Be Removed
140	8	OAK		To Be Removed
141	22	OAK		To Be Removed
142	12	MAPLE		To Be Removed
143	20	OAK		To Be Removed
144	12	MAPLE		To Be Removed
145	28	OAK		To Be Removed
146	16	MAPLE		To Be Removed
147	28	OAK		To Be Removed
148	10	MAPLE		To Be Removed
149	12	OAK		To Be Removed
150	4	MAPLE		To Be Removed
151	6	OAK		To Be Removed
152	14	ASH		To Be Removed
153	12	MAPLE		To Be Removed
154	18	OAK		To Be Removed
155	28	OAK		To Be Removed
156	18	OAK		To Be Removed
157	12	TWIN HEMLOCK		To Be Removed
158	18	OAK		To Be Removed
159	18	OAK		To Be Removed
160	6	MAPLE		To Remove
161	4	BLACK CHERRY		To Remove
162	6	ASH	DEAD	To Remove
163	10	LINDEN		To Remain
164	8	LOCUST		To Remove
165	10	OAK		To Remove
166	8	LOCUST		To Remove
167	10	LOCUST		To Remove
168	8	LOCUST		To Remove
169	8	LOCUST		To Remove
170	10	UNKNOWN	DEAD	To Remove
171	14	BLACK CHERRY		To Remove
172	10	BLACK CHERRY		To Remove
173	8	OAK		To Remove
174	8	BLACK CHERRY		To Remove
175	14	MAPLE		To Remove
176	20	OAK		To Remove
177	20	BLACK CHERRY		To Remove
178	20	BLACK CHERRY		To Remove
179	12	MAPLE		To Remove
180	8	BLACK CHERRY		To Remove
181	18	TWIN BLACK CHERRY		To Remove
182	10	TWIN BLACK CHERRY		To Remove
183	12	HEMLOCK		To Remove
184	14	OAK		To Remove
185	14	MAPLE		To Remove
186	12	MAPLE		To Remove
187	22	MAPLE		To Remove
188	22	OAK		To Remove
189	10	OAK		To Remove
190	20	MAPLE		To Remove
191	16	MAPLE		To Remove
192	18	MAPLE		To Remove
193	8	MAPLE		To Remove
194	8	OAK		To Remove
195	16	MAPLE		To Remove
196	14	OAK		To Remove
197	12	BLACK CHERRY		To Remove
198	12	BLACK CHERRY		To Remove
199	12	OAK		To Remove
200	10	LOCUST		To Remove
201	10	OAK		To Remove
202	6	OAK		To Remove
203	8	OAK		To Remove
204	8	MAPLE		To Remove
205	18	OAK		To Remove
206	14	ASH		To Remove
207	8	OAK		To Remove
208	8	ASH		To Remove
209	14	OAK		To Remove
210	14	ASH		To Remove
211	14	TWIN ASH		To Remove
212	14	OAK		To Remove
213	10	ASH		To Remove
214	8	ASH		To Remove
215	8	ASH		To Remove
216	4	ASH		To Remove
217	20	OAK		To Remove
218	8	MAPLE		To Remove
219	10	TWIN OAK		To Remove
220	14	OAK		To Remove
221	12	ASH		To Remove
222	10	ASH		To Remove
223	6	OAK		To Remove
224	24	ASH		To Remove
225	20	OAK		To Remove
226	4	ASH		To Remove
227	8	ASH		To Remove
228	10	TWIN ASH		To Remove
229	12	OAK		To Remove
230	4	MAPLE		To Remove
231	4	MAPLE		To Remove
232	8	HEMLOCK		To Remove
233	16	OAK		To Remove
234	12	OAK		To Remove
235	8	OAK		To Remove
236	16	OAK		To Remove
237	16	LOCUST		To Remove
238	20	OAK		To Remove
239	18	ASH		To Remove
240	12	ASH		To Remove
241	20	OAK		To Remove
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243	8	OAK		To Remove
244	8	MAPLE		To Remove
245	18	OAK		To Remove
246	8	HEMLOCK		To Remove
247	8	OAK		To Remove
248	16	MAPLE		To Remove
249	8	LOCUST		To Remove
250	8	OAK		To Remove
251	8	OAK		To Remove
252	6	LOCUST		To Remove
253	6	LOCUST		To Remove
254	22	BLACK CHERRY		To Remove
255	8	OAK		To Remove
256	6	MAPLE		To Remove
257	24	BLACK CHERRY		To Remove
258	18	BLACK CHERRY		To Remove
259	6	OAK		To Remove
260	10	ASH		To Remove
261	4	ASH		To Remove
262	4	TULIP		To Remove
263	8	OAK		To Remove
264	8	OAK		To Remove
265	4	OAK		To Remove
266	4	OAK		To Remove
267	22	OAK		To Remove
268	6	OAK		To Remove
269	6	MAPLE		To Remove
270	6	MAPLE		To Remove
271	8	MAPLE		To Remove
272	6	MAPLE		To Remove
273	6	MAPLE		To Remove
274	8	UNKNOWN	DEAD	To Remove
275	6	MAPLE		To Remove
276	6	MAPLE		To Remove
277	8	MAPLE		To Remove
278	8	TWIN OAK		To Remove
279	8	UNKNOWN	DEAD	To Remove
280	16	OAK		To Remove
281	6	OAK		To Remove
282	8	SWAG HICKORY		To Remove
283	22	OAK		To Remove
284	8	OAK		To Remove
285	6	BLACK CHERRY		To Remove
286	6	MAPLE		To Remove
287	6	MAPLE		To Remove
288	8	LOCUST		To Remove
289	6	MAPLE		To Remove
290	6	MAPLE		To Remove
291	6	LOCUST		To Remove
292	8	LOCUST		To Remove
293	6	OAK		To Remove
294	22	OAK		To Remove
295	12	LOCUST		To Remove
296	10	LOCUST		To Remove
297	12	MAPLE		To Remove
298	16	LOCUST		To Be Removed
299	14	LOCUST		To Be Removed
300	12	MAPLE		To Be Removed
301	12	MAPLE		To Be Removed
302	14	MAPLE		To Be Removed
303	6	MAPLE		To Be Removed
304	6	MAPLE		To Be Removed
305	8	MAPLE		To Be Removed
306	10	BLACK CHERRY	DEAD	To Remove
307	8	LOCUST		To Be Removed
308	10	CHERRY		To Be Removed
309	28	BLACK CHERRY		To Be Removed
310	8	MAPLE		To Be Removed
311	8	MAPLE		To Be Removed
312	8	MAPLE		To Be Removed
313	22	BLACK CHERRY		To Be Removed
314	8	MAPLE		To Be Removed
315	10	MAPLE		To Be Removed
316	8	MAPLE		To Be Removed
317	14	LOCUST		To Be Removed
318	10	MAPLE		To Be Removed
319	10	LOCUST		To Be Removed
320	8	LOCUST		To Be Removed
321	18	BLACK CHERRY		To Be Removed
322	8	BIRCH		To Be Removed
323	12	CHERRY		To Be Removed
324	12	CHERRY		To Be Removed
325	10	LOCUST		To Be Removed
326	8	MAPLE		To Be Removed
327	8	OAK		To Be Removed
328	8	CHERRY	DEAD	To Remove
329	10	CHERRY	DEAD	To Remove
330	4	MAPLE		To Remove
331	6	MAPLE		To Remove
332	6	MAPLE		To Remove
333	4	MAPLE		To Remove
334	6	MAPLE		To Remove
335	6	LOCUST		To Remove
336	6	LOCUST		To Remove
337	14	LOCUST		To Remove
338	6	MAPLE		To Remove
339	12	OAK		To Remove
340	6	MAPLE		To Remove
341	6	MAPLE		To Remove
342	6	LOCUST		To Remove
343	6	MAPLE		To Remove
344	6	MAPLE		To Remove
345	6	MAPLE		To Remove
346	6	MAPLE		To Remove
347	6	MAPLE		To Remove
348	12	LOCUST		To Remove
349	6	MAPLE		To Remove
350	12	LOCUST		To Remove
351	22	LOCUST		To Remove
352	6	MAPLE		To Remove
353	6	MAPLE		To Remove
354	6	MAPLE		To Remove
355	6	MAPLE		To Remove
356	4	MAPLE		To Remove
357	4	MAPLE		To Remove
358	16	CHERRY		To Remove
359	22-22	TWIN MAPLE		To Remove
360	6	MAPLE		To Remove
361	6	MAPLE		To Remove
362	6	MAPLE		To Remove
363	6-10	TWIN LOCUST		To Remove
364	6	MAPLE		To Remove
365	6	MAPLE		To Remove
366	12	LOCUST		To Remove
367	6-8	TWIN LOCUST		To Remove
368	6	LOCUST		To Remove
369	6	LOCUST		To Remove
370	8	CHERRY		To Remove
371	6	LOCUST		To Remove
372	8	LOCUST		To Remove
373	6	LOCUST		To Remove
374	10	LOCUST		To Remove
375	10	LOCUST		To Remove
376	10	LOCUST		To Remove
377	4	MAPLE		To Remove
378	4	MAPLE		To Remove
379	4	MAPLE		To Remove
380	10	CHERRY		To Remove
381	6	MAPLE		To Remove
382	4	MAPLE		To Remove
383	4	MAPLE		To Remove
384	6	MAPLE		To Remove
385	14	CHERRY		To Remove
386	14	LOCUST		To Remove
387	14	CHERRY		To Remove
388	6	ELM		To Remove
389	6-18	TWIN ASH		To Remove
390	8	MAPLE		To Remove
391	12	LOCUST		To Remove
392	12	ELM		To Remove
393	8	ELM		To Remove
394	6	MAPLE		To Remove
395	4	MAPLE		To Remove
396	22	CHERRY		To Remove
397	4	MAPLE		To Remove
398	4	MAPLE		To Remove
399	16	MAPLE		To Remove
400	6	MAPLE		To Remove
401	20	MAPLE		To Remove
402	12	MAPLE		To Remove
403	12	ASH		To Remove
404	12	MAPLE		To Remove
405	18	MAPLE		To Remove
406	6	MAPLE		To Remove
407	10	MAPLE		To Remove
408	6	ELM		To Remove
409	4	MAPLE		To Remove
410	6	MAPLE		To Remove
411	16	ELM		To Remove
412	6	ASH	DEAD	To Remove
413	10	ASH		To Remove
414	8	MAPLE		To Remove
415	6	MAPLE		To Remove
416	6	LOCUST		To Remove
417	12	LOCUST		To Remove
418	8	LOCUST		To Remove
419	8	MAPLE		To Remove
420	10	LOCUST		To Remove
421	8	LOCUST		To Remove
422	8	LOCUST		To Remove
423	10	LOCUST		To Remove
424	8	LOCUST		To Remove
425	8	MAPLE		To Remove
426	6	LOCUST		To Remove
427	6	MAPLE		To Remove
428	10	LOCUST		To Remove
429	16	TRIPLE MAPLE		To Remove
430	8	LOCUST		To Remove
431	6	LOCUST		To Remove
432	6	LOCUST		To Remove
433	6	MAPLE		To Remove
434	4	LOCUST		To Remove
435	4	OAK		To Remove
436	12	CHERRY		To Remove
437	10	HICKORY		To Remove
438	10	HICKORY		To Remove
439	6	TWIN HICKORY		To Remove
440	16	HICKORY		To Remove
441	12	HICKORY		To Remove
442	4-6	TWIN HICKORY		To Remove
443	10	HICKORY		To Remove
444	10	HICKORY		To Remove
445	8	HICKORY		To Remove
446	10	HICKORY		To Remove
447	6	HICKORY		To Remove
448	12	HICKORY		To Remove
449	4	HICKORY		To Remove
450	4	HICKORY		To Remove
451	24	TOAK		To Remove
452	6	HICKORY		To Remove
453	6	ASH	DEAD	To Remove
454	18	ASH		To Remove
455	6	HICKORY		To Remove
456	12	HICKORY		To Remove
457	10	OAK		To Remove
458	6	HICKORY		To Remove
459	6	HICKORY		To Remove
460	10	HICKORY		To Remove
461	10-12	TWIN CHERRY		To Remove
462	10-12	TWIN CHERRY		To Remove
463	16	CHERRY		To Be Removed
464	30	QUAD MAPLE		To Remove
465	12	MAPLE		To Remove
466	4	MAPLE		To Remove
467	14	CHERRY		To Remove
468	6	OAK		To Remove
469	14	HICKORY		To Remove
470	6	MAPLE		To Remove
471	26	OAK		To Remove
472	6	HICKORY		To Remove
473	8-12	CHERRY		To Remove
474	6	HICKORY		To Remove
475	6	HICKORY		To Be Removed
476	14	CHERRY		To Be Removed
477	10	LOCUST		To Be Removed
478	6	MAPLE		To Be Removed
479	4	MAPLE		To Be Removed
480	4	LOCUST		To Be Removed
481	4	MAPLE		To Be Removed
482	4	MAPLE		To Be Removed
483	14	CHERRY		To Be Removed
484	10	LOCUST		To Be Removed
485	10	LOCUST		To Be Removed
486	6	MAPLE		To Be Removed
487	10	MAPLE		To Be Removed
488	10	CHERRY		To Be Removed
489	10	LOCUST		To Be Removed
490	6	MAPLE		To Be Removed
491	16	LOCUST		To Be Removed
492	6	MAPLE		To Be Removed
493	8	LOCUST		To Be Removed
494	8	MAPLE		To Be Removed
495	10	MAPLE		To Be Removed
496	10	LOCUST		To Be Removed
497	14	CHERRY		To Be Removed
498	6	MAPLE		To Be Removed
499	4	MAPLE		To Be Removed
500	4	MAPLE		To Be Removed
501	14	CHERRY		To Be Removed
502	10	MAPLE		To Be Removed
503	12	MAPLE		To Be Removed
504	12	LOCUST		To Be Removed
505	6	LOCUST		To Be Removed
506	4	MAPLE		To Be Removed
507	6	MAPLE		To Be Removed
508	6	MAPLE		To Be Removed
509	6	MAPLE		To Be Removed
510	8	MAPLE		To Be Removed
511	10	LOCUST		To Be Removed
512	4	ELM		To Be Removed
513	8	MAPLE		To Be Removed
514	8	LOCUST		To Be Removed
515	8-10	TWIN CHERRY		To Be Removed
516	8	CHERRY		To Be Removed
517	4	MAPLE		To Be Removed
518	8	MAPLE		To Be Removed
519	8	MAPLE		To Be Removed
520	8	MAPLE		To Be Removed
521	12	ELM	DEAD	To Be Removed
522	8	CHERRY		To Be Removed
523	20	CHERRY		To Be Removed
524	8	MAPLE		To Be Removed
525	18	CHERRY		To Be Removed
526	6	MAPLE		To Be Removed
527	8	MAPLE		To Be Removed
528	8	MAPLE		To Be Removed
529	8	MAPLE		To Be Removed
530	10	MAPLE		To Be Removed
531	16	CHERRY		To Be Removed
532	14	LOCUST		To Remain
533	4	MAPLE		To Remain
534	6	ELM	DEAD	To Remain
535	6	ELM	DEAD	To Remain
536	6	MAPLE		To Remain
537	10	LOCUST		To Be Removed
538	18	MAPLE		To Be Removed
539	24	MAPLE		To Be Removed
540	4	MAPLE		To Be Removed
541	4	MAPLE		To Be Removed
542	10	MAPLE		To Be Removed
543	4	MAPLE		To Be Removed
544	12	LOCUST		To Remain
545	20	BIRCH		To Be Removed
546	18	OAK		To Be Removed
547	8	ELM		To Be Removed
548	6	MAPLE		To Be Removed
549	16	CHERRY		To Be Removed
550	6	MAPLE		To Be Removed
551	4	MAPLE		To Be Removed
552	10	LOCUST		To Be Removed
553	6	MAPLE		To Be Removed
554	6	MAPLE		To Be Removed
555	6	HICKORY		To Be Removed
556	6	MAPLE		To Be Removed
557	6	LOCUST		To Be Removed
558	6	CHERRY		To Be Removed
559	10	LOCUST		To Be Removed
560	4	MAPLE		To Be Removed
561	4	MAPLE		To Be Removed
562	4	MAPLE		To Be Removed
563	6	MAPLE		To Be Removed
564	4	MAPLE		To Be Removed
565	6	MAPLE		To Be Removed
566	12	MAPLE		To Be Removed
567	6	MAPLE		To Be Removed
568	10	CHERRY		To Be Removed
569	14	TRIPLE CHERRY		To Remain
570	6	ASH	DEAD	To Remain
571	12	CHERRY		To Remain
572	8	MAPLE		To Remain
573	12	CHERRY		To Remain
574	4	MAPLE		To Remain
575	4	MAPLE		To Remain
576	4	MAPLE		To Remain
577	22	CHERRY		To Remain
578	16	CHERRY		To Remain
579	12	CHERRY		To Remain
580	6	MAPLE		To Remain
581	4	MAPLE		To Remain
582	6	CHERRY		To Remain
583	24	OAK		To Be Removed
584	8	LOCUST		To Remain
585	8	LOCUST STUMP		To Remain
586	8	LOCUST		To Remain
587	4	MAPLE		To Remain
588	12	LOCUST		To Remain
589	8	LOCUST	DEAD	To Remain
590	6	MAPLE		To Remain
591	4	MAPLE		To Remain
592	4	MAPLE		To Remain
593	10	ELM		To Remain
594	8	MAPLE		To Remain
595	6	LOCUST		To Remain
596	8	BLACK CHERRY		To Remain
597	8	TRIPLE BLACK CHERRY		To Remain
598	10	MAPLE		To Remain
599	14	CHERRY		To Remain
600	4	MAPLE		To Remain
601	24	TWIN MAPLE		To Remain
602	8	LOCUST	DEAD	To Remain
603	12	LOCUST		To Remain
604	12	LOCUST		To Remain
605	4	LINDEN		To Remain
606	14	MAPLE		To Remain
607	12	CHERRY		To Remain
608	6	LOCUST		To Remain
609	12	MAPLE		To Remain
610	4	MAPLE		To Remain
611	4	MAPLE		To Remain
612	8	MAPLE		To Remain
613	14	CHERRY		To Remain
614	6	MAPLE		To Remain
615	6	MAPLE		To Remain
616	24	CHERRY		To Remain
617	8	MAPLE		To Remain
618	8	HICKORY		To Remain
619	18	TRIPLE MAPLE		To Be Removed
620	8	LOCUST		To Remain
621	20	TWIN CHERRY		To Remain
622	8	MAPLE		To Remain
623	6-12	TRIPLE MAPLE		To Remain
624	12	ELM		To Remain
625	18-26	TWIN CHERRY		To Remain
626	8	MAPLE		To Remain
627	8	MAPLE		To Remain
628	8	MAPLE		To Remain
629	10	LOCUST		To Remain
630	6	MAPLE		To Remain
631	12	LOCUST		To Remain
632	12	MAPLE		To Remain
633	14	TRIPLE MAPLE		To Remain
634	14	MAPLE		To Remain
635	10	MAPLE		To Remain
636	10	MAPLE		To Remain
637	14	LOCUST		To Remain
638	14	LOCUST		To Remain
639	12	MAPLE		To Remain
640	16	BEECH		To Remain
641	10	MAPLE		To Remain
642	12	LOCUST		To Remain
643	6	MAPLE		To Remain
644	6	MAPLE		To Remain
645	10	MAPLE		To Remain
646	8	LOCUST		To Remain
647	12	BIRCH		To Remain
648	10	LOCUST		To Remain
649	14	CHERRY		To Remain
650	8	LOCUST	DEAD	To Remain
651	8	MAPLE		To Remain
652	12	MAPLE		To Remain
653	6	LOCUST		To Remain
654	8	MAPLE	DEAD	To Be Removed
655	6	MAPLE		To Remain
656	4	LOCUST	DEAD	To Be Removed
657	8	LOCUST	DEAD	To Be Removed
658	12	MAPLE		To Be Removed
659	18	HICKORY		To Be Removed
660	20	MAPLE		To Be Removed
661	10	WHITE PINE		To Be Removed
662	12	OAK		To Be Removed
663	22	ASH		To Be Removed
664	4	MAPLE		To Be Removed
665	4	ELM		To Be Removed
666	18	OAK		To Be Removed
667	10	OAK		To Be Removed
668	12	ELM		To Be Removed
669	10	MAPLE		To Be Removed
670	28	ELM		To Be Removed
671	12	WHITE PINE		To Be Removed
672	8	MAPLE		To Be Removed
673	4	OAK		To Be Removed
674	4	MAPLE		To Be Removed
675	18	TWIN ELM		To Be Removed
676	16	MAPLE	DEAD	To Be Removed
677	8	OAK		To Be Removed
678	12	ELM		To Be Removed
679	20	CHERRY		To Be Removed
680	6	ELM		To Be Removed
681	6	LOCUST		To Be Removed
682	10	LOCUST		To Be Removed
683	12	MAPLE		To Be Removed
684	12	CHERRY		To Be Removed
685	8	MAPLE		To Be Removed
686	12	MAPLE		To Be Removed
687	12	LOCUST		To Be Removed
688	16	CHERRY		To Be Removed
689	12	MAPLE		To Be Removed
690	8	MAPLE		To Be Removed
691	6	MAPLE		To Be Removed
692	6	MAPLE		To Be Removed
693	14	TWIN CHERRY		To Be Removed
694	10	MAPLE		To Be Removed
695	16	LOCUST		To Be Removed
696

Appendix I

Correspondence

Ecological Solutions, LLC

Connecticut
1248 Southford Road
Southbury, CT 06488
Phone (203) 910-4716
Fax (203) 264-8976
ecolsol@aol.com

March 30, 2011

Ms. Jean Pietrusiak
New York State Department of Environmental Conservation
New York Natural Heritage Program
625 Broadway – 5th Floor
Albany, New York 12233-4757

Re: Threatened or Endangered Species
Saunders Property – 30 acres – 136 Todd Lane
Town of Mount Pleasant, Westchester County

Dear Jean,

Ecological Solutions, LLC is completing a natural resource survey for a proposed activity (17-lot residential subdivision) at the referenced project site in Westchester County, New York. The site is located at 136 Todd Lane in the Town of Mount Pleasant. Enclosed is a USGS 7.5 minute topographic map (Ossining Quadrangle) showing the approximate location of the property boundaries. Please provide any information you can for known occurrences of endangered, threatened, and/or special concern wildlife/fish species as well as rare plant, animal or natural community occurrences, or other significant habitats either on the site or in the surrounding area.

In responding to this request, please refer to the name and location of the project. If you have any questions, please do not hesitate to contact me at (203) 910-4716. Thank you for your assistance.

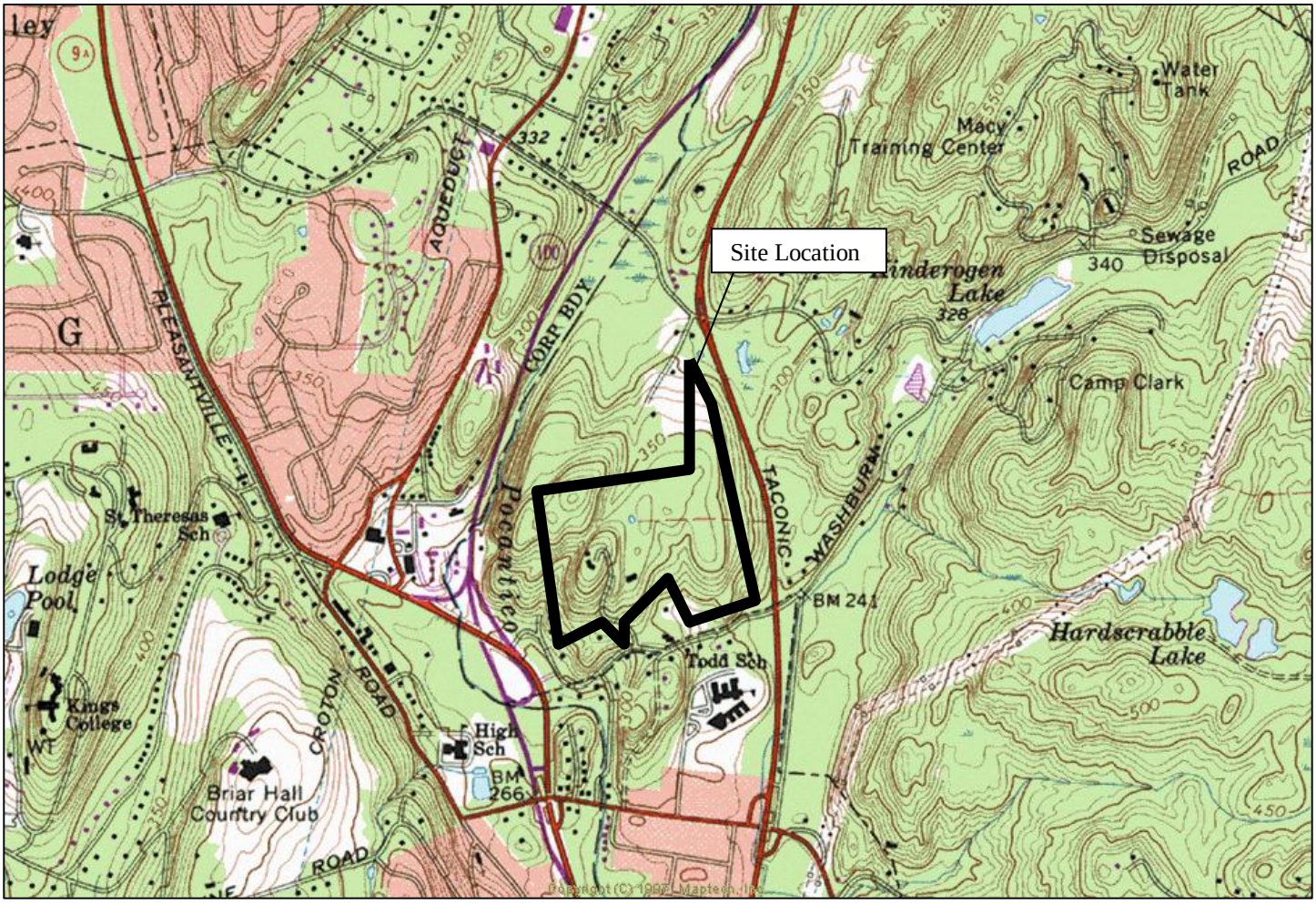
Sincerely,

Michael Nowicki
Biologist

Attachment

Ecological Solutions, LLC

Connecticut
1248 Southford Road
Southbury, CT 06488
Phone (203) 910-4716
Fax (203) 264-8976
ecolsol@aol.com



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov

Joe Martens
Commissioner

April 15, 2011

Michael Nowicki
Ecological Solutions
1248 Southford Road
Southbury, CT 06488

Dear Mr. Nowicki:

In response to your recent request, we have reviewed the New York Natural Heritage Program database, with respect to an Environmental Assessment for the proposed 30 – Acres, Residential Subdivision – 17 Lots, Saunders Property, site as indicated on the map you provided, located on Todd Lane, Town of Mount Pleasant, Westchester County.

We have no records of rare or state-listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Jean Pietrusiak

Jean Pietrusiak,
Information Services

cc: Region 3

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Gelcich, John

From: BMFD2051 [FDChief@briarcliffmanor.org]
Sent: Friday, January 07, 2011 2:12 PM
To: Gelcich, John
Subject: RE: Taconic Tract EIS Questions

John,

Sorry for the delay on this...

1. What is the service area covered by the Village of Briarcliff Manor Fire Department?

The Village of Briarcliff Manor and fire protection district contracts with the Town of Ossining and Town of Mt. Pleasant. The property in question is in the Mt. Pleasant, Northeast Briarcliff Fire Protection District.

2. How many members are there in the Fire Department?

There are 140 members of which 106 are active members. We generally respond with 15 firefighters on an initial alarm in this area.

3. What are the locations of all fire stations within the District and please provide a description of all firefighting vehicles and other apparatus?

The main firehouse is located at 1111 Pleasantville Rd. and a sub-station at 590 Scarborough Rd.

1111 – HQ Apparatus
1 '93 Beck Pumper - 1500 gpm w/1000gal. of water, for supply 1250' 5"dia. hose and 800' of 3"dia. hose, for attack 800' 2 ½" dia. hose and 600' 1 ¾"dia. hose. Plus all necessary equipment to receive 100% ISO credit.
1 '07 Seagrave Pumper – 2000gpm w/500gal. and 50 gal. Class A foam, for supply 1200' 5"dia., for attack 600' 2 ½"dia., 550' 1 ¾"dia. and 30' light tower. Plus all necessary equipment to receive 100% ISO credit.
1 '05 KME Aerial Cat 95' Tower Ladder with 128' of ground ladders. Plus all necessary equipment to receive 100% ISO credit.
1 '98 3D Rescue with various support equipment and 30' light tower.
2 NYS BLS certified ambulances

590 – Sub-station (Scarborough Firehouse) Apparatus
'96 Pierce pumper - 1250gpm w/750gal., for supply 1200' 5"dia., for attack 400' 2 ½"dia. and 450' 1 ¾"dia.
'00 Ford Utility mini-bus configured as an EMS Mass Casuality Incident Support Vehicle.

4. Is the Fire Department also responsible for emergency medical response and ambulance service?

Yes – Basic Life Support certified w/ALS Flycar support from Ossining EMS.

5. Estimated number of responses to calls over the past three years? Can you provide a general sense for the majority of service calls?

1500 calls, roughly 500 calls/yr. for FD and 1800 EMS calls, roughly 600 calls /yr. Majority of calls are automatic fire alarms

6. What is the estimated response time to the project site?

Initial personnel on scene average 4 min. Generally a command officer. Apparatus response time is roughly 6 to 8 minutes for initial suppression apparatus.

7. Does the Village of Briarcliff Manor Fire Department participate in a mutual aid program with surrounding communities?

Yes, we participate in the Westchester County Mutual Aid Plan. To the tract in question we would use Ossining, Millwood, and Pleasantville.

8. Does the Fire Department have a capital improvement program for the purchase of new equipment? If so, what type of equipment is the Fire Department contemplating purchasing?

It does, capital plans are to replace the '93 Beck Pumper in 2012, an ambulance in 2013. Longer term we are contemplating replacing the Rescue with a Mini-Attack Utility vehicle.

From: Gelcich, John [mailto:JGelcich@VHB.com]
Sent: Monday, December 06, 2010 1:26 PM
To: BMFD2051
Subject: Taconic Tract EIS Questions

Chief Cacciola,

I apologize for the delay. I tried sending this last week and just received an email saying it could not be delivered.

Below are the questions I had mentioned to you on the phone.

9. What is the service area covered by the Village of Briarcliff Manor Fire Department?
10. How many members are there in the Fire Department?
11. What are the locations of all fire stations within the District and please provide a description of all firefighting vehicles and other apparatus?
12. Is the Fire Department also responsible for emergency medical response and ambulance service?
13. Estimated number of responses to calls over the past three years? Can you provide a general sense for the majority of service calls?
14. What is the estimated response time to the project site?
15. Does the Village of Briarcliff Manor Fire Department participate in a mutual aid program with surrounding communities?
16. Does the Fire Department have a capital improvement program for the purchase of new equipment? If so, what type of equipment is the Fire Department contemplating purchasing?

I have also attached a site location map. Please let me know if you have any questions.

John

John Gelcich

VHB | Welcoming Saccardi & Schiff
Planning | Design | Engineering

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445 Hamilton Avenue
Suite 404
White Plains, NY 10601
Phone: 914.761.3582 x6307 | Fax: 914.761.3759

jgelcich@vhb.com

www.vhb.com

Appendix J

Existing Well Information and testing

Jim Foley

Foley's PUMP SERVICE

Kevin Foley

30 Miry Brook Road
Danbury, Connecticut 06810

ANDREW SAUNDERS
128 TODD LANE
BRIARCLIFF MANOR, NEW YORK

RE: FLOW TEST

ATT: AMANDA
FOLEYS PUMP SERVICE PREFORMED A FLOW TEST AT 128 TOD LANE ON 5/28/08 AND FOUND THE WELL TO PRODUCE (55) GALLONS PER MINUTE

TIME	GALLONS PER MINUTE	WATER LEVEL
12:25	75	60 FEET
12:45	60	80 FEET
1:05	60	80 FEET
1:20	55	100 FEET
1:40	55	100 FEET
2:00	55	100 FEET
2:20	55	100 FEET

IF YOU HAVE ANY QUESTIONS PLEASE CALL JIM FOLEY AT 1-800-528-7018

THANK YOU

JIM FOLEY

DANBURY (203) 792-2236
NORWALK (203) 852-8040
STAMFORD (203) 353-0026
SOUTH SALEM (914) 533-2700

TACONIC TRACT DEVELOPMENTS, LLC

Wells 2008

There are six wells on the property. The purpose of these wells is to supply the pond at the pump house with water which is used for the irrigation system.

Green Well

This well is located just off the lower parking area at the barn.
The controls for this well are located in the basement of the pool house and are color coded green.
A new pump, new wires and 2 inch galvanized steel pipes were installed in 2006.
This is a 5 hp pump catalog # 25GS50412.
The depth of this well is 450 feet.
The flow rating for this pump is 25 gallons per minute.

White Well

This well is located approximately 150 feet up the hill from the green well at the barn.
The controls for this well are located in the basement of the pool house and are color coded white.
This well was installed in 1980, and has been operating since then.
This is a 1.5 hp pump catalog # 15SNB20B.
The depth of this well is 462 feet.
The flow rating for this pump is 15 gallons per minute

Yellow Well

This well is located on the main lower lawn about 100 feet inside the gate that is halfway up the back driveway.
The controls for this well are located in the basement of the main garage by the house and are color coded yellow.
A new pump, new wires and 2 inch galvanized steel pipes were installed in 2006.
This is a 3 hp pump catalog #25GS30112.
The depth of this well is 147 feet.
The flow rating for this pump is 25 gallons per minute.

Red Well

This well is located on the main lower lawn about 100 feet north of the yellow well.
The controls for this well are located in the basement of the main garage by the house and are color coded red.
A new pump and new wires were installed in 2006, the pipes are one and one quarter inch galvanized steel installed in 2004.
This is a 3 hp pump catalog #18GS30412.
The depth of the well is 462 feet.
The flow rating for this pump is 25 gallons per minute.

Light Blue Well

This well is located on the apron of the tennis court near the pump house.
The controls for this well are in the pump house.
A new pump was installed in 1999, the pipes are one and one quarter inch PVC.
This is a 1.5 hp pump catalog #16GS15412.
The depth of the well is 360 feet.
The flow rating of this pump is 18 gallons per minute.

Blue Well

This well is located on the Taconic side of the property near the grass pit.
The controls for this well are located in the barn.
A new pump, pipes and wires were installed in 2006. The pipes are 2 inch galvanized steel.
This is a 3 hp pump catalog #40GS30412.
The depth of the well is 147 feet
The flow rating of this pump is 40 gallons per minute.

Wells

All of the wells except for the light blue one at the tennis court are connected to a common PVC pipe that takes the water up the hill and into the supply pond. This common feed pipe is located near the red well. At the top of the cliff above the pond the PVC feed pipe breaks out into several feeds to make a waterfall effect down the cliff.

The water being pumped out of the Blue Well on the Taconic side was routed through neighboring property that is no longer owned by 128 Todd Lane. Although the pump, wires and pipes and pump controls are new this well cannot be used unless the output pipes are relocated.

Water Plan and Usage

Existing Wells Located on the Property:

Well Name	Year Pump Installed	Well Depth (ft)	Pump (hp)	Pump Rate (gal/min)
Green Well	2006	450	5	25
White Well	1980	462	1.5	15
Yellow Well	2006	147	3	25
Red Well	2006	462	3	25
Blue Well*	2006	147	3	40*

* Flow Test performed by Foley's Pump Service, Inc. on May 28, 2008
"and found the well to produce 55 gallons per minute."

Appendix K

Enrollment Projection Calculations Update Study for the Briarcliff Manor Union Free School District, 2006, updated, March 2008

ENROLLMENT PROJECTION CALCULATIONS UPDATE STUDY

for the

Briarcliff Manor Union Free School District

Briarcliff Manor, New York

March 2008

Copyright 2008 by Dr. Paul M. Seversky

3487 Nelson Place East
Canastota, New York 13032

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Briarcliff Manor Union Free School District and its stakeholders.**

*"Custom tools and research
to aid a school district in defining
a vision and decision options
for serving students in the future."*

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PURPOSE AND USE OF THIS ENROLLMENT PROJECTION CALCULATIONS UPDATE STUDY

A demographic/enrollment projection study provides historical and current school district enrollment data and suggests enrollment projection scenarios based on the trending of patterns of historical data. The main purpose of such a study is to provide a tool to help school district decision-making. The study provides present and projected pupil enrollments based on different assumptions about the future of kindergarten enrollments and live birth patterns. The study is a tool to engage a community in identifying what they believe about the future of the school district and the community it serves. The study also enables the school district to comply with Commissioner's Regulation Section 155.1. The Regulation requires long-range planning of program requirements, pupil capacity of existing facilities, and a plan for repair or modernization of facilities and/or provision for additional facilities to support the delivery of program. The enrollment projection calculations combined with the values, intuition, and vision of school district officials can frame planning discussions as the school district projects its facilities, staffing and program needs into the future. An enrollment projection estimate is recommended by the study for facility long-range planning. Other enrollment projection estimates presented in the study may be better suited for other future issues facing the district.

Basic Assumption Guiding the Projection Calculations

When using the Cohort Survival Statistic to project future enrollments, it is assumed that the following variables will continue in the future in a similar manner as they have since 2002 *unless data are identified to the contrary*:

- the death rate of children
- the live birth rate
- migration of students both into and out of the district
- grade retention patterns
- residential construction and housing market
- increase or decrease of local employment opportunities
- dropout rate
- graduation rate
- private school enrollments
- number of non-residents enrolled on a tuition basis

If there are data to suggest that one or more of the variables listed above will not continue into the near future of the next five years in the same historical pattern, then the base Cohort Survival Statistic results are modified to estimate the potential impact the variable(s) may have on future school district enrollments.

After a review of possible variables that may influence future pupil enrollments, the school district requested that this enrollment projection calculations update analyze historical enrollment patterns, historical kindergarten enrollments, live birth data since 1983, and the estimated impact of new residential single family units added to the housing market. An estimate of the possible impact on future enrollments due to a comprehensive and sustained Academic Intervention Services program is also reviewed.

METHODOLOGY TO PROJECT *BASELINE* ENROLLMENT FORECASTS

A. Compilation of Data

The study collects the following data to execute the cohort survival statistic to project ***baseline*** future enrollments of the school district:

- Student enrollments of the Briarcliff Manor School District by grade level from 2002-2003 through 2007-2008 are compiled. All children resident to the district including special needs students regardless of instructional program are included at each grade level enrollment count as provided by school district personnel.
- Annual kindergarten class enrollments are compared to the total catchment area live births five years earlier.
- Live birth numbers since 1983 are analyzed of the district *catchment area* made up of the towns and village in which the Briarcliff Manor School District has enrollment boundaries (Source: NYS Department of Health).

B. Application of the Baseline Cohort Survival Statistic

The cohort survival statistic identifies a 'percentage of survival' ratio that describes the relationship of a grade level enrollment in a given year compared to the grade enrollment in the next lower grade from the previous year.

For example, in 2007-2008, 150 children are enrolled in the fifth grade served by Briarcliff. In the previous year, 2006-2007, 147 children were enrolled in the fourth grade. The number of fourth grade students enrolled in 2006-2007 divides the number of fifth grade students enrolled in 2007-2008. One hundred and forty-seven divided by one hundred and fifty provides a 'percentage of survival ratio' of 1.02. The quotient is greater than 1.0 demonstrating that the enrollment number of students increased from one year to the next as the students moved from fourth grade to fifth grade in 2007-2008.

If a ratio falls below 1.0, the ratio signifies that the enrollment of students in a grade level decreased or did not 'survive' enrollment into the next grade level of the next year. If a ratio rises above 1.0, the ratio then signifies new enrollment has moved to the district or a significant change in grade-to-grade promotion policy.

Calculating the survival ratios from 2002-2003 through 2007-2008 for each of the grade enrollments provides the basis for a set of average grade-to-grade survival ratios that can be used to estimate future baseline grade enrollments in the Briarcliff Manor School District.

C. Limitations of the Study

• The future enrollments predicted using the cohort survival statistic should be adjusted if there is evidence that one or more of the study assumptions have changed. For example, if substantial future housing unit developments meant for family home ownership come about and/or a change in the job market occurs, then such substantiation could document an increase or a decrease in the future school enrollments described in this study.

Projections for the immediate future are more reliable than those for years further in the future. Enrollment projection totals for K-6 and for 7-12 are more reliable than are those for specific grade levels in specific years.

• The basic cohort survival statistic is a linear calculation. As such, sporadic fluctuations of historical enrollment data from year-to-year could affect the estimated projections of future enrollments. The annual range of change in total K-12 enrollment since 2002-2003 is from +3.05% to -1.43%. Since 2002, K-12 enrollment ranges from a high of 1820 in 2005-2006 to a low of 1708 in 2002-2003. Since 2002-2003, the K-12 enrollment annual average is 1770 pupils and the median is 1781 pupils. ***Figure Eleven*** on page 16 in the *Figures, Tables, and Charts (FTC)* appendix graphically represents the net percentage changes in K-12 enrollment from 2002 through 2007. From 2002-2003 through 2005-2006 the K-12 enrollment of the district increased from 1708 to 1820 pupils or by 6.56% over four school years. From 2005-2006 through 2007-2008 the K-12 enrollment of the district decreased from 1820 to 1773 pupils or by 2.58%. From the 2002 school year to the current 2007 school year, the total K-12 enrollment has changed by 65 pupils or +3.8% over six school years. The 2007-2008 K-12 enrollment of 1773 is slightly above the six year average of 1770. The pattern of K-12 enrollments since 2002 is linear in nature.

• The enrollment projections presented in the study are not predictions. Factors that can influence demographics include such variables as birth rates, death rates, jobs-the economy, immigration and emigration, and the housing market. Given these variables, however, the enrollment projection calculations presented in this report are still an important analytical and planning tool for public school policy makers and decision makers.

DISTRICT 'CATCHMENT' AREA AND DISTRICT LIVE BIRTHS

The Briarcliff Manor School District does not undertake a door-to-door school district census. No historical population data are available concerning birth to four year-olds living within the boundaries of the district. Therefore, the study undertakes a trend

analysis of live births in the area that makes up the district as registered with the NYS Health Department and the historical enrollments of kindergarten classes as reported by the district.

The study first documents the live births in the 'catchment area' of the school district and all of Westchester County since 1983. 'Catchment area' is defined as the towns in which the enrollment area of Briarcliff Manor is located. The towns include Mt. Pleasant and Ossining plus the Village of Briarcliff Manor. Normally, towns included in the 'catchment area' of a school district are also served by other school districts. The State of NY does not compile live birth data in smaller sorts than by towns, villages, and cities. School districts often cross municipal boundaries. There is no established database that links the taxable properties in a town served by a school district and the number of live births from that town that live within the enrollment area of the school district. The latest audited tax parcel data available are from 2006. The study assumes that the percentage of total residential parcels recorded in each town that contains Briarcliff Manor School District enrollment area is a reasonable estimate of the annual live births that can be attributed to the residents of the Briarcliff Manor School District who live in each respective town. For example, in the case of the Town of Ossining, there are 8612 residential parcels of which 1507 or 17.5% are in the Briarcliff Manor School District. The study applies the 17.5% factor consistently times the total number of live births recorded for the Town of Ossining since 1983 to estimate the number of annual live births that can be estimated as those of Briarcliff Manor School District residents since 1983. The same method is applied to the residential parcel data for the Town of Mt. Pleasant where 5.3% of the residential parcels are in the Briarcliff Manor School District and to the residential parcel data for the Village of Briarcliff Manor where 100% of the parcels are within the school district. ***Table 1*** (FTC page 1) lists live birth data from 1983 through 2006 for Westchester County and all of the towns that make up the 'catchment area' of the Briarcliff Manor School District as defined by the study. ***Table 1*** lists the annual live births since 1983 that are estimated to be attributable to the area within the boundaries of the Briarcliff Manor School District based on the percentage of residential tax parcels that are in the enrollment area of BMSD. ***Table 2*** (FTC page 1) lists the annual Briarcliff Manor kindergarten enrollments since 1987.

Figure One (FTC page 2) charts the live birth data for Westchester since 1986 and ***Figure Two*** (FTC page 3) charts the live birth data for the Briarcliff Manor School District 'catchment area'. The total of the live births in the county has trended upward from 1986 to 2005 (slope +23.6). The pattern of live births in the 'catchment area' of the Briarcliff Manor School District since 1986 is also upward (slope +1.1), but at a slower rate compared to Westchester County as a whole.

The live births totals provided by the New York State Department of Health for the Village of Briarcliff Manor for 2006 and for the County of Westchester for 2006 are suspect. The recently reported live births for the Village are significantly out of pattern for the Village going back to 1999 (see ***Table 1***, FTC page 1). The County total of almost a drop of 2000 births from 2005 and 2006 is particularly questionable. Therefore, the study utilizes the live birth data from 1983 through 2005 and not through 2006 to base the enrollment projection calculation protocol. In 2008, the Health Department will release live birth data for 2007. If the 2006 data are not revised at that time, the 2006 data will be assumed accurate and will be used in any future enrollment projection update studies.

Figure Four (FTC page 5) focuses on the pattern of the live births in Westchester County over the past ten years from 1996-2005. Since 1996 live births have decreased in Westchester County from 12,696 in 1996 to 12,080 in 2005 (slope -44.648). ***Figure Five*** (FTC page 6) illustrates the number of live births in the Briarcliff District catchment area for the ten year period since 1996 through 2005. The live birth trend in the catchment area of the Briarcliff Manor School District since 1996 is increasing (slope +3.338) compared to the county pattern illustrated by a slope of -44.648. Other areas of Westchester County over the past ten years, therefore, are experiencing a decline of live births compared to the Briarcliff Manor School District catchment area. ***Figure Seven*** (FTC page 8) charts the patterns of live births over the past ten years for Westchester County and the calculated number of live births for the school district enrollment area over the past ten years in one illustration.

Figures Five-A and ***Figure-B*** (FTC pages 6a and 6b) views the pattern of live births in the school district catchment area over the past ten years in two sets of five year intervals. Both sets of five year intervals have an increasing pattern in live births in the school district. The pattern of live births from 1996 through 2000 is illustrated by a trend line sloped at +.6.61; the pattern of live births from 2001 through 2005 is illustrated by a slightly more positive trend line sloped at +6.83.

The analysis of only the estimated live birth data pattern in the district implies that one should expect stable or slightly increasing trends of kindergarten enrollments five years later after each year of estimated births in the catchment area of the school district.

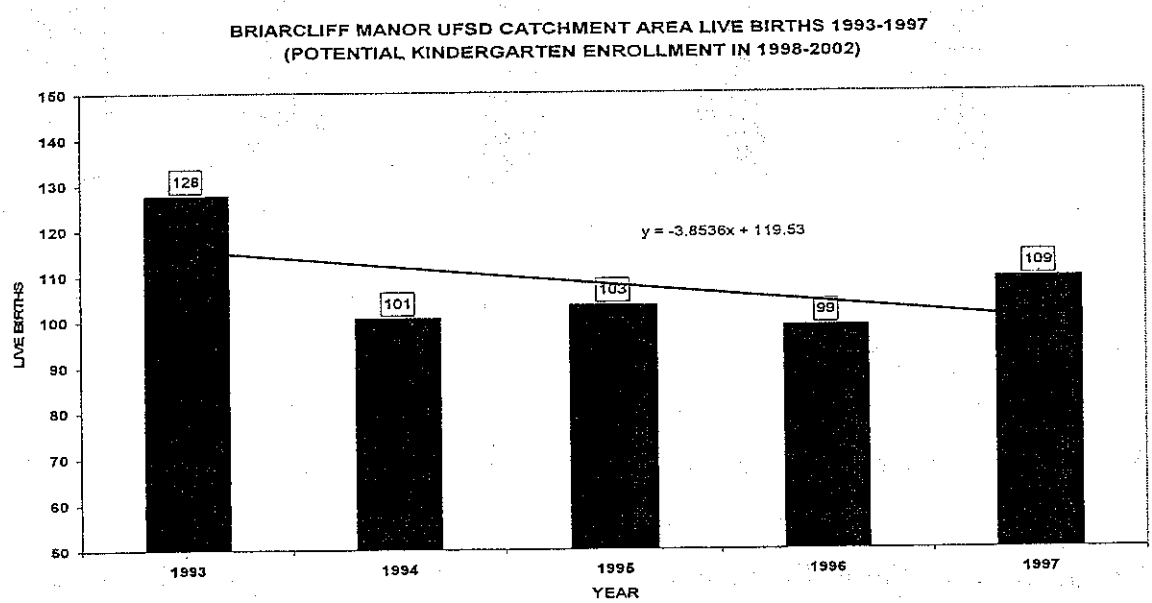
DISTRICT KINDERGARTEN ENROLLMENTS AND DISTRICT LIVE BIRTHS

Figure Eight-A (FTC page 9A) illustrates the historical pattern of Briarcliff Manor kindergarten enrollments since 1988. The twenty year pattern suggests a steadily increasing trend. ***Figure Eight-B*** (FTC page 9B) focuses on the pattern of kindergarten enrollments over the past ten years. Over the past ten years, the pattern of Briarcliff kindergarten enrollments are slightly declining (slope -1.16). The slightly declining pattern of kindergarten enrollment over the past ten years is in contrast to the ten year slightly increasing pattern (+3.38) of live births in the school district catchment area. One would typically expect to see an increasing trend in kindergarten enrollments when there is a pattern of increasing live births in a school district. This lack of correspondence of the patterns of live births and kindergarten enrollments over the past ten years in Briarcliff could suggest one or more of the following:

- Normal statistical error range inherent in the methodology.
- Parents of children born in the Briarcliff Manor School District are either waiting to enroll their children until age six and/or are choosing a private school setting for kindergarten.
- A number of children born in the Briarcliff Manor School District move out of the district before reaching school age.

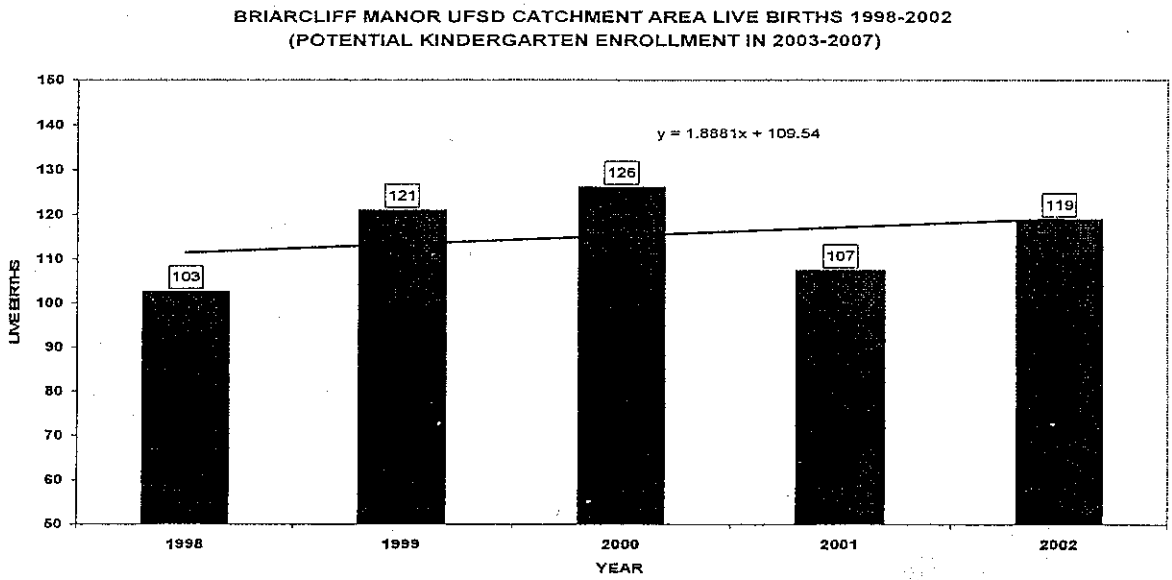
Illustrating the live birth and kindergarten enrollment data in sets of five year increments offers a different perspective with the same potential conclusions listed above. ***Figures Nine-A and Nine-B*** (FTC pages 10A and 10B) view the pattern of annual kindergarten

enrollments in two five year intervals since 1998. From 1998 through 2002, there is an increasing trend pattern (slope +1.9) as kindergarten enrollment went from 120 in 1998 to 126 in 2002. The trend pattern of live births in the district from 1993 through 1997 is illustrated below. The high number of births (128) in 1993 suggests that one should expect a high number of kindergarten enrollments in 1998 which did occur with 120 enrollments. The lower live births from 1994 through 1997 imply smaller kindergarten classes from 1999 through 2002. From 1999 through 2001, the kindergarten classes ranged from 111 to 118 corresponding with the lower annual birth totals from 1994 through 1996. In 2002 there were 126 kindergarten enrollments corresponding to an increase in live births in 1997 compared to the number of live births recorded for 1994 through 1996. The high kindergarten enrollment in 2002 also suggests that another variable in addition to the number of live births in the district five years earlier was also influential; i.e. new school aged population moving to the district.



In contrast, the five year set of years from 2003 through 2007 shows a slightly decreasing kindergarten enrollment pattern over the last five years characterized by a trend slope of -1.3 (***Figure Nine-B,*** FTC, page 10B). Viewing the live birth data for 1998 through 2002 foreshadows a suggested increasing pattern of kindergarten enrollments from 2003 through 2007. The relatively high number of live births in 2000 should foreshadow a relatively high number of kindergarteners in 2005. This was not the case. The 126 live births in the district 'turned into' 119 kindergarteners in 2005; slightly less than one might

expect from the district live births in 2000. This could suggest school aged population moved from the district and/or some parents chose to enroll children in a private setting or wait until age six to enroll in kindergarten. In any case, the discrepancy between the live birth pattern from 1998-2002 with a slope of +1.8 compared to the kindergarten enrollment pattern from 2003-2007 with a slope of -1.3 is slight. However, the comparison helps illustrate the impact of new pre-school aged population to the district as well as parental decisions about when to start kindergarten and in what setting.



A ten year perspective clarifies the relationship between kindergarten enrollments and live births. ***Figure Ten*** (FTC page 11) compares the Briarcliff Manor kindergarten enrollments from 1998 through 2007 to the live births in the catchment area five years earlier. Note that the calculated live births for the ten year period from 1993 through 2002 in the school district catchment area were on an increasing pattern (slope +.8577). The kindergarten enrollments five years after the annual catchment area live birth also show a positive trend pattern (slope +.5394), but slightly less than the live birth ten year pattern. Again, this data perspective suggests that some preschoolers born in Briarcliff moved before entering kindergarten and or some parents are delaying kindergarten enrollment of their children until age 6 and/or some may be choosing a private setting for kindergarten. This conjecture is supported by the survival ratio representing the ratio of enrolled kindergarteners who are Briarcliff first graders in the next school year. The six year average survival ratio of kindergarteners who become first graders in the next school year is 1.045 (see ***Table 7-A***, FTC page 17A). That is, first grade enrollments are on average

4.5% larger than the kindergarten enrollments from the previous year. This can suggest that either there is an inordinate number of new school aged population moving to the district who are of grade one age and/or some children who were born in Briarcliff had a kindergarten experience in a private setting and then enrolled for the first time at Briarcliff in first grade.

The live birth data of the county and the towns that make up the Briarcliff Manor School District do provide a documented population factor that can be charted and statistically used to forecast future kindergarten enrollments in the school district. There are no data to identify kindergarten enrollments from 1998 through 2007 of children not born in the enrollment area served by Briarcliff Manor and are from families who moved to the school district. Similarly, there are no data to determine specifically how many children born in the school district enrollment area in the years 1997-2002 moved from the area and, therefore, did not enroll in Briarcliff Manor kindergarten classes for each year from 2002 through 2007. The study initially assumes that the migration of students both into and out of the towns and the district will continue in a similar manner as it has during the years since 1997.

KINDERGARTEN ENROLLMENT FORECASTS

Estimating future kindergarten enrollments is the most speculative aspect of projecting K-12 enrollments. However, analyzing historical annual kindergarten enrollments in concert with historical annual live birth data and patterns do reveal a set of defendable estimates of future kindergarten enrollments. These estimated future kindergarten enrollments then can be included in the base cohort survival statistic application to project future K-12 enrollments.

In order to forecast future kindergarten enrollments, the study first compares the Briarcliff Manor kindergarten enrollments since 1996 to the total live births since 1991 in the catchment area that makes up the geographical boundaries of the school district. Ratios are calculated to determine the annual historical pattern of kindergarten enrollment in the Briarcliff Manor School District compared to all the children born five years earlier

in the catchment area served by the school district *(Table 3*, FTC page 12A*)*. The mathematical comparison of each annual kindergarten enrollment with the total live births five years earlier in the Briarcliff Manor enrollment area results in a set of ratios. For example, in 2005 there were 119 students enrolled in the kindergarten class. In 2000, there were 126 live births in the catchment area of the school district. A ratio of .94444 results from comparing the 2005 kindergarten enrollment of 119 students with the 126 total live births five years earlier. That is, about 94.4% of the year 2000 live births in the Briarcliff Manor catchment area became Briarcliff Manor kindergartners in 2005. From 1993 through 2002 there have been 1117 births in the Briarcliff Manor 'catchment area'. From 1998 through 2007 there have been 1139 kindergarten enrollments. The live-birth-kindergarten ratio for this ten year period is 1.0196. The comparison of the last five years of kindergarten enrollment from 2003 to 2007 with the respective live births from 1998 to 2002 results in a ratio of live births to kindergarten enrollments of .95312.

The historical kindergarten enrollments of the Briarcliff Manor School District and historical live birth data are analyzed three ways. The three analyses form the basis for three kindergarten enrollment forecasts. The three kindergarten forecasts can be used to develop Low, Mid, and a High K-12 enrollment projection calculations. One forecast of future kindergarten enrollments assumes that the live births in the school district catchment area will continue in the same pattern as it has since 1996. It also assumes that the kindergarten enrollment to live birth ratio for the years 1998 through 2007 is a reasonable ratio to expect in the future. A second forecast of kindergarten enrollments assumes that the live births in the school district catchment area will continue in the same pattern as it has since 1996. It also assumes that future annual kindergarten enrollment to live birth ratios will follow the pattern of ratios from 1998 to 2007 into the future. A third forecast of kindergarten enrollments assumes that future kindergarten enrollments will follow the pattern of kindergarten enrollments from 2003 through 2007 without reference to live birth trends or kindergarten to live birth ratio patterns. ***Tables 3, 4, 5,*** and ***6*** (FTC pages 12A, B, C, and D) illustrate the rationale of utilizing historical live birth data to base enrollment projection calculations.

LOW RANGE K-12 ENROLLMENT PROJECTION CALCULATION

Table 5 (FTC, page 12C) lists the kindergarten enrollment forecast that forms the foundation for ***Table 7A: Low Range Cohort Survival Enrollment Projections Grades K-12*** (FTC page 17A).

Future live births in the enrollment area are extrapolated by estimating the extension of an exponential curve that best describes the historical annual live birth data documented by the NYS Health Department since 1996. Future kindergarten-enrollment-to-live-birth ratios are calculated from the ratios derived from comparing historical kindergarten and catchment area live birth data from 1998 through 2007 ***(Table 3,*** FTC page 12A). An exponential growth trend analysis of the kindergarten/live birth ratios for each year since 1998 results in a prediction of future ratio values for each year from 2008 through 2019.

The estimated kindergarten enrollment-to-live-birth ratios for the years 2008 through 2011 are then multiplied times the known live births of 2003 through 2005 in the catchment area of the school district. The results are the forecasted kindergarten enrollments for the years 2008 through 2010. These forecasted kindergarten enrollments are utilized in the cohort survival statistic calculation reported in ***Table 7A.***

Future kindergarten enrollments for 2011-2019 are estimated by multiplying the estimated live births for 2006 through 2014 times the estimated kindergarten enrollment-to-live-birth ratios for the years 2011-2019. The resulting estimated kindergarten enrollments are utilized in the cohort survival statistic calculation reported in ***Table 7A.***

Analyzing historical live birth data and kindergarten data in this fashion addresses the historical pattern of live births and kindergarten enrollments over the past ten years and produces the most conservative out of three K-12 enrollment projections through 2019-20. The low range projection assumes that the historical growth pattern of live births since 1996 in the catchment area will continue through 2019. The projection also assumes that the historical relationship each year since 1998 between the number of births recorded for the catchment area of the school district five years earlier and the current kindergarten enrollment in the district will continue in the same pattern into the future.

MID RANGE K-12 ENROLLMENT PROJECTION CALCULATION

Table 6 (FTC, page 12D*)* lists the kindergarten enrollment forecast that forms the foundation for ***Table 7B: Mid Range Cohort Survival Enrollment Projections Grades K-12*** (FTC page 17B).

Unlike the low and high range projections, the mid projection does not consider the historical annual kindergarten-enrollment-to-live-birth ratios as a variable to forecast future kindergarten enrollments.

Future kindergarten enrollments for 2008-2019 are extrapolated by estimating the extension of an exponential curve that best describes the historical annual kindergarten enrollment data pattern since 2003. This scenario assumes that the pattern of kindergarten enrollments will continue into the future regardless of the historical pattern of live births or ratios derived by comparing the relationship of live births in a year and Briarcliff Manor kindergarten enrollments five years later. The estimated kindergarten enrollments from this protocol are utilized in the cohort survival statistic calculation reported in ***Table 7B.***

Analyzing historical live birth data and historical kindergarten enrollment data in this fashion produces a mid-range cohort baseline K-12 enrollment projection estimate through 2019-2020. The mid-range projection assumes that the historical pattern of kindergarten enrollments through 2019 will follow the historical pattern of kindergarten enrollments from 2003 through 2007 without a calculated direct relationship to the pattern of future annual live births in the catchment area of the Briarcliff Manor School District as an influencing variable on future potential kindergarten enrollments.

HIGH-RANGE K-12 ENROLLMENT PROJECTION CALCULATION

Table 4 (FTC, page 12B) lists the kindergarten enrollment forecast that forms the foundation for ***Table 7C: High Range Cohort Survival Statistic Enrollment Projections Grades 7-12*** (FTC page 17C).

The projected kindergarten enrollment to live birth ratio used in this analysis is the ratio derived by comparing the total kindergarten enrollments from 1998 through 2007 and the total live births in the catchment area of the district from 1993 through 2002. The resulting ratio of 1.019696 is then multiplied times the live births of 2003 through 2005 as recorded by the NYS Health Department and calculated for the geographic area bounded by the school district. The results are the forecasted kindergarten enrollments for the years 2008 through 2010. These forecasted kindergarten enrollments are utilized in the cohort survival statistic calculation reported in ***Table 7C.***

Future live births in the enrollment area are extrapolated by estimating the extension of an exponential curve that best describes the historical annual live birth data documented by the NYS Health Department since 1997. The live birth estimates for 2007 through 2019 are then multiplied by a constant 1.019696 live-birth-to-kindergarten-enrollment ratio. The resulting estimated kindergarten enrollments for the years 2011 through 2019 are also utilized in the cohort survival statistic calculation reported in ***Table 7C.***

The high-range projection assumes that live births will continue to follow the same trend pattern as they have in the catchment area since 1996. Also, it assumes that the ratio of the total live births in the enrollment area and the total kindergarten enrollment data of the district since 1998 is a reasonable indicator over time of the live birth/kindergarten ratio to expect for the upcoming years 2008-2019.

BASELINE K-12 ENROLLMENT PROJECTIONS

Tables 7A, B, and ***C*** (FTC pages 17A, B, C) present Low, Mid, and High range K-12 enrollment projections calculated using the cohort survival statistic. Each calculation uses the historical K-12 enrollments as reported by the school district for each of the school years 2002-2003 through 2007-2008. The historical enrollment data are used to calculate 'percentage of survival' ratios for each grade level K-12. The ratios quantify the rate of change in number of students in a particular grade level compared to the number of students in the next higher grade level in the following year. The 'survival ratios' are averaged for each grade level from 2002-2003 through 2007-2008. The six-year average

ratios for each grade level are used to calculate estimated future grade 1-12 enrollments through 2018-19.

Pre-K enrollments are not included in the K-12 enrollment projections for future facility capacity expectations. The Briarcliff Manor School District does not include a Pre-K program in its program offerings at this time. Current New York State Commissioner's Regulations, which govern school facility projects and building aid, support Pre-K-programming space *in addition* to the space necessary to serve K-12 students. Therefore, as the district revisits its long-range facility plan for its elementary schools, the district's long term future vision for offering a Pre-K program in the various district buildings is an *additional* enrollment factor beyond the projections offered by this preliminary report. Any *expected* future Pre-K enrollment to be served in five years is an added program capacity factor in calculating Building Aid Units to determine an estimated building aid ceiling amount up to which NYS will provide building aid for an approved facility project if the program is housed in the district's school buildings.

Table 9 (FTC page 18) summarizes the K-5, 6-8, 9-12 along with K-6 and 7-12 base cohort enrollment projections for the years 2008-2009 through 2017-2018 applying the cohort survival statistic and the three methodologies to estimate future kindergarten enrollments.

Chart Two A-D (FTC pages 19A-19D) illustrates the estimated low, mid, and high base cohort enrollment projections for grades K-5, 6-8 and 9-12 for the period 2008-2018.

VARIABLES THAT MAY SUGGEST ADJUSTMENTS TO THE CALCULATED BASE ENROLLMENT PROJECTIONS

The six sources of current and projected school district enrollment are:

- live births within the school district and their eventual kindergarten enrollment in the district;
- new household population with children who move to the district;
- new population who move to the district who are at child-bearing age and plan to begin a family;
- enrollment of students from non-public schools or from home schooling settings;

- school program and academic intervention changes that may increase the success of the school district in keeping existing enrollment as long as possible to culminate in high school graduation;
- a change by other public schools, if any, who tuition students to attend Briarcliff Manor School District.

Listed below are the Federal population estimates since 2000 for the Briarcliff Manor School District.

	2005 EST.	2004 EST.	2003 EST.	2002 EST.	2001 EST.	2000 EST.	CHANGE 2000 TO 2005	% CHANGE 2000 TO 2005
Population	7998	7452	7435	7416	7375	7302	+696	+9.53%
Ages 5-17	1610	1607	1582	1584	1581	1573	+37	+2.35%
% of total population	20.13	21.56	21.28	21.36	21.44	21.54		
--% in poverty	1.55	1.37	1.20	1.20	1.27	1.59		

The total population of the School District of Briarcliff Manor has increased by almost 10% comparing the estimated population for 2005 with the Census count in 2000. The population increase is significant in comparison to the increase of +2.82% for all of Westchester County since 2000.

As a point of comparison, listed below are the Census estimates through 2006 of all of New York State and Westchester County.

	2006 EST.	2005 EST.	2004 EST.	2003 EST.	2002 EST.	2001 EST.	2000 EST.	CHANGE 2000 TO 2005/2006
NY STATE	19,306,183	19,254,630	19,280,727	19,228,031	19,164,755	19,091,210	18,998,889	+1.74%
WESTCHESTER COUNTY	949,355	947,577	946,577	943,772	941,254	935,095	923,459	+2.82%

In the recently published 2007 study, *Restoring Prosperity,* the Brookings Institution strongly reminds that the "relationship between metro areas (regional areas closest to the cities) and the cities within them is very real and thus demands the attention of all who have a stake in their mutual prosperity." The study cites four demographic trends that "that will have a profound influence on how and where people choose to live, and could

significantly benefit older cities and other established communities" including the metro regional areas. The four trends can be important discussion items as the Briarcliff Manor School District formulates its vision for the future. First, the United States is on a "sustained path of population growth." The national population is expected to increase by 67 million people by 2025. Second, immigration is fueling much of this national growth. "Twelve percent of the country's population was born outside of the U.S. and the trend is likely to grow. Third, the domestic population is aging. In 2000 almost 13% of the total population is over 65. The Brookings study declares that "by 2012, the workforce will be losing more than two workers for every one it gains." The fourth trend of profound influence is the nation's family structure. Delaying marriage, and having fewer children combined with an aging population "are causing households to be smaller and more numerous." Of the 32 million additional new households estimated by 2025, "only 4 million will have children."

In the case of the Briarcliff Manor School district, the analysis of the historical pattern of live births in the catchment area of the school district compared to the historical pattern of kindergarten enrollments discloses that more children enroll in Briarcliff Manor kindergarten classes than were born in the district five years earlier. A question to ponder for those in charting the future of the Briarcliff Manor School District is: what is the possible relationship of the national future population trends suggested by the Brookings Institute and the future outlook for the region of the school district including housing and employment?

This study to update enrollment projection calculations also reviews the historical pattern of private and home school enrollments and the potential of the Academic Intervention Program in influencing future enrollment in the district.

PRIVATE, AND HOME SCHOOL ENROLLMENTS

The district reports the following historical total private school and home-school enrollment data for the school years 2002-2003 through 2007-2008. The table compares annual private school enrollments and home schooled enrollments with annual total K-12 enrollments in the Briarcliff Manor School District.

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Home Schooled and Private School Enrollment K-12	121	102	97	93	81	104	119
K-12 Enrollment Briarcliff Manor	1644	1708	1735	1788	1820	1794	1773
Non-public School Enrollment K-12 as a Percentage of Public School Enrollment	*7.4%*	*6%*	*5.6%*	*5.2%*	*4.5%*	*5.8%*	*6.7%*

The combined number of home schooled and private school pupils in 2007 has decreased by 2 pupils or 1.7% since 2001. Home schooled pupils and private school pupils in total as a percentage of public school K-12 enrollment has decreased from 7.4% of district enrollment in 2001 to 6.7% in 2007. It is assumed that the enrollment data listed above have already been incorporated into the base cohort survival ratios and the calculations of the study. No changes are made to the calculations because of the pattern of private school enrollments projected for the future.

The ongoing practice in place by the district to comprehensively track the private school, home school, and charter school enrollment data specifically by private entity enables the district to analyze the possible influence of non-public enrollments on future enrollment projections. It is also suggested that efforts be given to contact families who have chosen to enroll their children in other schools or practice home-schooling. Learning about the reasons for their non-district enrollment decisions may help the district choose various initiatives, if appropriate. Such information may be an added asset as the district along with other agencies and businesses of the district prepare welcoming information for new residents. A communication/information strategy with current home schooling and private school families may encourage public school enrollment and parent comfort about switching children from a non-public school experience to the opportunities of instruction offered by Briarcliff Manor as a public school. Such a strategy of communication and information also strengthens relationships with all taxpayers of the district regardless of where their children are enrolled.

ENROLLED TUITION STUDENTS

The Pocantico Hills Central School District has a long history of tuitioning its students to Briarcliff Manor for grades 9-12. In an interview with Dr. Tom Elliott, the Superintendent of Pocantico, he confirmed that the enrollments of Pocantico Hills remain stable. They have been in the 350 to 360 pupil range and his projections suggest continued stability. He predicts little change in the pattern of grade 8 students who decide to enroll at Briarcliff Manor for high school. According to Dr. Elliott, the lower than usual number of grade 8 students who chose to attend Briarcliff in 2007 for grade 9 is due in all likelihood to this particular set of grade 8 students whose siblings are attending one of the other two high schools available to Pocantico pupils. He notes that the projected number of grade 8 students choosing to attend Briarcliff Manor High School in 2008 reflects the historical norm of the mid-twenties. Charted below are the numbers of grade 9 enrollments from Pocantico Hills since 2000.

Year	Grade 8 Pocantico Hills Students	Number who attend grade 9 at Briarcliff Manor
2000-2001	27	10
2001-2002	38	25
2002-2003	44	29
2003-2004	44	27
2004-2005	40	27
2005-2006	41	21
2006-2007	32	23
2007-2008	35	7

It is assumed that the tuitioned student enrollment data listed above are consistent variables and have already been incorporated into the base cohort survival ratios and the calculations of the study. No changes are made to the calculations because of the pattern of tuitioned Pocantico Hills Central School District grade 9 enrollments projected for the future.

DROPOUT RATES/NONCOMPLETION RATES

The NYS Department of Education publishes a Report Card that includes dropout rates for school districts. The State Education Department defines a 'dropout' as follows:

> "A dropout is any student who left school prior to graduation for any reason except death and did not enter another school or approved high school equivalency preparation program. The dropout rate is calculated by dividing the total number of students who dropped out in a given year by the total fall enrollment in grades 9-12, including that portion of the ungraded secondary student enrollment that can be attributed to grades 9-12."

Starting in June of 2003, the annual dropout rate is no longer an accountability measure. *(See January 24, 2003 SED field memo "Testing and Accountability under the No Child Left Behind Act.)* The graduation rate for 2003 is computed as follows:

> "The numerator will be the number of students in the 1999 cohort who earned a local diploma (with or without a Regents endorsement) by June 2003. The denominator will be the sum of the count of 1999 cohort members as of June 2003 plus the count of students eliminated from the cohort because they transferred to a general education development (GED) program."

The dropout rates since 1995-1996 and the noncompletion rates since 1999-2000 for the Briarcliff Manor School District are charted below as published by the Sate Education Department. In addition, on February 13, 2006 and April 26, 2007 the State Education Department published the graduation results report for students who began 9th grade in 2000, 2001, and 2002. The students included are those in the 2000, 2001, and 2002 cohorts who started 9th grade and had graduated, were still enrolled, had dropped out, or had transferred to a GED program as of June 30, 2005 and June 30, 2006.

BRIARCLIFF MANOR SCHOOL DISTRICT
HIGH SCHOOL GRADUATION RESULTS OF ALL STUDENTS OF GRADE 9 COHORTS FOUR YEARS LATER

COHORT YEAR	STUDENT COUNT	% GRADUATED	IEP DIPLOMA	% STILL ENROLLED	TRANS. TO GED	% DROPPED OUT
2000	116	100%	0%	.0%	0%	0%
2001	120	98.3%	0%	.8%	0%	.8%
2002	162	96%	0%	1%	1%	2%

HIGH SCHOOL NONCOMPLETION RATES FOR ALL BRIARCLIFF MANOR STUDENTS*

YEAR	# DROPPED OUT	% OF ENROLL	# ENTERED GED PROGRAM	% OF ENROLL	TOTAL NON-COMPLETERS	% OF ENROLL
95-96		0%				0%
96-97		0%				0%
97-98		0%				0%
98-99	0	0%	0	0%	0	0%
99-00	0	0%	1	.3%	1	.3%
00-01	0	0%	0	0%	0	0%
01-02	0	0%	0	0%	0	0%
02-03	0	0%	0	0%	0	0%
03-04	0	0%	0	0%	0	0%
04-05	1	0	1	.2%	1	.2%
05-06	4	1%	0	0%	4	1%

*Noncompletion and GED rates are also recorded for 'Students with Disabilities' and 'General Education Students' separately by the SED starting in 2001-2002. The rates are combined in this summary chart and are reflective of 'All Students'.

The dropout rate and the 'noncompleter' rate protocol are factors to review as part of enrollment projection studies. The factors give insight about how many students leave enrollment before they become high school completers. A source of added school district enrollment is the success of the school district through program and academic intervention efforts in keeping existing enrollment as long as possible to culminate in high school graduation. Enrollment of students in a GED course of study is not viewed by SED as a program and academic intervention to keep enrollees in the 'public school system' since such GED enrollees are now identified as 'noncompleters.'

The Briarcliff Manor grade-to-grade average survival ratios for grades 9 through grade 12 since 2002-2003 are at or within .021 of 1.0. This suggests a high retention rate of students from one year to the next and/or that students are moving into the school district and enrolling at Briarcliff Manor at a similar or higher rate to the number of students who move out of the district or leave Briarcliff Manor to enroll in a non-public school. For example in 2006-2007, 37 pupils transferred out of Briarcliff and 75 transferred in. So far in 2007-2008, 5 students have transferred out of Briarcliff and 34 have transferred in. The NYS Report Card data substantiates that the less than 1.0 survival ratios for grades 9-12 is due only in very small part, if any, to 'drop-outs' and 'noncompleters'.

Briarcliff Manor clearly has committed program and curriculum efforts to achieve the higher New York State academic standards and graduation requirements for all students. The graduation completion data and the drop out data substantiate the successful implementation of academic intervention efforts. Given the results of this school district commitment, the study suggests it is likely that the academic intervention efforts integrated into the curriculum will continue to positively achieve the high success of the district in helping all students through high school completion.

Therefore, the study does not have a basis for a set of enrollment projection scenarios that calculate a low, mid, and high estimates of future enrollments that assume changes in enrollment population due to any change in the continued delivery of the sustained and systemic academic intervention services as evidenced by the documented history of consistent student success.

POTENTIAL HOUSING DEVELOPMENTS

Ms. Dorothy Maiden, Planning and Zone Administrator of the Town of Mt. Pleasant; Ms. Sandy Anelli of the Town of Ossining Zoning Department; and Mr. Michael Blau, Village Manager of the Village of Briarcliff Manor provided the latest information about residential housing development in the Briarcliff Manor School District. The information reflects new residential units that are expected *in addition* to the normal annual number of permits given for construction of residential units. Also, Mr. Howard Chwatt of Houlihan Lawrence Real Estate, and Ms. Martha Krakow of Coldwell Banker Real Estate were interviewed to understand the current market and to estimate the future residential market in the school district. The time and willingness of the codes/planning officials and the realtors to share their expertise, information, and local market knowledge are appreciated and are valuable assets to the study and to the Briarcliff Manor Central School District.

Please note that the estimated residential unit build-out and occupancy schedule outlined below is benchmarked to the best knowledge known as of March 2008. Cost of materials, the mortgage market, the ebbs and flow of the general economy and job market can influence the estimated schedule.

Development	Potential New Housing Units to the Market	Estimated Occupancy
Town of Mt. Pleasant: Todd Lane	• 17 single family housing units	• 24-36 months
Village of Briarcliff Manor	• 315 units (independent senior living; 70 for assisted living)	• 36-48 months

The third developer for the proposed 'Hyatt' development in the Village has received approval from the Village to proceed. The plan is scaled down from the plan presented by the first developer in the past. At this time, there is no other development within the Village or in the Town of Ossining beyond normal levels of annual permits. Mr. Blau of the Village shared data from a recent estimated water consumption study which identified an estimated 386 lots in the Village that could support single family housing units in the future. It is not prudent to suggest a timeline for when single family homes may be built on the Village lots available. Mr. Blau referenced the newly drafted comprehensive plan which sets as a goal the development of some 'workforce-affordable' housing units. There are no specific projects or public plans at this time. The Kings College property is potentially ripe for development. Mr. Blau notes that there is discussion of a zoning change to require two or three acre building lots for the property. There is no specific project or public plan for the property at this time. Therefore, it is recommended that the district initiate an ongoing dialog with the various town codes and planning officials. As new build-out and estimated occupancy schedules change and/or new housing unit development is proposed beyond the annual norm, the enrollment projection scenarios influenced by the housing market provided in this study should be reviewed and updated as appropriate.

ANALYSIS OF THE POTENTIAL IMPACT OF THE HOUSING MARKET ON FUTURE SCHOOL DISTRICT ENROLLMENTS

Ms. Martha Krakow and Mr. Howard Chwatt , realtors who serve the Briarcliff Manor catchment area, were interviewed to better understand the housing market and its potential. Ms. Krakow describes the housing market as 'good'. High end and below median housing is selling well as it has historically within the school district. The median

up to high end housing market is 'slightly slower'. According to Ms. Krakow, buyers are 'just taking a little more time' in making their purchasing decisions. The housing market data from Mr. Chwatt concur with Ms. Krakow's observations. For example, the average number of days on the market of for sale homes in 2006 and 2007 rose above the averages recorded for the years 2004 and 2005. The average number of homes sold yearly within the school district is 27.5. Both realtors point to the role of a robust New York City job market and economy as a prime positive factor that affects the Briarcliff housing market.

HOME SALES STATISTICS FOR THE HOUSING MARKET DEFINED BY THE BOURDARIES OF THE BRIARCLIFF MANOR SCHOOL DISTRICT

	2002	2003	2004	2005	2006	2007
Median sale price	$615,000	$774,500	$805,000	$995,000	$885,000	$952,500
Highest sale price	$1,975,000	$4,300,000	$3,250,000	$2,075,000	$2,495,000	$2,200,000
Lowest sale price	$342,500	$434,000	$540,000	$469,988	$510,000	$475,000
Units sold	35	22	28	35	19	26
Average Day on the Market	190	203	140	152	186	169

The housing sales data document no unusual volume activity over the last six years. Therefore, the study assumes that the baseline cohort enrollment projection methodology already accounts for the influence of the sale of existing residential units without children less than 18 years of age to new households with children who are of school age.

The following household measures are available for use to estimate the impact of the Todd Road housing development on the population total that the school district may expect because of the 17 new single family residential units to be built over the next 24 to 36 months.

Possible Household Population Measures (Census 2000)	Average Household Size	Average Family Size	Average Household Size-Owner Occupied	Average Household Size-Renter Occupied
United States	2.59	3.14	2.69	2.4
New York	2.61	3.32	2.78	2.41
Westchester County	2.67	3.21	2.80	2.47
Briarcliff Manor School District	3.0	3.3	3.10	1.80

The methodology for the enrollment projections taking into account the Todd Road development assumes factors that describe patterns of household occupancy locally in the school district as opposed to regionally or statewide. For example, a statewide census data calculation estimates that each household unit with a family has .90 children on-average. Local demographic patterns suggest that the statewide on-average number of children per household factor is not reflective of the household patterns documented by the census block data for the Briarcliff School District. Therefore, the methodology of the study assumes that:

- All of the additional single-family residences suspected to be on the market will be owner occupied.
- Potential impact on school district enrollment will occur in the next school year after occupancy of the residential unit.
- None of the new households will be occupied by seasonal residents.
- All the additional housing units estimated to be on the market will be occupied within the time frame as suggested by the codes officials. The Census 2000 percentages of population for age group cohorts in the geography bounded by the Briarcliff Manor School District are valid estimates in 2008.
- Occupation of the homes will reflect the Census 2000 on-average Briarcliff Manor School District family household size of 3.3 for homes specifically targeted for the family market.
- All children who live in the new housing will attend the public school and not a private school or undertake a home-schooled experience. Until specific profiles of specific new home-buyers are known, it is assumed that new pupils to the school district will be equally dispersed by grade level.

ESTIMATED NEW POPULATION DUE TO PROPOSED SINGLE FAMILY HOUSING UNIT DEVELOPMENT AS QUANTIFIED BY CODES OFFICES AS OF MARCH 2008

	IN 12 MONTHS	IN 24 MONTHS	IN 36 MONTHS
UNITS		8	9
AVERAGE FAMILY HOUSEHOLD SIZE (CENSUS 2000)		3.3 x 8	3.3 x 9
ESTIMATED TOTAL NEW POPULATION		26.4	29.7
Estimated under five years old (7.22%)		1.90608	2.14434
Estimated new enrollment grades K, 1,2,3,4 (9.13%)		2.4024	2.7027
Estimated new enrollment grades 5, 6, 7, 8,9 (8.55%)		2.2572	2.53935
Estimated new enrollment grades 10,11,12 (7.48%)		1.97472	2.22156

The following chart illustrates the estimated growth in school-aged population over the next ten years taking into account the estimated build-out of housing units as of March 2008.

SUMMARY OF ESTIMATED PER GRADE LEVEL K THROUGH 12 ADDED ENROLLMENT TO BASE COHORT CALCULATION FOR EACH YEAR 2009 THROUGH 2014-2015 BASED ON THE HOUSING UNITS ON RECORD AS OF MARCH 2008 TO BE BUILT IN THE BRIARCLIFF SCHOOL DISTRICT

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
AGE 0-1	0.477	0.536	0.000	0.000	0.000	0.000
AGE 1-2	0.477	1.013	0.536	0.000	0.000	0.000
AGE 2-3	0.477	1.013	1.013	0.536	0.000	0.000
AGE 3-4	0.477	1.013	1.013	1.013	0.536	0.000
K	0.480	1.017	1.013	1.013	1.013	0.536
Grade 1	0.480	0.541	0.000	0.000	0.000	0.000
Grade 2	0.480	0.541	0.000	0.000	0.000	0.000
Grade 3	0.480	0.541	0.000	0.000	0.000	0.000
Grade 4	0.480	0.541	0.000	0.000	0.000	0.000
Grade 5	0.564	0.635	0.000	0.000	0.000	0.000
Grade 6	0.564	0.635	0.000	0.000	0.000	0.000
Grade 7	0.564	0.635	0.000	0.000	0.000	0.000
Grade 8	0.564	0.635	0.000	0.000	0.000	0.000
Grade 9	0.494	0.555	0.000	0.000	0.000	0.000

Grade 10	0.494	0.555	0.000	0.000	0.000	0.000
Grade 11	0.494	0.555	0.000	0.000	0.000	0.000
Grade 12	0.494	0.555	0.000	0.000	0.000	0.000
EST. TOTALS K-12	6.634	7.940	1.013	1.013	1.013	0.536

The Todd Road development is estimated to increase the school age population by about 18 pupils from 2009 through 2014. The base cohort K-12 low, mid, and high enrollment projections are recalculated by factoring the estimated added annual pupil enrollment estimated due to proposed housing unit development. ***Tables 8A; B, and C*** (FTC pages 17D, E, F) calculate the estimated low, mid and high enrollment impacts of the new population expected to move to the district based on proposed housing units slated for development in the Briarcliff School district.

Table 10 (FTC page 18B) summarizes the adjusted low, mid, and high enrollment projections taking into account the expected positive influence of the residential units coming to market.

Until the new family housing units are ready for sale, and until marketing results begin to take shape, the elementary and secondary enrollment totals suggested by the study as a result of assumed housing market conditions are more reliable for planning than individual grade level enrollment estimates at the time of publication. It important to note that the methodology of the study to estimate the potential impact of new housing construction rests on data about development approved or with the potential for approval in the near future as benchmarked to March 2008. It does not use data that total all potential building spaces *available* for development within the district. An ongoing regularly scheduled dialog with the knowledgeable representatives of each codes/planning office of each Town that makes up the school district should take place to know when other development is approved.

ENROLLMENT PROJECTION DATA AS A TOOL TO DEFINE BUILDING AID CEILING ESTIMATES

The table that follows summarizes the six enrollment projection calculations through 2017-2018 based on the application of the cohort survival statistic and the three

assumptions (***Tables Four, Five and Six)*** to project potential kindergarten enrollments in the future.

The table reports the enrollment projection data presented by the study in the format necessary to form the basis for determining State Education Department building aid ceiling allowances for potential facility projects involving additions. The total state-rated capacity of all classrooms in all respective district buildings designated for K-6 as measured by the SED Building Aidable Units (BAU's) protocol cannot exceed the total projected enrollment of K-6 pupils five years from now in order to qualify for the maximum aid ceiling. The secondary school which serves grades 7-12 qualifies for Building Aid Unit capacity of the classrooms based on the total projected enrollment of grades 7-12 pupils ten years from now.

ENROLLMENT PROJECTIONS TO HELP DEFINE BUILDING AIDABLE UNITS

Enrollment Projections: Baseline linear cohort survival statistic calculations based on live birth trends and historical enrollment since 2002-2003 to the present and the estimated influence of new single family homes to the housing market.

Calculation	Year	Grades K-6	Grades 7-12
CURRENT ENROLLMENT	2007-2008	879	894
Base Low Range	2012-2013	813	
	2017-2018		871
Base Mid Range (see *Table 6*, FTC page 12D for explanation)	2012-2013	793	
	2017-2018		825
Base High Range	2012-2013	897	
	2017-2018		925
Base Low Range Plus Housing	2012-2013	820	
	2017-2018		878
Base Mid Range Plus Housing (see *Table 6*, FTC page 12D for explanation)	2012-2013	800	
	2017-2018		833
Base High Range Plus Housing	2012-2013	904	
	2017-2018		933

The highlighted projections substantiate the highest number of Building Aidable Units available to the district at this time.

ENROLLMENT PROJECTION DATA AS A TOOL TO HELP DEFINE PROGRAM CAPACITY FOR THE FUTURE

The table below also reports the enrollment projection data presented by the study in annual K-12 format. This table can be helpful as the district undertakes its ongoing program/staff planning effort.

ENROLLMENT PROJECTIONS TO HELP AID DISCUSSIONS ABOUT THE FUTURE VISION FOR THE PROGRAM K-12

Enrollment Projections: Baseline linear cohort survival statistic calculations based on live birth trends and historical enrollment since 2002-2003 to the present and the estimated influence of new single family homes to the housing market.

Calculation	Year	Grades K-5	Grades 6-8	Grades 9-12	Grades K-12
CURRENT ENROLLMENT	2007-2008	744	387	642	1773
Base Low Range	2012-2013	698	396	616	1710
	2015-2016	609	394	608	1611
	2017-2018	550	387	591	1529
Base Mid Range (see *Table 6*, FTC page 12D for explanation)	2012-2013	678	396	616	1690
	2015-2016	658	368	608	1633
	2017-2018	643	362	583	1588
Base High Range	2012-2013	782	396	616	1794
	2015-2016	731	425	608	1765
	2017-2018	685	446	606	1738
Base Low Range Plus Housing	2012-2013	705	399	621	1725
	2015-2016	614	398	613	1625
	2017-2018	553	391	596	1541
Base Mid Range Plus Housing (see *Table 6*, FTC page 12D for explanation)	2012-2013	685	399	621	1705
	2015-2016	663	371	613	1647
	2017-2018	646	365	588	1599
Base High Range Plus Housing	2012-2013	789	399	621	1809
	2015-2016	736	429	613	1778
	2017-2018	688	450	612	1750

Cautions Concerning Enrollment Projections

The enrollment projections are based on assumptions about future human behavior and as such there are built-in uncertainties, especially for years further in the future. Key factors of population change relating to school enrollments are often interrelated and can multiply as one or more factors unexpectedly change or change significantly from their status at the time of this study. Future enrollments are positively affected by:

- Added births in the district and the resulting added kindergarten enrollments.
- The reductions in private school/home school/charter school enrollments
- The increase in the enrollment retention of students through grade 12 as completers of a diploma program.
- A robust employment market that can attract new residents with children and/or who are at childbearing age.
- A robust housing market that can attract new residents with children and/ or who are at childbearing age.
- Increased enrollment of tuitioned students from other school districts.

Similarly, future enrollment projections can be negatively affected by the antitheses of the same variables. Therefore, the enrollment projection estimates should be revisited and updated yearly if there are any major changes in: the assumptions that base the methodology of this study, the annual live birth data for the district, major shifts in housing market and employment market opportunities from what has been expected, changes in the educational program offered, and/or changes in the non-public school, charter school, or out of school district enrollments by Briarcliff Manor School District residents.

RECOMMENDED APPROACH TO UTILIZE K-12 ENROLLMENT PROJECTION DATA FOR PLANNING

The study analyzes historical birth trends of the catchment area and the kindergarten enrollments of the Briarcliff Manor School District. The application of trending historical

Briarcliff Manor grade level enrollments as a benchmark to predict future enrollment patterns is also undertaken.

What can the Board, senior administration, and community do to plan accurately the school district programs and facilities for the future and how can the enrollment projections of this study help that planning?

- First, the Board and senior administration should continue their focus on refining their consensus about their values, intuition, and vision-- as inspired by the values of the community-- of the future of the school district with regard to student programming and the role of the district in community and economic development. Most critical to successful long range school program and facility planning is *defining the vision of the program the Board and community expect to provide to the students of the district.* Facility form follows program function. A successful facility long-range facility plan occurs when the planning is viewed as a 'curriculum project' and not as solely a 'brick and mortar' plan.

- Second, it is recommended that the high-range enrollment projection calculations, taking into account the addition of single family homes that are approved for development as of March 2008 be utilized as an initial basis to project future student capacity needs for program and facility planning over the next three to five years. Planning the high range projections plus assuming up to an additional 10% in available facility capacity will allow the district some flexibility to accommodate future changes in enrollments and allow for some flexibility to accommodate potential program changes or additions. Critical to long-range facility planning is judging the cohort of student clients the district will serve in the future. The State Education Department guidelines, which define a building aid ceiling for proposed school facility projects, rely on enrollment projections five years into the future for elementary K-6 enrollment and ten years into the future for grades 7-12. The SED also recognizes the reasonableness of about a 10% additional capacity flexibility factor compared to projected enrollments. Estimates of facility capacities needed to serve expected student enrollments should be prudent. Facilities cannot be over-built. They also

cannot be under-built given the commitment of the community to support building projects and given the time it takes to plan and build school facilities. In addition, the district senior leadership has a responsibility to present credible data that will allow the State of New York to provide the maximum state building aid possible in support of the student programming envisioned by the Board and community for the Briarcliff Manor School District. Each potential facility project has unique nuances. Therefore, if Briarcliff Manor pursues any type of facility project, the assigned SED project manager is an important resource to the district to help achieve the goals and vision of the district.

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3487 Nelson Place East
Canastota, New York 13032

APPENDIX:

FIGURES, TABLES, CHARTS

TABLE 1

LIVE BIRTHS IN THE CATCHMENT AREA SERVED BY THE
BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT
AS REPORTED BY THE NEW YORK STATE DEPARTMENT OF HEALTH
1983-2006

TOWN	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	*TOTAL*
Mt. Pleasant 5.30%	202	199	206	211	270	308	307	300	300	319	245	283	268	259	276	284	281	312	242	267	223	172	192	140	6066
Ossining 17.50%	103	120	95	113	80	68	66	82	91	123	84	89	70	75	78	95	69	83	89	90	87	140	123	144	2257
Village of Briarcliff Manor 100%	49	66	63	69	66	73	88	87	89	79	100	70	77	72	81	71	94	95	79	89	94	101	102	69	1923
TOTAL BIRTHS	*77.73*	*97.55*	*90.54*	*99.96*	*94.31*	*101.2*	*115.8*	*117.3*	*120.8*	*117.4*	*127.7*	*100.6*	*103.5*	*98.85*	*109.3*	*102.7*	*121*	*126.1*	*107.4*	*118.9*	*121*	*134.6*	*133.7*	*101.6*	*2639.5*
WESTCHESTER COUNTY-WIDE TOTAL BIRTHS	10313	10294	10694	11031	11719	12168	12707	13233	13333	13139	12946	13002	12980	12696	12655	12829	12598	13299	12799	12807	12789	12405	12080	10194	*272436*
BRIARCLIFF UFSD CATCHMENT AREA BIRTHS TO WESTCHESTER COUNTY BIRTHS RATIO	0.008	0.009	0.008	0.009	0.008	0.008	0.009	0.009	0.009	0.009	0.010	0.008	0.008	0.008	0.009	0.008	0.010	0.009	0.008	0.009	0.009	0.011	0.011	0.010	0.0097

TABLE 2

KINDERGARTEN ENROLLMENT OF THE BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT 1987-2007

1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
67	66	72	80	92	81	90	111	95	122	112	120	111	115	118	126	99	126	119	99	106

FIGURE ONE: WESTCHESTER COUNTY LIVE BIRTHS 1986-2005

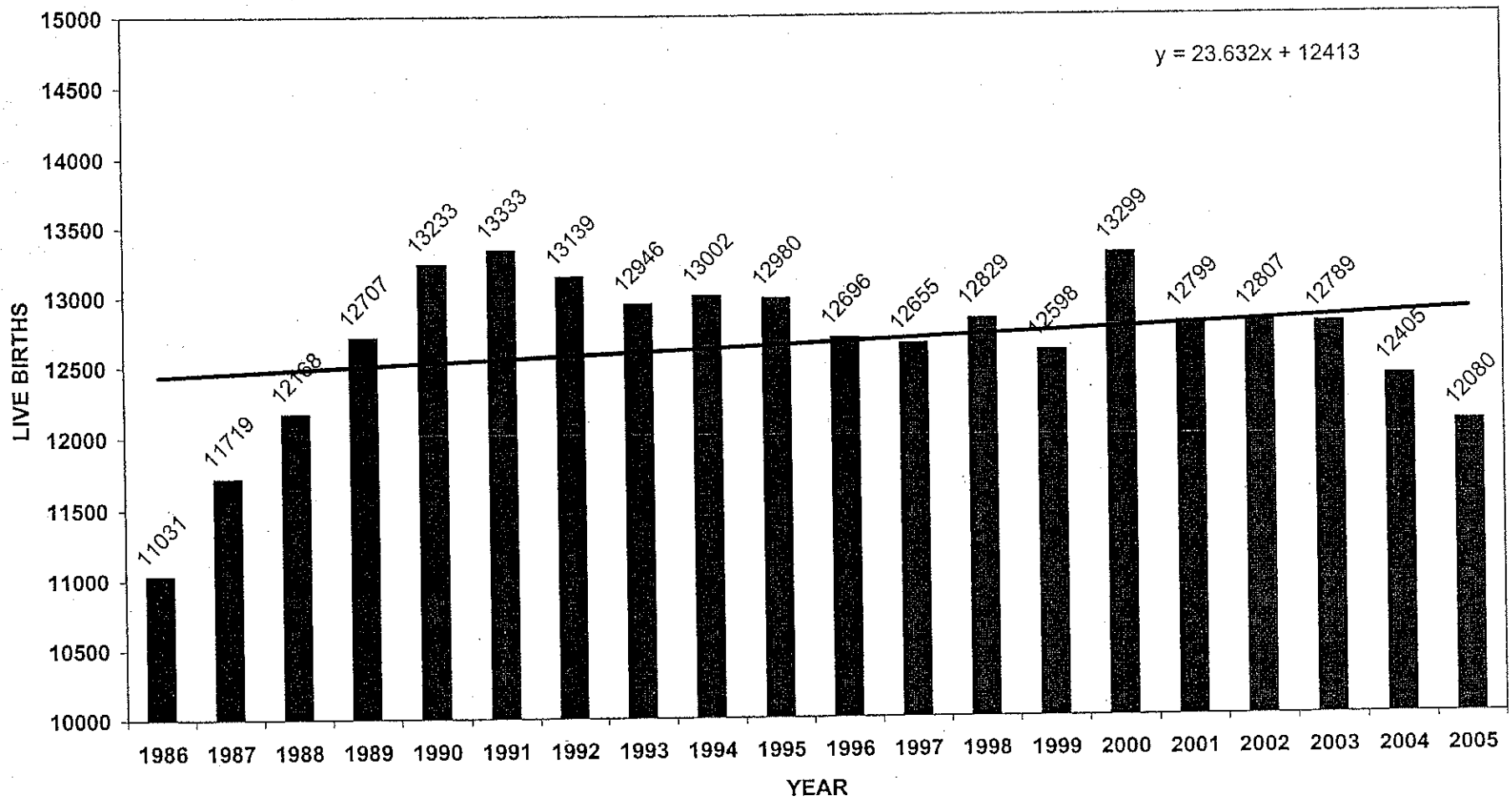


FIGURE TWO: BRIARCLIFF MANOR UFSD CATCHMENT AREA LIVE BIRTHS 1986-2005

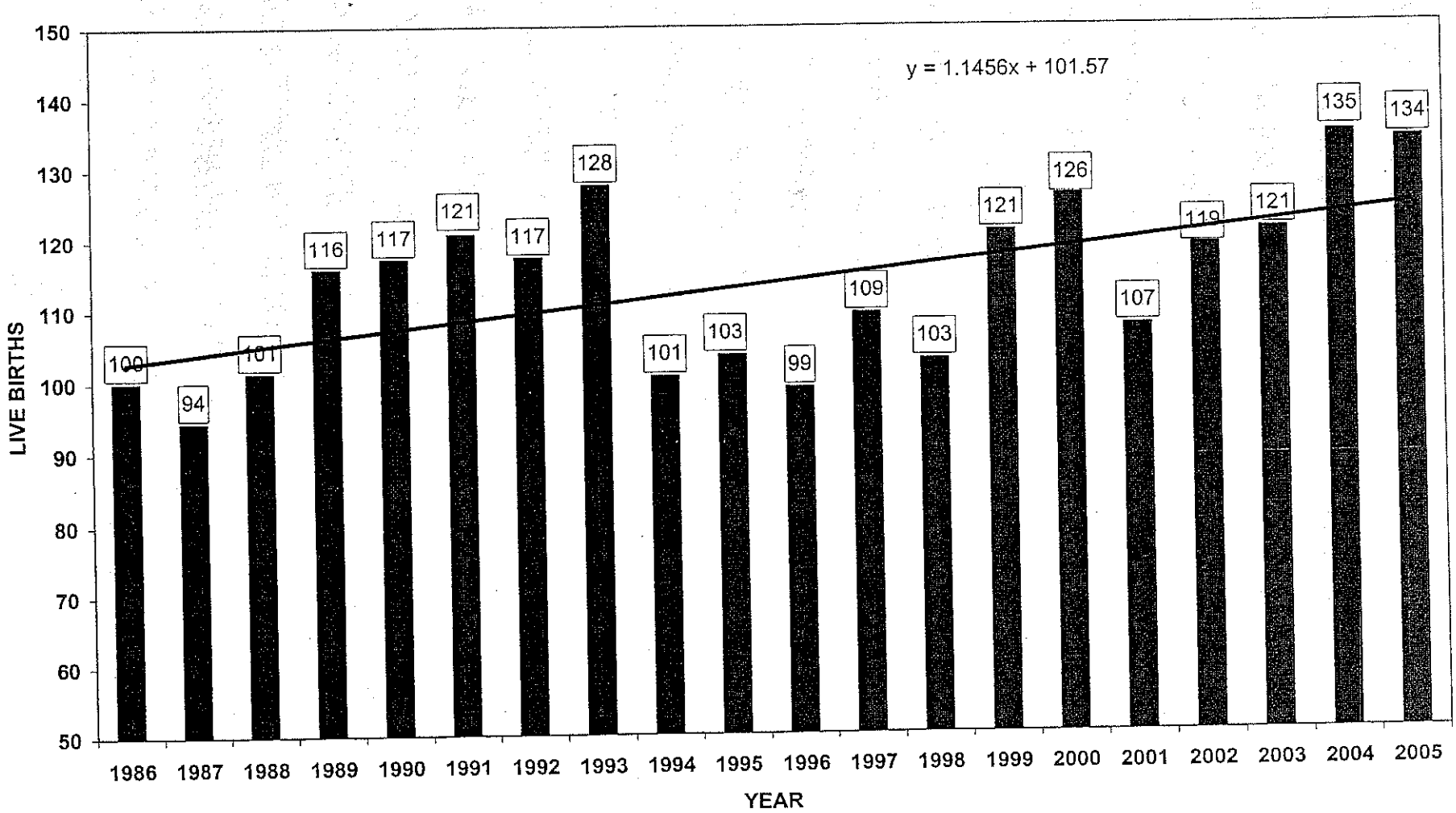


FIGURE THREE: RATIOS OF BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA LIVE BIRTHS TO WESTCHESTER COUNTY LIVE BIRTHS 1986-2005

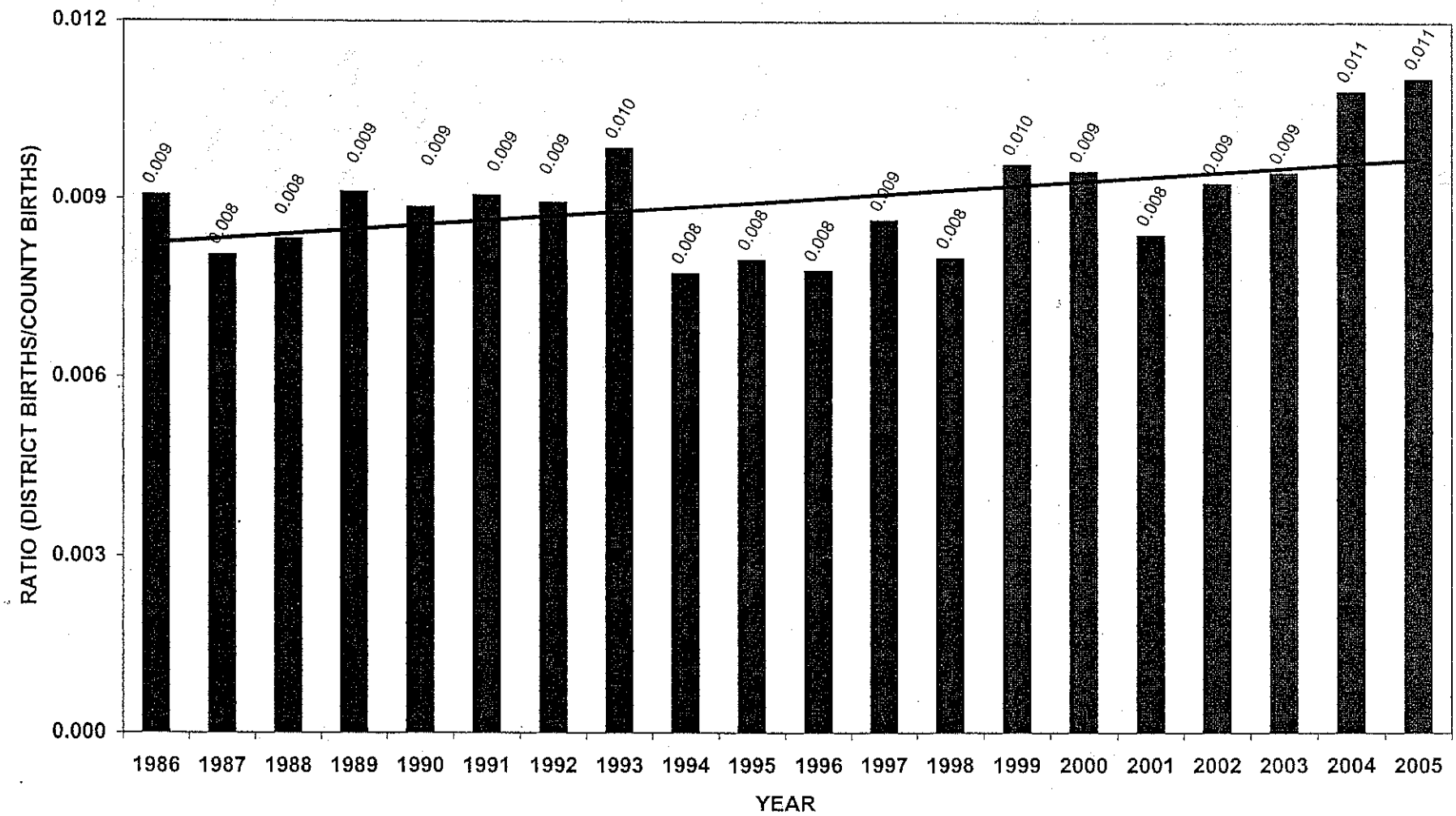


FIGURE FOUR: LIVE BIRTHS IN WESTCHESTER COUNTY 1996-2005

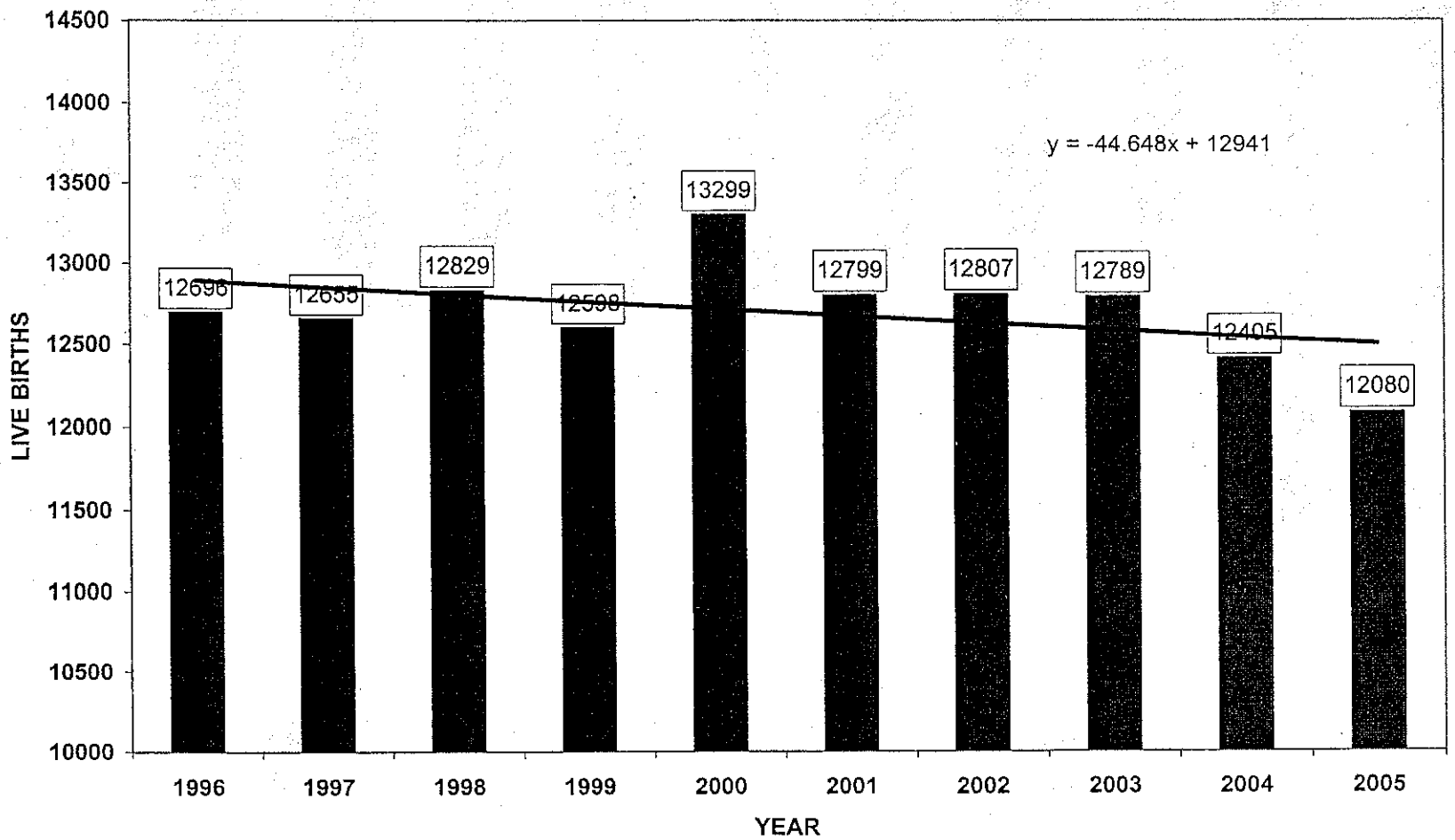


FIGURE FIVE: LIVE BIRTHS IN THE BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA 1996-2005

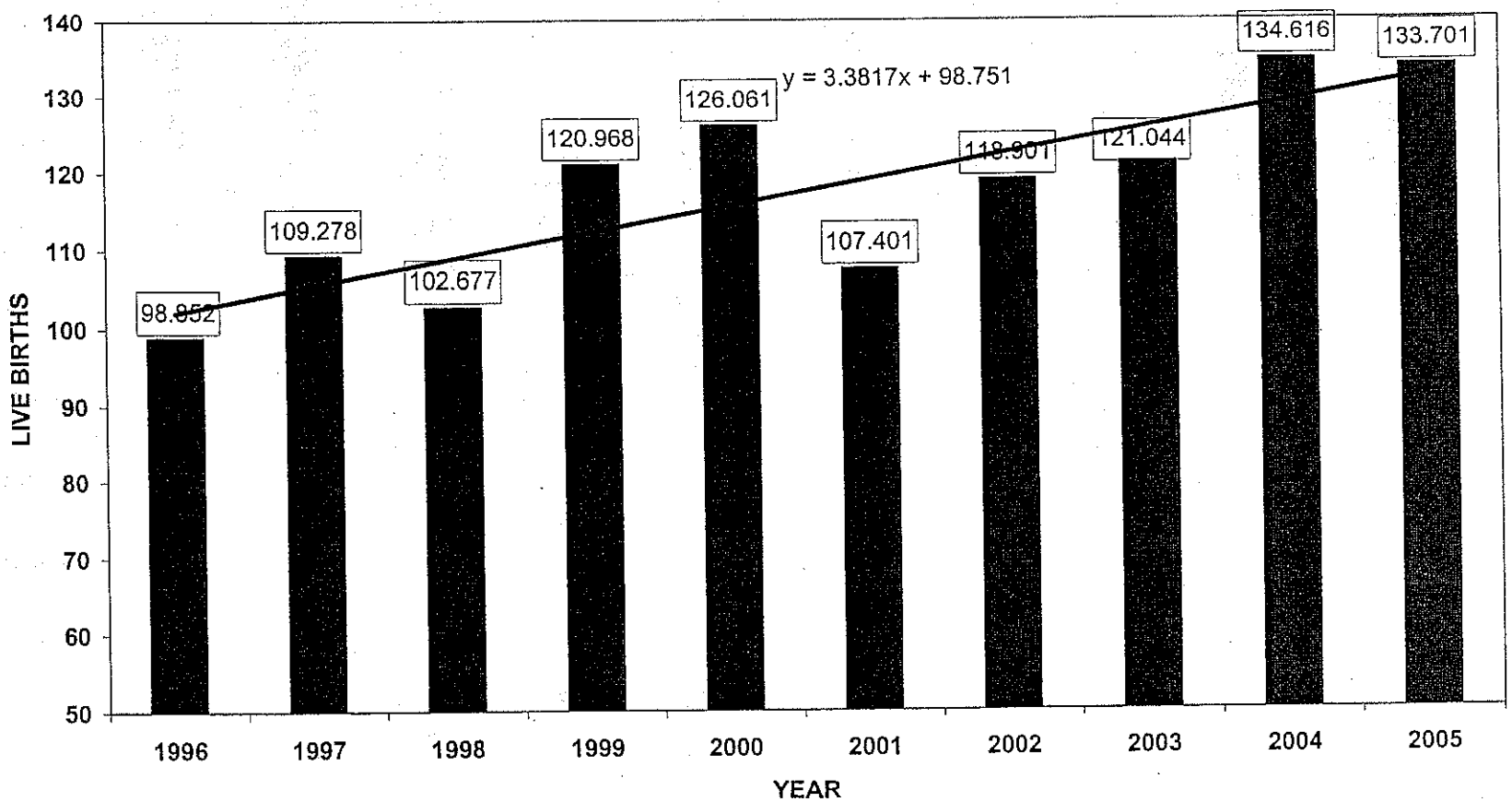


FIGURE FIVE-A: LIVE BIRTHS IN THE BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA 1996-2000

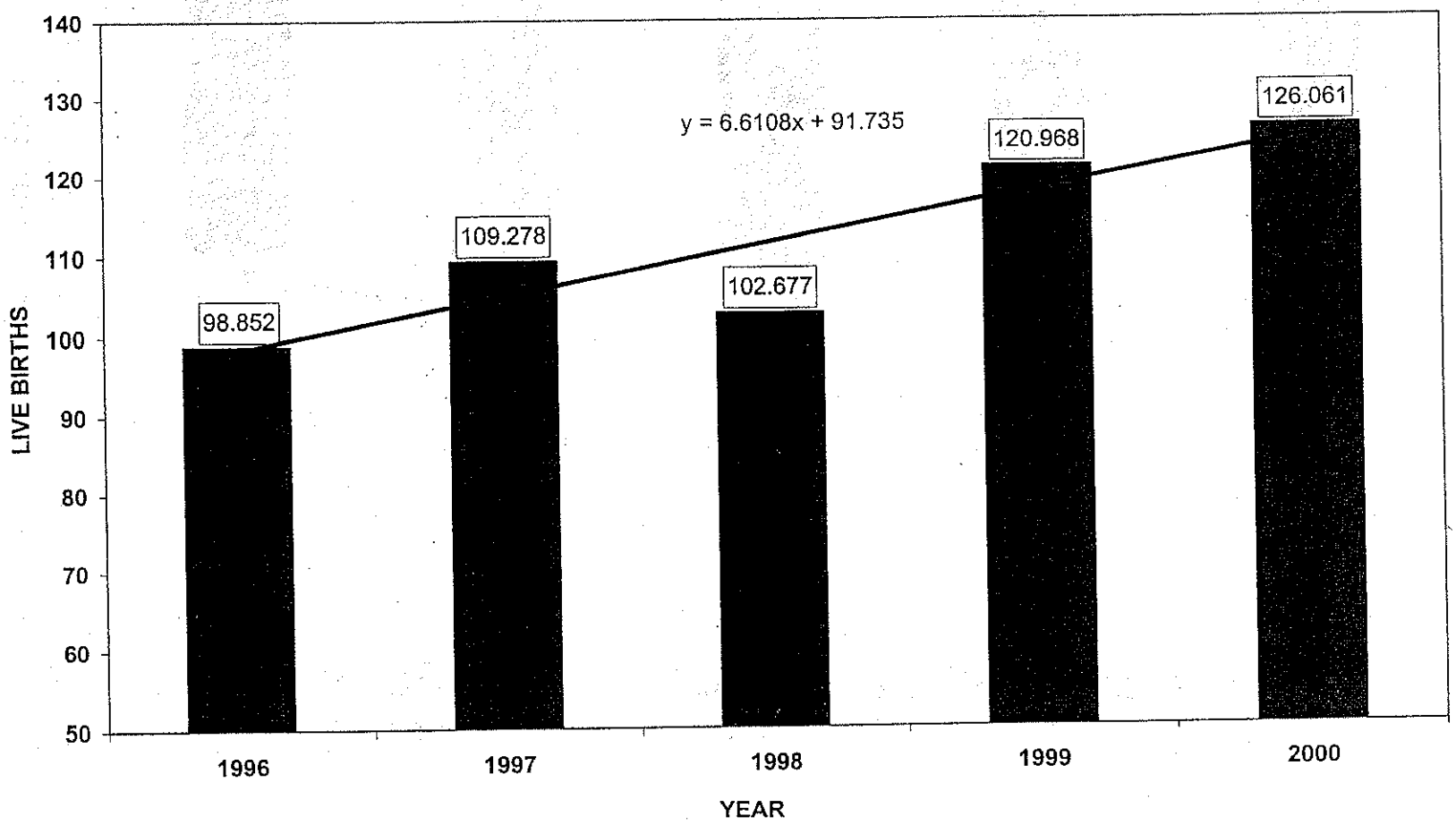


FIGURE FIVE-B: LIVE BIRTHS IN THE BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA 2001-2005

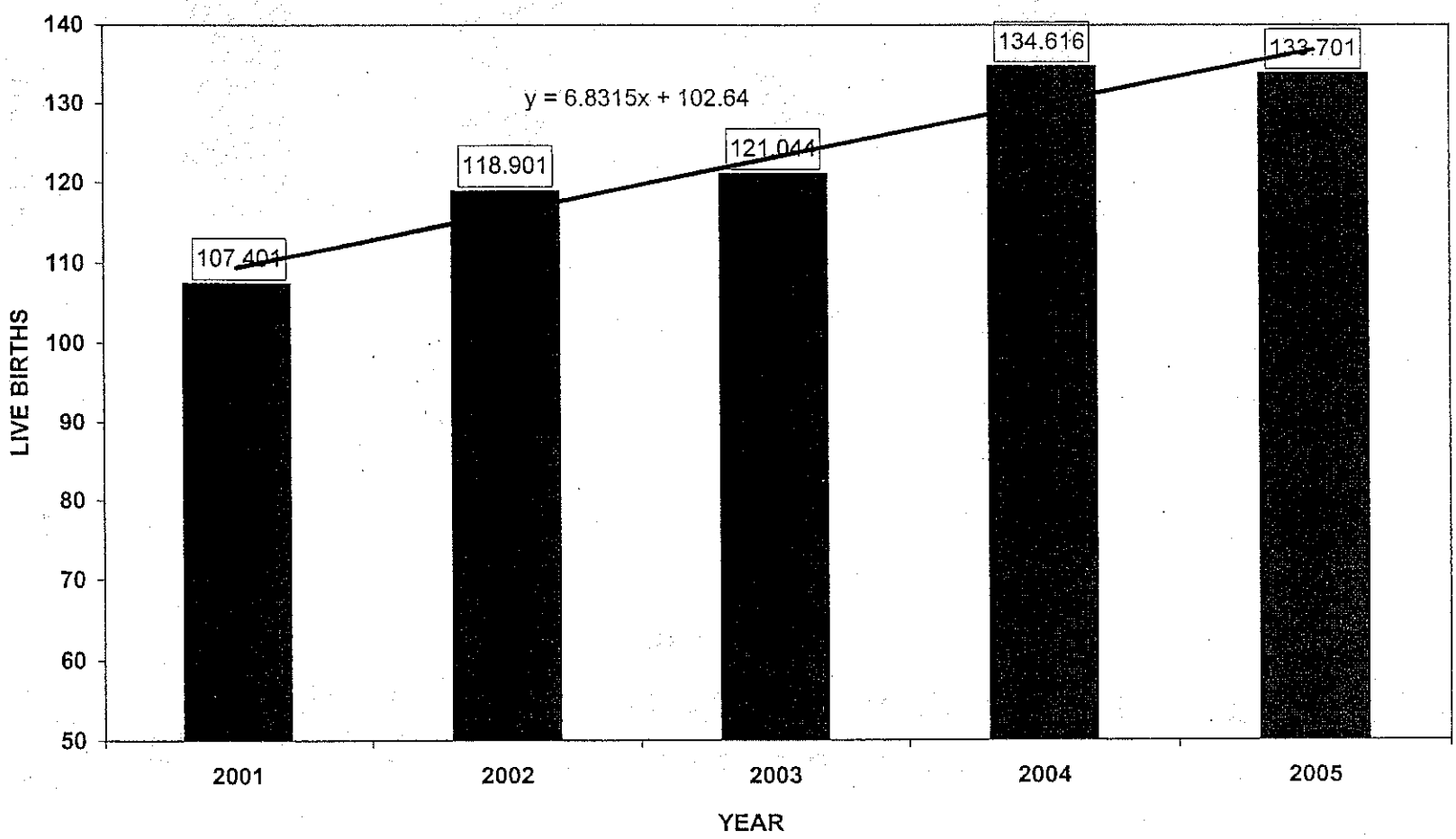


FIGURE SIX: RATIOS OF BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA LIVE BIRTHS TO WESTCHESTER COUNTY LIVE BIRTHS 1996-2005

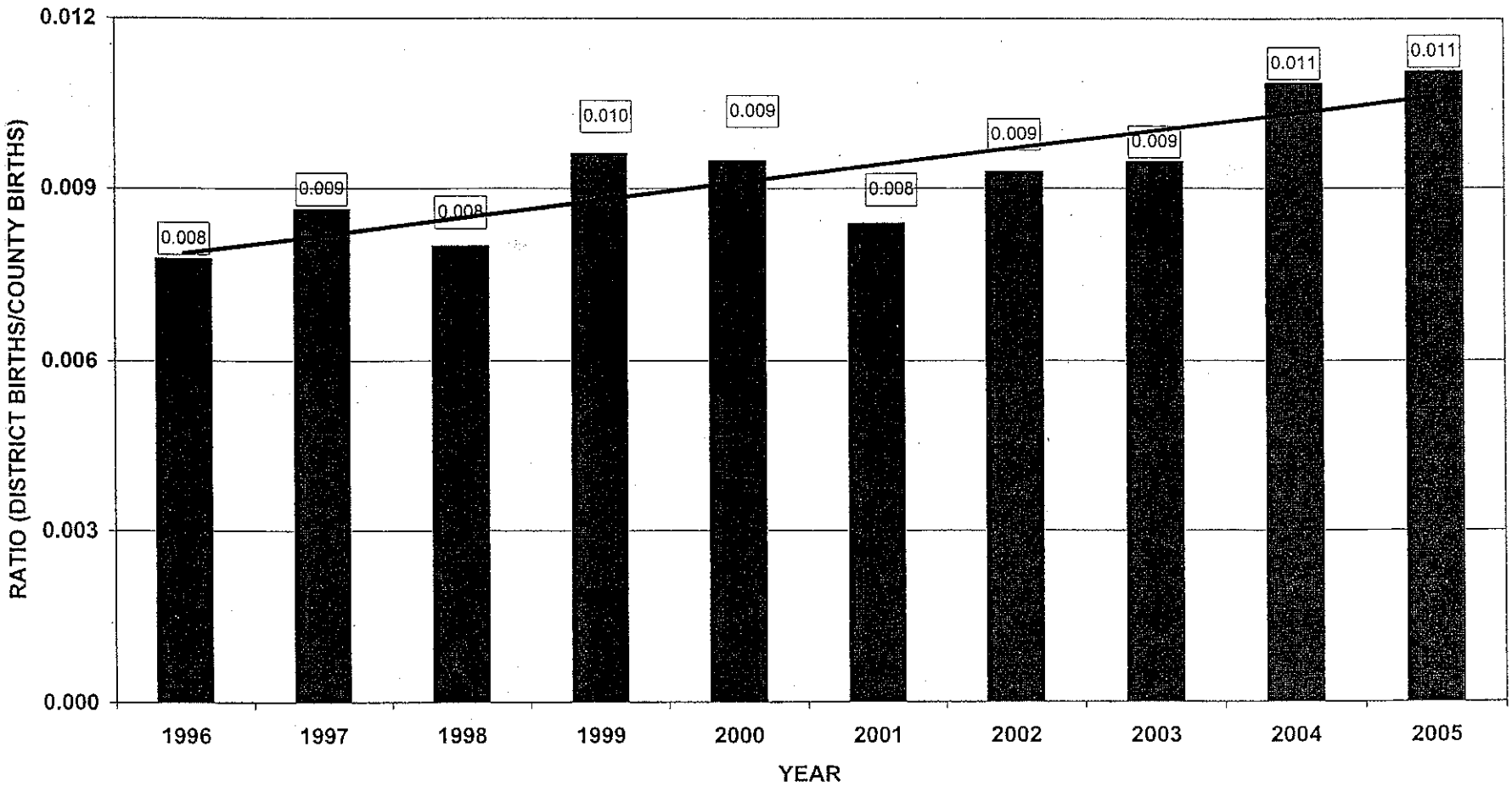


FIGURE SEVEN: BRIARCLIFF MANOR UFSD CATCHMENT AREA AND WESTCHESTER COUNTY BIRTH TRENDS 1996-2005

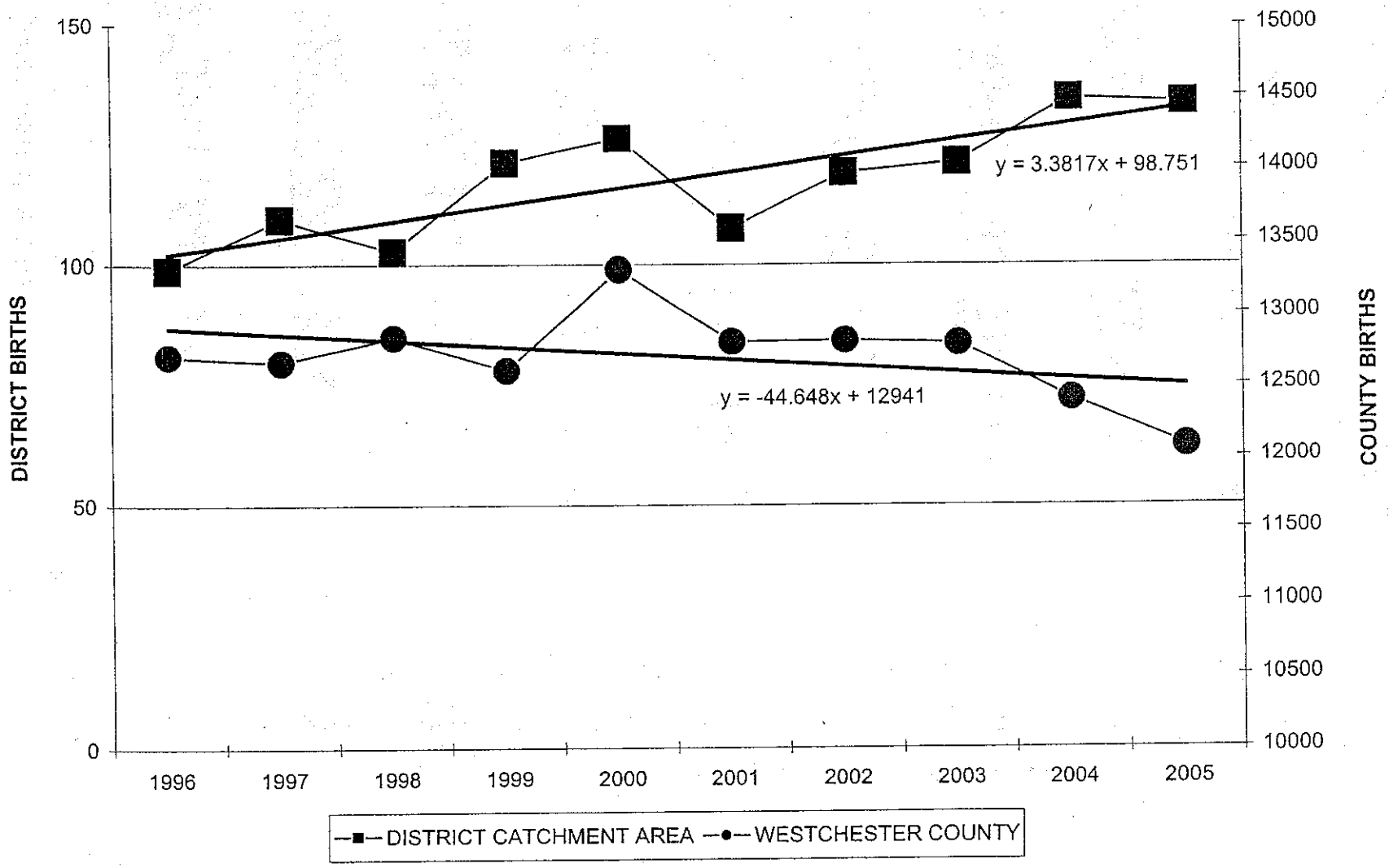


FIGURE EIGHT-A: BRIARCLIFF MANOR UFSD KINDERGARTEN ENROLLMENT 1988-2007

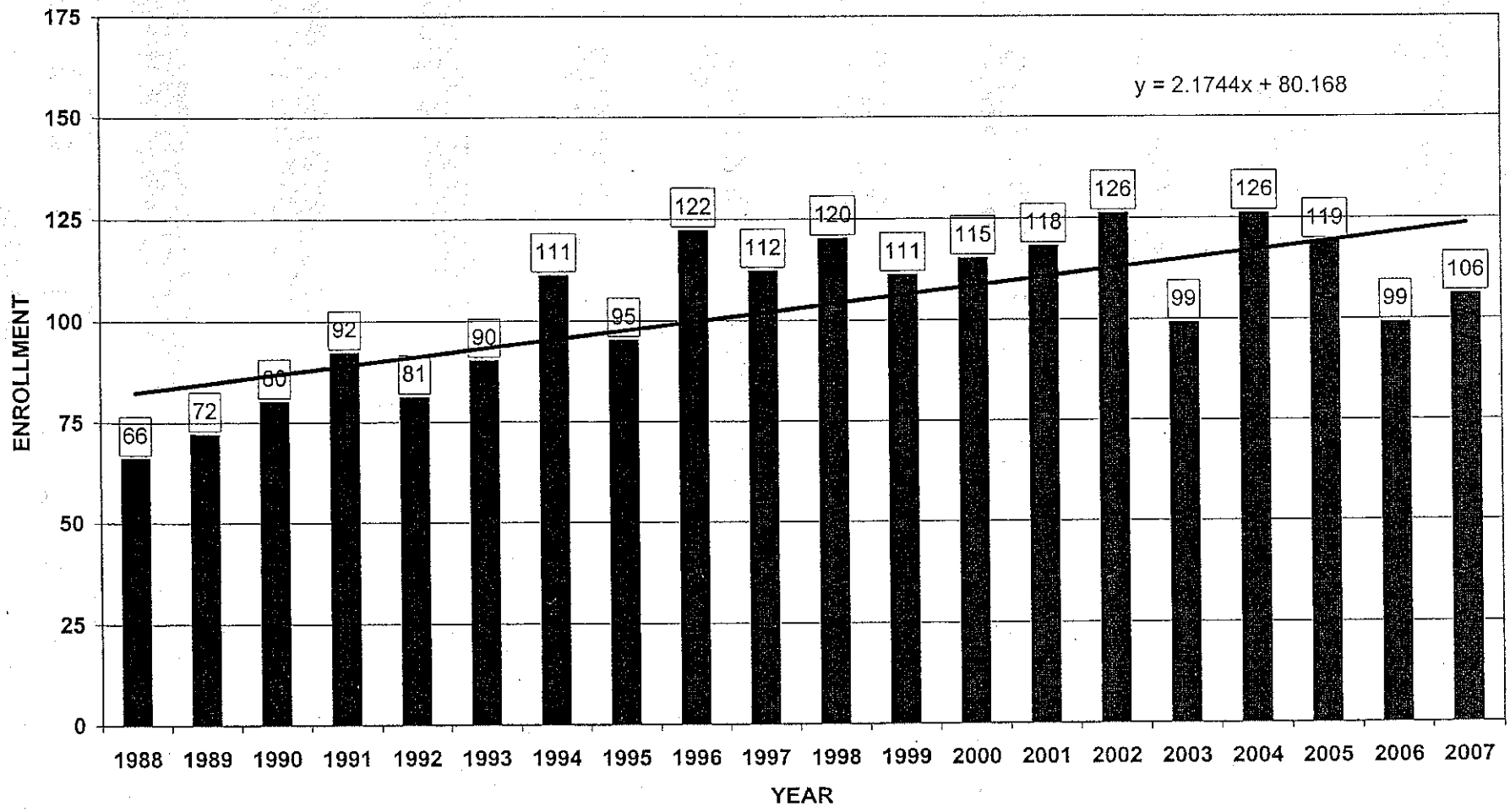


FIGURE EIGHT-B: BRIARCLIFF MANOR UFSD KINDERGARTEN ENROLLMENT 1998-2007

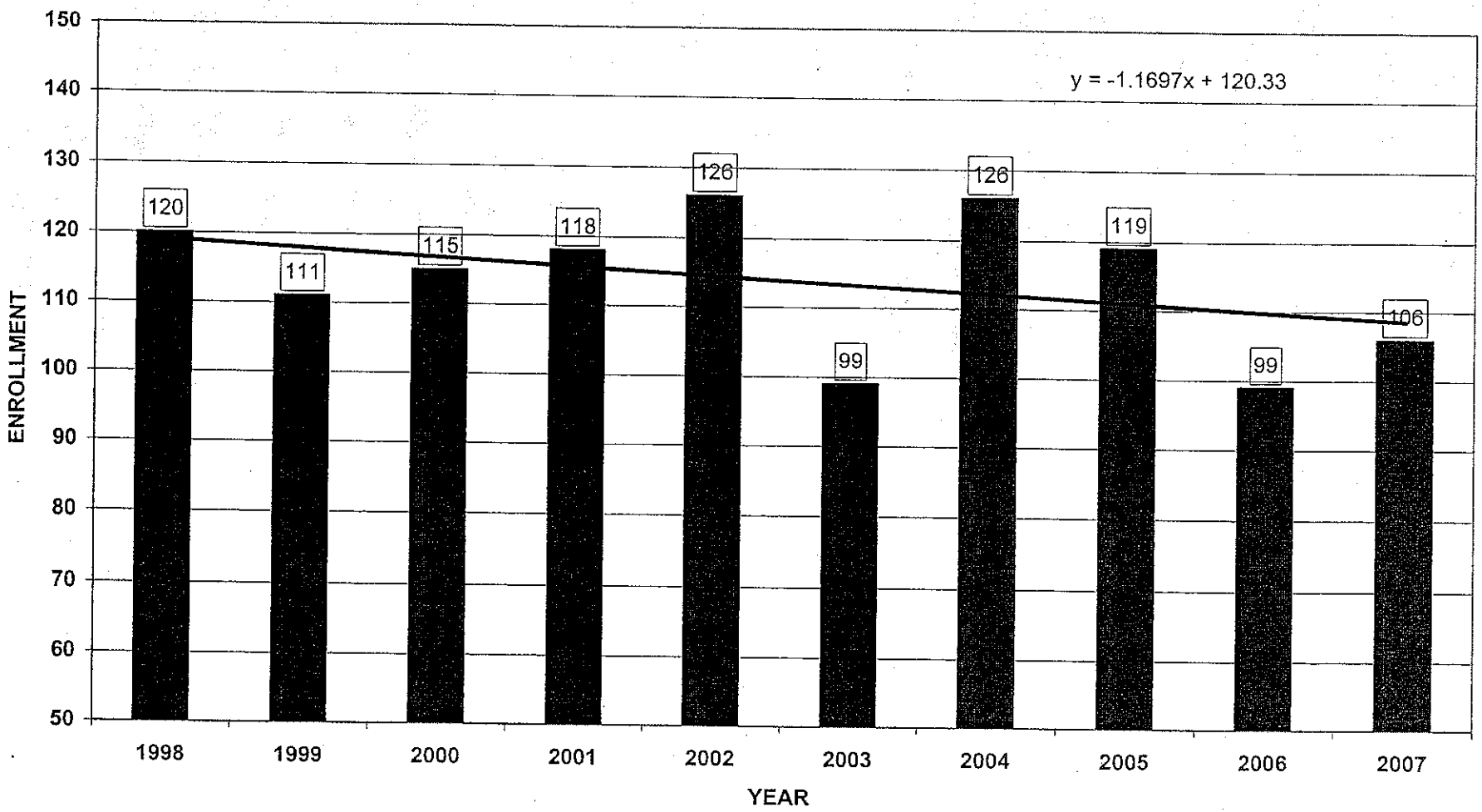


FIGURE NINE-A: BRIARCLIFF MANOR KINDERGARTEN ENROLLMENT 1998-2002

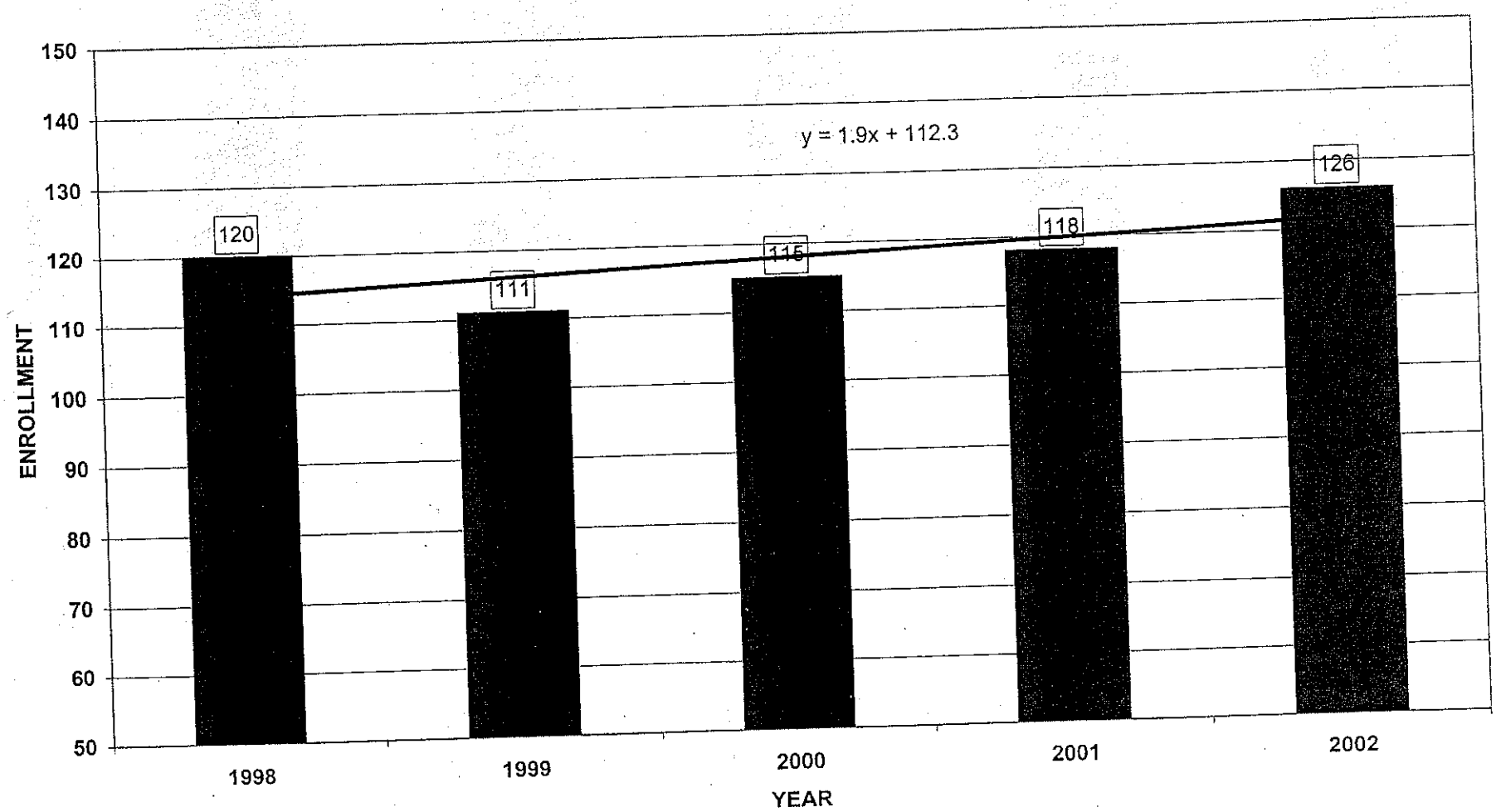


FIGURE NINE-B: BRIARCLIFF MANOR KINDERGARTEN ENROLLMENT 2003-2007

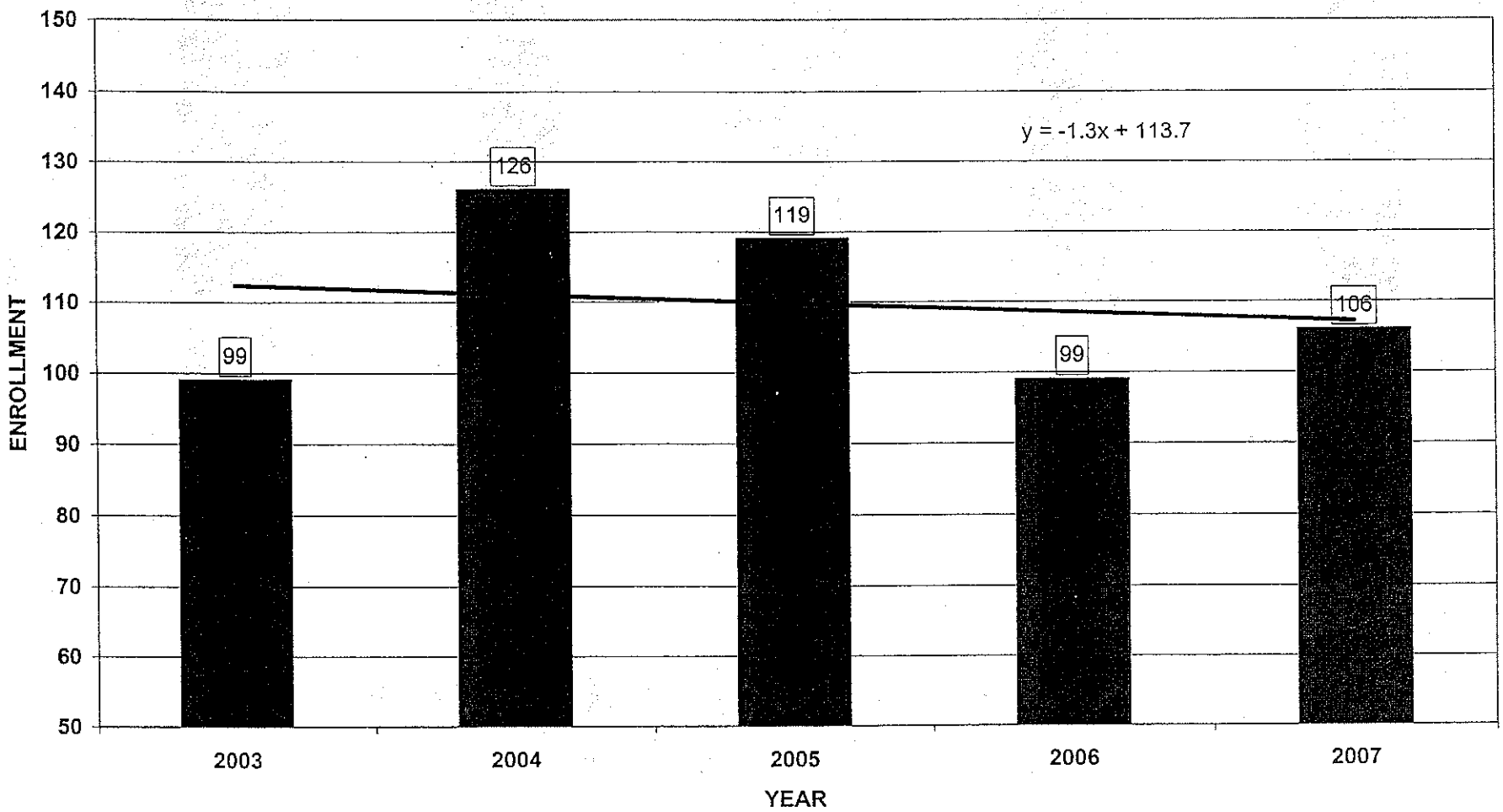


FIGURE TEN: KINDERGARTEN ENROLLMENT 1998-2007 AND CATCHMENT AREA LIVE BIRTHS 1993-2002

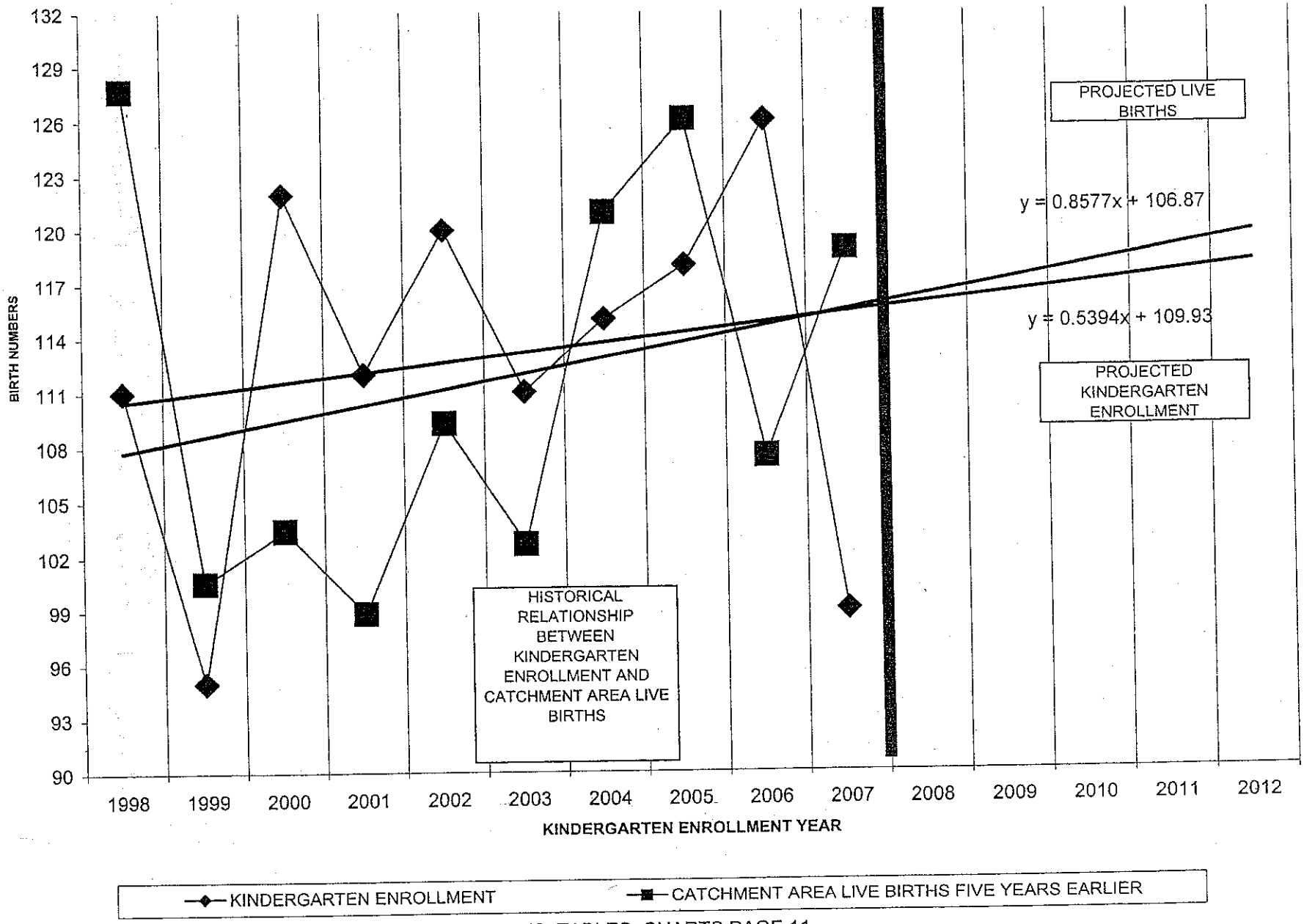


TABLE 3

RATIOS OF YEARLY KINDERGARTEN ENROLLMENTS
OF THE BRIARCLIFF MANOR SCHOOL DISTRICT
SINCE 1996
AND THE LIVE BIRTHS FIVE YEARS EARLIER
IN THE CATCHMENT AREA
OF THE DISTRICT

COMPARISON YEARS	K ENROLL	LIVE BIRTHS CATCH. AREA	KIND/ BIRTHS RATIO
1996 K STUDENTS TO 1991 BIRTHS	122	121	**1.008264**
1997 K STUDENTS TO 1992 BIRTHS	112	117	**0.957265**
1998 K STUDENTS TO 1993 BIRTHS	120	128	**0.9375**
1999 K STUDENTS TO 1994 BIRTHS	111	101	**1.09901**
2000 K STUDENTS TO 1995 BIRTHS	115	104	**1.105769**
2001 K STUDENTS TO 1996 BIRTHS	118	99	**1.191919**
2002 K STUDENTS TO 1997 BIRTHS	126	109	**1.155963**
2003 K STUDENTS TO 1998 BIRTHS	99	103	**0.961165**
2004 K STUDENTS TO 1999 BIRTHS	126	121	**1.041322**
2005 K STUDENTS TO 2000 BIRTHS	119	126	**0.944444**
2006 K STUDENTS TO 2001 BIRTHS	99	107	**0.925234**
2007 K STUDENTS TO 2002 BIRTHS	106	119	**0.890756**

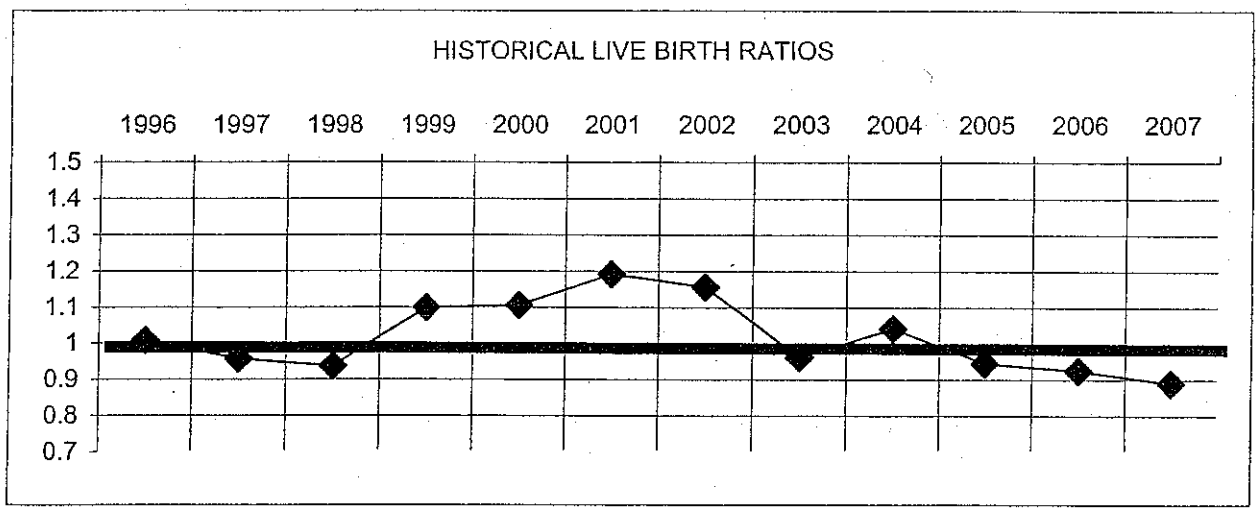


TABLE 4

PROJECTED BRIARCLIFF MANOR 2008-2019 KINDERGARTEN ENROLLMENTS BASED UPON (A) THE EXPONENTIAL TREND ANALYSIS OF THE HISTORICAL PATTERN OF CATCHMENT AREA LIVE BIRTHS FROM 1996 THROUGH 2005, AND (B) THE RATIO DERIVED FROM TOTAL CATCHMENT AREA LIVE BIRTHS AND TOTAL DISTRICT KINDERGARTEN ENROLLMENT COMPARISON DATA FOR TEN YEARS SINCE 1998

YEAR	PROJECTED K-ENROLL.	YEAR	LIVE BIRTHS CATCH. AREA	K-ENROLL TO LIVE BIRTH RATIO '98-'07
2008	123	2003	121	1.019696
2009	138	2004	135	1.019696
2010	137	2005	134	1.019696
			PROJECTED LIVE BIRTHS	
2011	110	2006	107	1.019696
2012	108	2007	106	1.019696
2013	107	2008	105	1.019696
2014	106	2009	104	1.019696
2015	105	2010	103	1.019696
2016	104	2011	102	1.019696
2017	102	2012	100	1.019696
2018	101	2013	99	1.019696
2019	100	2014	98	1.019696

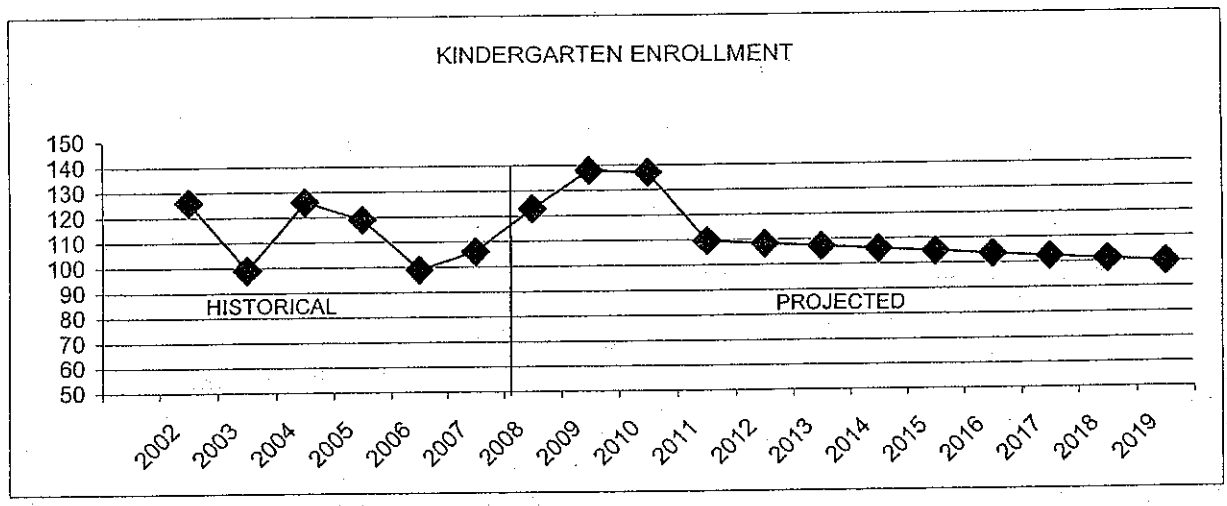


TABLE 5

PROJECTED BRIARCLIFF MANOR 2008-2019 KINDERGARTEN ENROLLMENTS BASED UPON EXPONENTIAL TREND ANALYSES OF THE HISTORICAL PATTERNS OF: (A) THE RATIOS DERIVED FROM COMPARING ANNUAL KINDERGARTEN ENROLLMENTS 1998 THROUGH 2007 WITH ANNUAL CATCHMENT AREA BIRTHS FIVE YEARS EARLIER, AND (B) THE CATCHMENT AREA LIVE BIRTHS FROM 1996 THROUGH 2005

YEAR	PROJECTED K-ENROLL.	YEAR	LIVE BIRTHS CATCH. AREA	EST. K-ENROLL TO LIVE BIRTH RATIO
2008	112	2003	121	0.921896
2009	122	2004	135	0.905048
2010	119	2005	134	0.888507
			PROJECTED LIVE BIRTHS	
2011	93	2006	107	0.872269
2012	91	2007	106	0.856328
2013	88	2008	105	0.840678
2014	86	2009	104	0.825314
2015	83	2010	103	0.81023
2016	81	2011	102	0.795423
2017	78	2012	100	0.780886
2018	76	2013	99	0.766614
2019	74	2014	98	0.752604

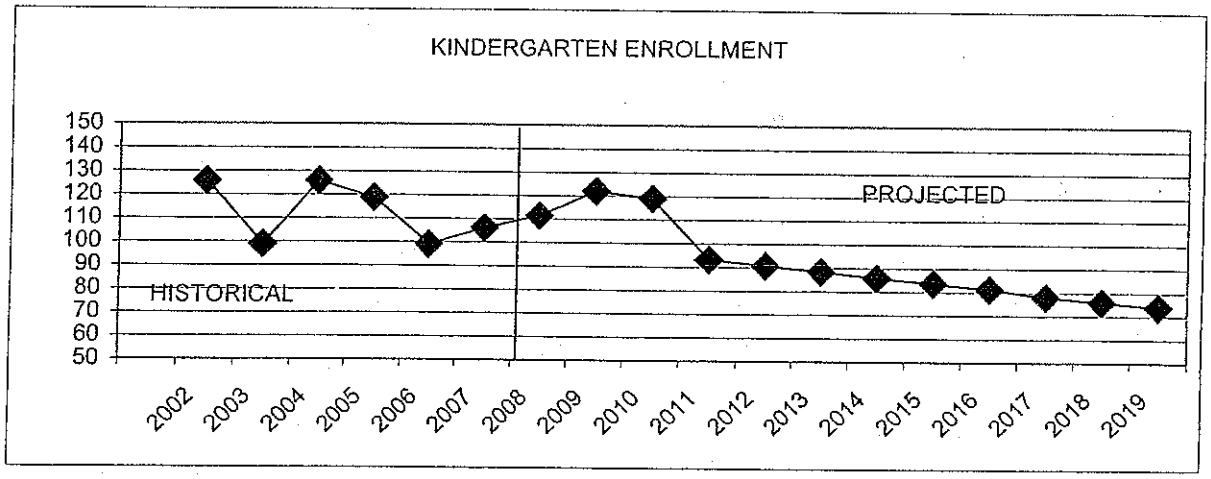


TABLE 6

PROJECTED BRIARCLIFF MANOR SCHOOL DISTRICT
2008-2019 KINDERGARTEN ENROLLMENTS
BASED UPON AN EXPONENTIAL TREND ANALYSIS
OF THE HISTORICAL PATTERN OF KINDERGARTEN ENROLLMENT
DATA FOR THE PAST FIVE YEARS 2003-2007

YEAR	PROJECTED K-ENROLL.	YEAR	LIVE BIRTHS ENROLL. AREA	EST. K-ENROLL TO ENROLL. AREA LIVE BIRTH RATIO
2008	106	2003		
2009	105	2004		
2010	104	2005		
			PROJECTED LIVE BIRTHS	
2011	103	2006		
2012	102	2007		
2013	101	2008		
2014	99	2009		
2015	98	2010		
2016	97	2011		
2017	96	2012		
2018	95	2013		
2019	94	2014		

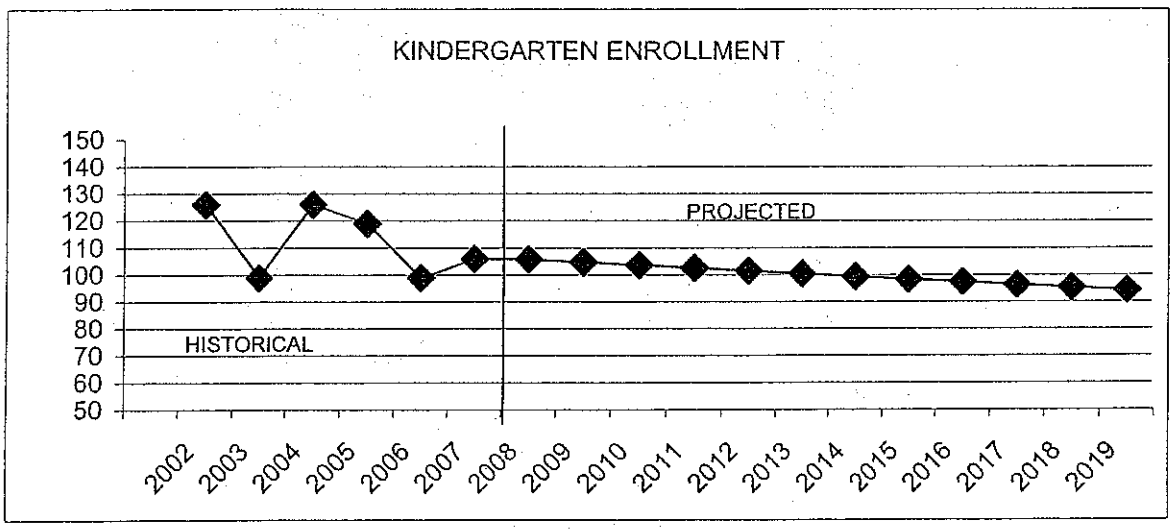


CHART ONE-A: HISTORICAL K-12 ENROLLMENT
2002-2007

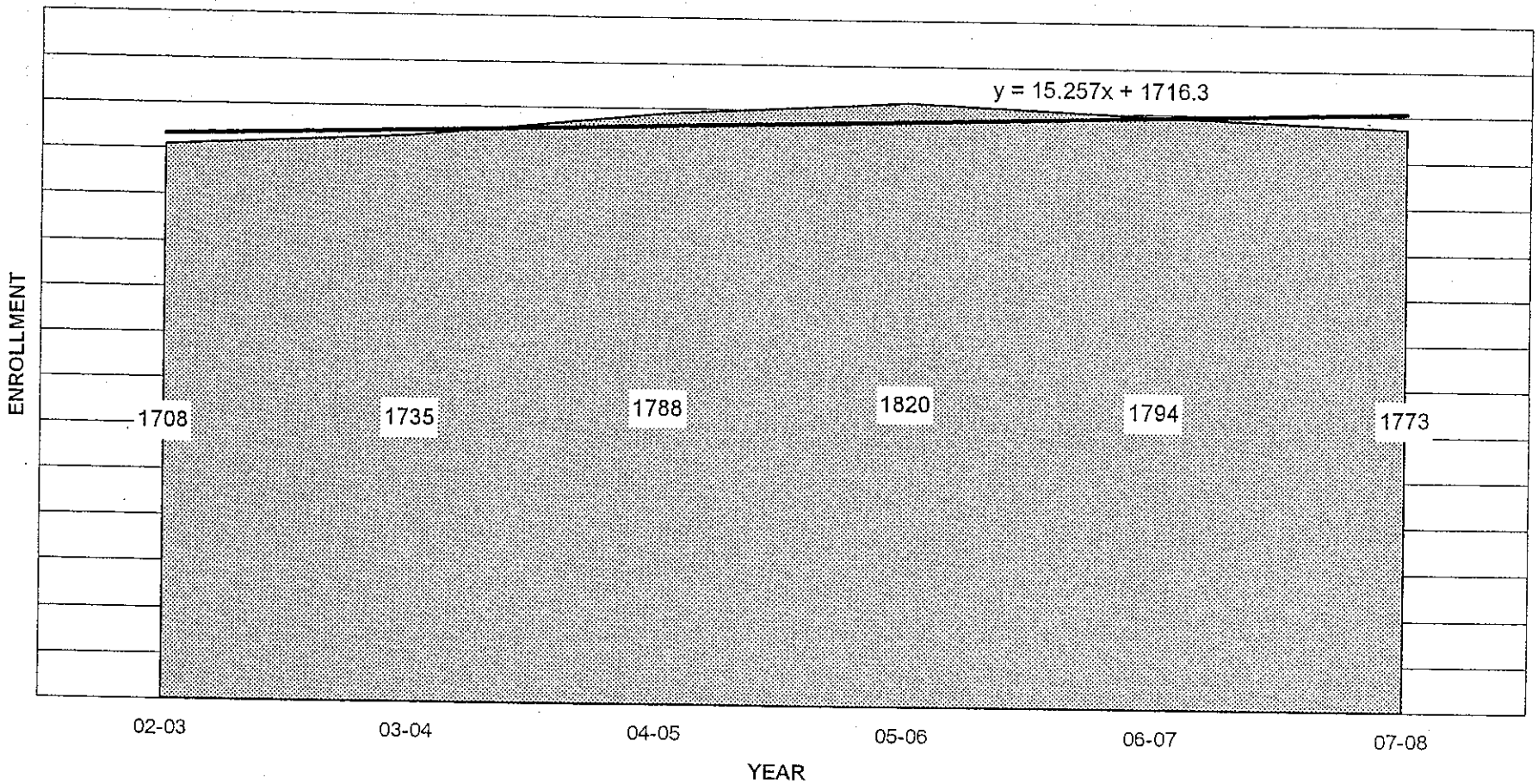


CHART ONE-B: HISTORICAL K-6, 7-12 ENROLLMENT 2002-2007

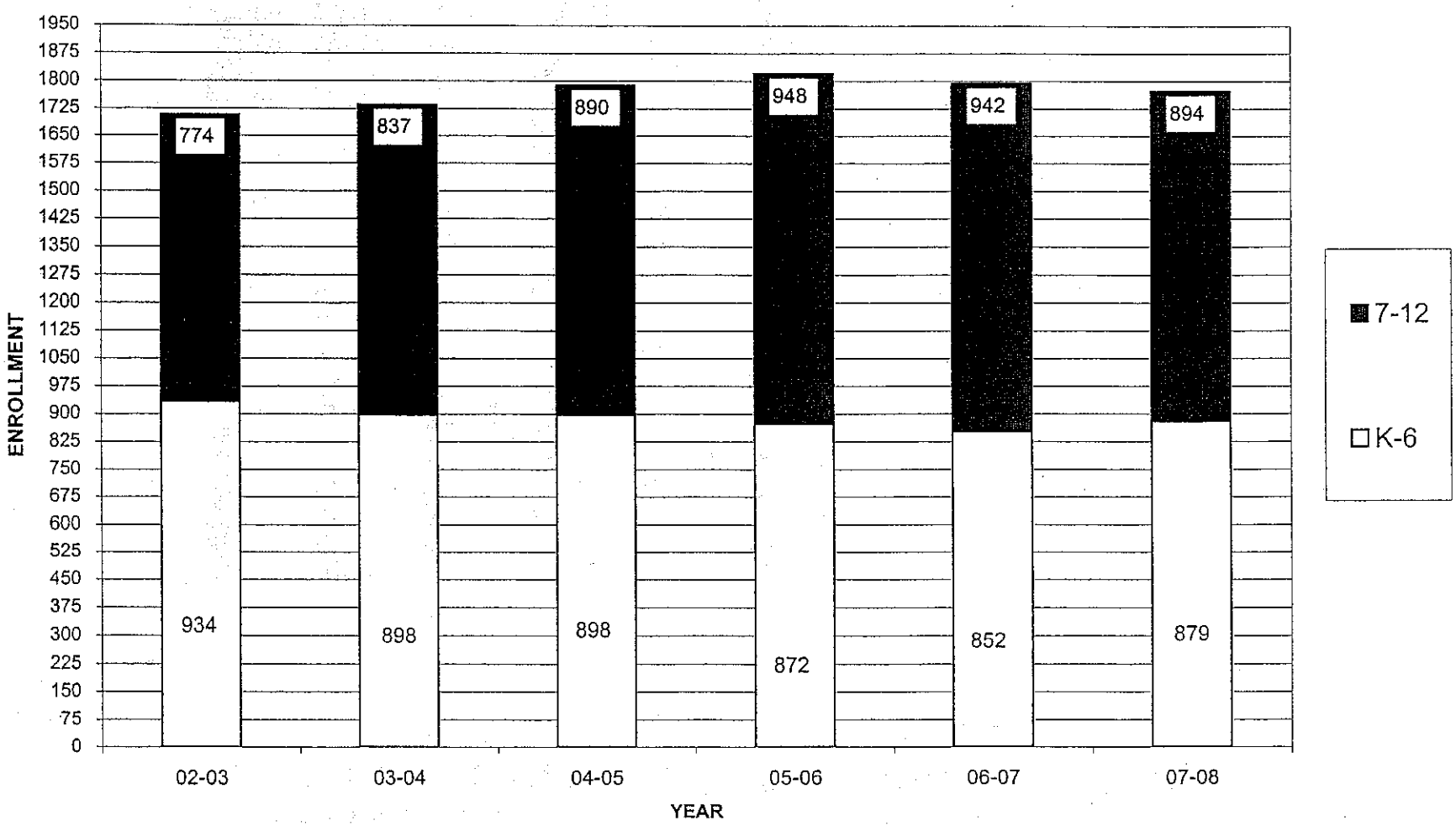
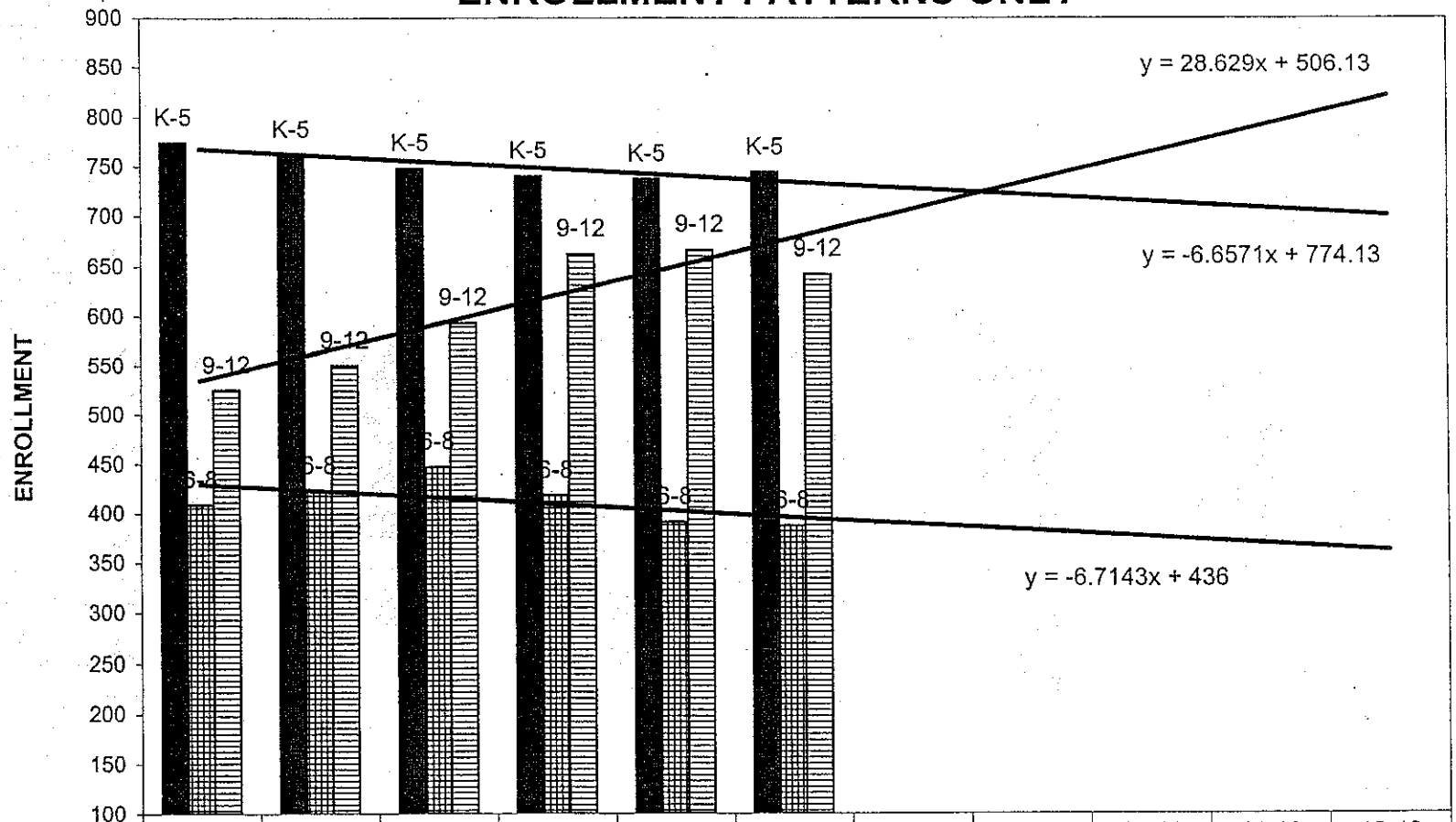
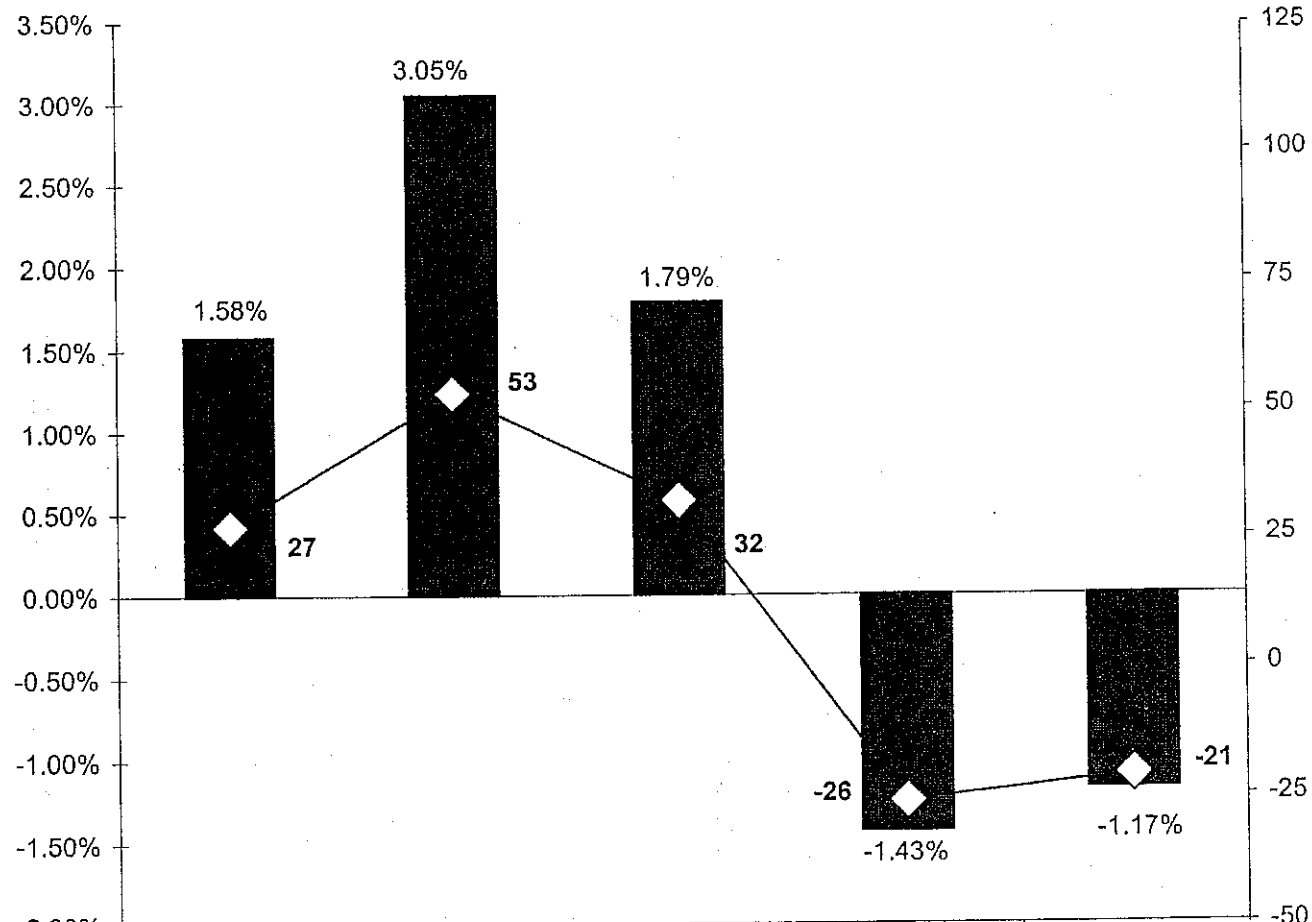


CHART ONE-C: HISTORICAL K-5, 6-8, 9-12 ENROLLMENT 2002-2007 AND ESTIMATED PATTERN OF ENROLLMENTS THROUGH 2012-2013 BASED ON HISTORICAL ENROLLMENT PATTERNS ONLY



	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13
K-5	774	762	748	740	737	744					
6-8	409	423	447	418	391	387					
9-12	525	550	593	662	666	642					

FIGURE ELEVEN: K-12 ENROLLMENT CHANGE 2002-2007



	02-'03 to '03-'04	03-'04 to '04-'05	04-'05 to '05-'06	05-'06 to '06-'07	06-'07 to '07-'08
Year-to-Year % Change in Total K-12 Enrollment	1.58%	3.05%	1.79%	-1.43%	-1.17%
Year-to-Year Student Enrollment Change K-12	27	53	32	-26	-21

TABLE 7-A: LOW RANGE BASELINE COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
02-03	126		123		115		129		145		136		160		125		124		160		129		119		117	1708
03-04	99	1.10	139	1.05	129	1.01	116	1.02	131	1.02	148	1.00	136	1.01	162	1.00	125	1.25	155	1.01	161	0.92	119	0.97	115	1735
04-05	126	0.99	98	1.01	140	1.01	130	1.07	124	0.99	130	1.01	150	0.98	133	1.01	164	1.30	162	0.97	151	0.99	159	1.02	121	1788
05-06	119	1.04	131	1.05	103	1.01	142	1.00	130	0.93	115	1.02	132	0.99	148	1.04	138	1.12	184	1.00	162	1.05	159	0.99	157	1820
06-07	99	1.05	125	0.98	128	1.01	104	1.04	147	1.03	134	1.00	115	0.99	131	0.98	145	1.21	167	0.99	182	0.99	160	0.99	157	1794
07-08	106	1.04	103	1.02	128	1.04	133	1.19	124	1.02	150	1.01	135	1.00	115	1.05	137	1.05	152	0.96	160	0.99	180	0.94	150	1773
Average Ratio		1.045		1.022		1.016		1.062		0.998		1.007		0.994		1.015		1.185		0.986		0.988		0.979		
08-09	112		111		105		130		141		124		151		134		117		162		150		158		176	1772
09-10	122		117		113		107		138		141		125		150		136		138		160		148		155	1750
10-11	119		127		120		115		114		138		142		124		152		161		136		158		145	1752
11-12	93		124		130		121		122		113		139		141		126		181		159		135		155	1740
12-13	91		97		127		132		129		122		114		138		143		149		178		157		132	1710
13-14	88		95		99		129		141		129		123		114		140		170		147		176		154	1704
14-15	86		92		97		101		137		140		130		122		115		166		167		145		172	1671
15-16	83		90		94		99		107		137		141		129		124		137		164		165		142	1611
16-17	81		87		92		95		105		107		138		140		131		147		135		162		162	1581
17-18	78		85		89		93		101		105		108		137		143		155		145		133		158	1529
18-19	76		81		86		90		99		101		105		107		139		169		153		143		130	1481

TABLE 7-B: MID RANGE BASELINE COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
02-03	126		123		115		129		145		136		160		125		124		160		129		119		117	1708
03-04	99	1.10	139	1.05	129	1.01	116	1.02	131	1.02	148	1.00	136	1.01	162	1.00	125	1.25	155	1.01	161	0.92	119	0.97	115	1735
04-05	126	0.99	98	1.01	140	1.01	130	1.07	124	0.99	130	1.01	150	0.98	133	1.01	164	1.30	162	0.97	151	0.99	159	1.02	121	1788
05-06	119	1.04	131	1.05	103	1.01	142	1.00	130	0.93	115	1.02	132	0.99	148	1.04	138	1.12	184	1.00	162	1.05	159	0.99	157	1820
06-07	99	1.05	125	0.98	128	1.01	104	1.04	147	1.03	134	1.00	115	0.99	131	0.98	145	1.21	167	0.99	182	0.99	160	0.99	157	1794
07-08	106	1.04	103	1.02	128	1.04	133	1.19	124	1.02	150	1.01	135	1.00	115	1.05	137	1.05	152	0.96	160	0.99	180	0.94	150	1773
Average Ratio		1.045		1.022		1.016		1.062		0.998		1.007		0.994		1.015		1.185		0.986		0.988		0.979		
08-09	106		111		105		130		141		124		151		134		117		162		150		158		176	1766
09-10	105		111		113		107		138		141		125		150		136		138		160		148		155	1727
10-11	104		110		113		115		114		138		142		124		152		161		136		158		145	1713
11-12	103		109		112		115		122		113		139		141		126		181		159		135		155	1709
12-13	102		108		111		114		122		122		114		138		143		149		178		157		132	1690
13-14	101		107		110		113		121		122		123		114		140		170		147		176		154	1696
14-15	99		106		109		112		120		121		123		122		115		166		167		145		172	1677
15-16	98		103		108		111		119		120		122		122		124		137		164		165		142	1633
16-17	97		102		106		110		117		118		120		121		124		147		135		162		162	1621
17-18	96		101		105		107		116		117		119		120		123		147		145		133		158	1588
18-19	95		100		104		106		114		116		118		119		122		145		145		143		130	1557

TABLE 7-C: HIGH RANGE BASELINE COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
02-03	126		123		115		129		145		136		160		125		124		160		129		119		117	1708
03-04	99	1.10	139	1.05	129	1.01	116	1.02	131	1.02	148	1.00	136	1.01	162	1.00	125	1.25	155	1.01	161	0.92	119	0.97	115	1735
04-05	126	0.99	98	1.01	140	1.01	130	1.07	124	0.99	130	1.01	150	0.98	133	1.01	164	1.30	162	0.97	151	0.99	159	1.02	121	1788
05-06	119	1.04	131	1.05	103	1.01	142	1.00	130	0.93	115	1.02	132	0.99	148	1.04	138	1.12	184	1.00	162	1.05	159	0.99	157	1820
06-07	99	1.05	125	0.98	128	1.01	104	1.04	147	1.03	134	1.00	115	0.99	131	0.98	145	1.21	167	0.99	182	0.99	160	0.99	157	1794
07-08	106	1.04	103	1.02	128	1.04	133	1.19	124	1.02	150	1.01	135	1.00	115	1.05	137	1.05	152	0.96	160	0.99	180	0.94	150	1773
Average Ratio		1.045		1.022		1.016		1.062		0.998		1.007		0.994		1.015		1.185		0.986		0.988		0.979		
08-09	123		111		105		130		141		124		151		134		117		162		150		158		176	1783
09-10	138		129		113		107		138		141		125		150		136		138		160		148		155	1778
10-11	137		144		131		115		114		138		142		124		152		161		136		158		145	1798
11-12	110		143		147		133		122		113		139		141		126		181		159		135		155	1805
12-13	108		115		146		150		142		122		114		138		143		149		178		157		132	1794
13-14	107		113		117		149		159		141		123		114		140		170		147		176		154	1809
14-15	106		112		115		119		158		159		142		122		115		166		167		145		172	1800
15-16	105		111		114		117		127		158		160		142		124		137		164		165		142	1765
16-17	104		110		113		116		124		127		159		159		144		147		135		162		162	1760
17-18	102		109		112		115		123		124		127		158		161		170		145		133		158	1738
18-19	101		107		111		114		122		123		125		127		160		191		168		143		130	1722

TABLE 8-A COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12 AND ESTIMATED INFLUENCE OF ADDED SINGLE FAMILY UNITS TO THE HOUSING MARKET

LOW RANGE

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
02-03	126		123		115		129		145		136		160		125		124		160		129		119		117	1708
03-04	99	1.10	139	1.05	129	1.01	116	1.02	131	1.02	148	1.00	136	1.01	162	1.00	125	1.25	155	1.01	161	0.92	119	0.97	115	1735
04-05	126	0.99	98	1.01	140	1.01	130	1.07	124	0.99	130	1.01	150	0.98	133	1.01	164	1.30	162	0.97	151	0.99	159	1.02	121	1788
05-06	119	1.04	131	1.05	103	1.01	142	1.00	130	0.93	115	1.02	132	0.99	148	1.04	138	1.12	184	1.00	162	1.05	159	0.99	157	1820
06-07	99	1.05	125	0.98	128	1.01	104	1.04	147	1.03	134	1.00	115	0.99	131	0.98	145	1.21	167	0.99	182	0.99	160	0.99	157	1794
07-08	106	1.04	103	1.02	128	1.04	133	1.19	124	1.02	150	1.01	135	1.00	115	1.05	137	1.05	152	0.96	160	0.99	180	0.94	150	1773
Average Ratio		1.045		1.022		1.016		1.062		0.998		1.007		0.994		1.015		1.185		0.986		0.988		0.979		
08-09	112.0		110.7		105.2		130.0		141.3		123.8		151.1		134.2		116.7		162.4		149.8		158.1		176.2	1772
09-10	122.5		117.5		113.6		107.4		138.6		141.6		125.3		150.7		136.8		138.9		160.5		148.5		155.3	1757
10-11	120.0		128.5		120.6		116.0		114.6		139.0		143.3		125.1		153.6		162.7		137.4		159.1		145.9	1766
11-12	94.0		125.4		131.3		122.5		123.2		114.4		140.0		142.4		127.0		182.1		160.3		135.7		155.8	1754
12-13	92.0		98.2		128.1		133.4		130.1		123.0		115.3		139.2		144.6		150.6		179.5		158.4		132.9	1725
13-14	89.0		96.1		100.3		130.1		141.7		129.9		123.9		114.6		141.3		171.4		148.4		177.3		155.1	1719
14-15	86.5		93.0		98.2		101.9		138.3		141.4		130.9		123.1		116.3		167.5		168.9		146.6		173.6	1686
15-16	83.0		90.4		95.0		99.8		108.3		138.0		142.5		130.1		125.0		137.8		165.0		166.8		143.5	1625
16-17	81.0		86.7		92.4		96.5		106.0		108.1		139.0		141.6		132.0		148.1		135.8		163.1		163.4	1594
17-18	78.0		84.6		88.6		93.8		102.5		105.8		108.9		138.2		143.7		156.5		146.0		134.2		159.6	1541
18-19	76.0		81.5		86.5		90.0		99.7		102.4		106.6		108.2		140.3		170.4		154.2		144.2		131.4	1491

TABLE 8-B COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12 AND ESTIMATED INFLUENCE OF ADDED SINGLE FAMILY UNITS TO THE HOUSING MARKET

MID RANGE

YEAR	KNDG.	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
02-03	126		123		115		129		145		136		160		125		124		160		129		119		117	1708
03-04	99	1.10	139	1.05	129	1.01	116	1.02	131	1.02	148	1.00	136	1.01	162	1.00	125	1.25	155	1.01	161	0.92	119	0.97	115	1735
04-05	126	0.99	98	1.01	140	1.01	130	1.07	124	0.99	130	1.01	150	0.98	133	1.01	164	1.30	162	0.97	151	0.99	159	1.02	121	1788
05-06	119	1.04	131	1.05	103	1.01	142	1.00	130	0.93	115	1.02	132	0.99	148	1.04	138	1.12	184	1.00	162	1.05	159	0.99	157	1820
06-07	99	1.05	125	0.98	128	1.01	104	1.04	147	1.03	134	1.00	115	0.99	131	0.98	145	1.21	167	0.99	182	0.99	160	0.99	157	1794
07-08	106	1.04	103	1.02	128	1.04	133	1.19	124	1.02	150	1.01	135	1.00	115	1.05	137	1.05	152	0.96	160	0.99	180	0.94	150	1773
Average Ratio		1.045		1.022		1.016		1.062		0.998		1.007		0.994		1.015		1.185		0.986		0.988		0.979		
08-09	106.0		110.7		105.2		130.0		141.3		123.8		151.1		134.2		116.7		162.4		149.8		158.1		176.2	1766
09-10	105.5		111.2		113.6		107.4		138.6		141.6		125.3		150.7		136.8		138.9		160.5		148.5		155.3	1734
10-11	105.0		110.7		114.2		116.0		114.6		139.0		143.3		125.1		153.6		162.7		137.4		159.1		145.9	1727
11-12	104.0		109.7		113.1		116.0		123.2		114.4		140.0		142.4		127.0		182.1		160.3		135.7		155.8	1724
12-13	103.0		108.7		112.1		114.9		123.2		123.0		115.3		139.2		144.6		150.6		179.5		158.4		132.9	1705
13-14	102.0		107.6		111.0		113.9		122.1		123.0		123.9		114.6		141.3		171.4		148.4		177.3		155.1	1711
14-15	99.5		106.6		109.9		112.8		121.0		121.9		123.9		123.1		116.3		167.5		168.9		146.6		173.6	1692
15-16	98.0		104.0		108.9		111.7		119.8		120.8		122.8		123.2		125.0		137.8		165.0		166.8		143.5	1647
16-17	97.0		102.4		106.2		110.6		118.7		119.6		121.6		122.0		125.0		148.1		135.8		163.1		163.4	1634
17-18	96.0		101.3		104.6		107.9		117.5		118.5		120.5		120.9		123.9		148.2		146.0		134.2		159.6	1599
18-19	95.0		100.3		103.5		106.3		114.7		117.3		119.3		119.8		122.7		146.8		146.0		144.2		131.4	1567

TABLE 8-C COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12 AND ESTIMATED INFLUENCE OF ADDED SINGLE FAMILY UNITS TO THE HOUSING MARKET

HIGH RANGE

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
02-03	126		123		115		129		145		136		160		125		124		160		129		119		117	1708
03-04	99	1.10	139	1.05	129	1.01	116	1.02	131	1.02	148	1.00	136	1.01	162	1.00	125	1.25	155	1.01	161	0.92	119	0.97	115	1735
04-05	126	0.99	98	1.01	140	1.01	130	1.07	124	0.99	130	1.01	150	0.98	133	1.01	164	1.30	162	0.97	151	0.99	159	1.02	121	1788
05-06	119	1.04	131	1.05	103	1.01	142	1.00	130	0.93	115	1.02	132	0.99	148	1.04	138	1.12	184	1.00	162	1.05	159	0.99	157	1820
06-07	99	1.05	125	0.98	128	1.01	104	1.04	147	1.03	134	1.00	115	0.99	131	0.98	145	1.21	167	0.99	182	0.99	160	0.99	157	1794
07-08	106	1.04	103	1.02	128	1.04	133	1.19	124	1.02	150	1.01	135	1.00	115	1.05	137	1.05	152	0.96	160	0.99	180	0.94	150	1773
Average Ratio		1.045		1.022		1.016		1.062		0.998		1.007		0.994		1.015		1.185		0.986		0.988		0.979		
08-09	123.0		110.7		105.2		130.0		141.3		123.8		151.1		134.2		116.7		162.4		149.8		158.1		176.2	1783
09-10	138.5		129.0		113.6		107.4		138.6		141.6		125.3		150.7		136.8		138.9		160.5		148.5		155.3	1785
10-11	138.0		145.2		132.3		116.0		114.6		139.0		143.3		125.1		153.6		162.7		137.4		159.1		145.9	1812
11-12	111.0		144.2		148.4		134.4		123.2		114.4		140.0		142.4		127.0		182.1		160.3		135.7		155.8	1819
12-13	109.0		116.0		147.3		150.7		142.8		123.0		115.3		139.2		144.6		150.6		179.5		158.4		132.9	1809
13-14	108.0		113.9		118.5		149.6		160.1		142.6		123.9		114.6		141.3		171.4		148.4		177.3		155.1	1825
14-15	106.5		112.8		116.3		120.4		159.0		159.8		143.6		123.1		116.3		167.5		168.9		146.6		173.6	1814
15-16	105.0		111.3		115.3		118.2		127.9		158.7		161.0		142.7		125.0		137.8		165.0		166.8		143.5	1778
16-17	104.0		109.7		113.7		117.1		125.6		127.7		159.9		160.0		144.9		148.1		135.8		163.1		163.4	1773
17-18	102.0		108.7		112.1		115.5		124.4		125.4		128.6		158.9		162.4		171.7		146.0		134.2		159.6	1750
18-19	101.0		106.6		111.0		113.8		122.7		124.2		126.3		127.8		161.3		192.5		169.2		144.2		131.4	1732

TABLE 9: BASE COHORT ENROLLMENT PROJECTIONS SUMMARY

	LOW RANGE PROJECTION				MID RANGE PROJECTION				HIGH RANGE PROJECTION			
YEAR	K-5	6-8	9-12	*TOTALS*	K-5	6-8	9-12	*TOTALS*	K-5	6-8	9-12	*TOTALS*
2008	*723*	*402*	*646*	**1772**	*717*	*402*	*646*	**1766**	*734*	*402*	*646*	**1783**
2009	*738*	*411*	*601*	**1750**	*715*	*411*	*601*	**1727**	*766*	*411*	*601*	**1778**
2010	*732*	*418*	*601*	**1752**	*693*	*418*	*601*	**1713**	*779*	*418*	*601*	**1798**
2011	*704*	*406*	*629*	**1740**	*674*	*406*	*629*	**1709**	*769*	*406*	*629*	**1805**
2012	*698*	*396*	*616*	**1710**	*678*	*396*	*616*	**1690**	*782*	*396*	*616*	**1794**
2013	*681*	*376*	*647*	**1704**	*673*	*376*	*647*	**1696**	*786*	*376*	*647*	**1809**
2014	*653*	*367*	*651*	**1671**	*666*	*360*	*651*	**1677**	*769*	*380*	*651*	**1800**
2015	*609*	*394*	*608*	**1611**	*658*	*368*	*608*	**1633**	*731*	*425*	*608*	**1765**
2016	*567*	*409*	*605*	**1581**	*651*	*365*	*605*	**1621**	*694*	*461*	*605*	**1760**
2017	*550*	*387*	*591*	**1529**	*643*	*362*	*583*	**1588**	*685*	*446*	*606*	**1738**

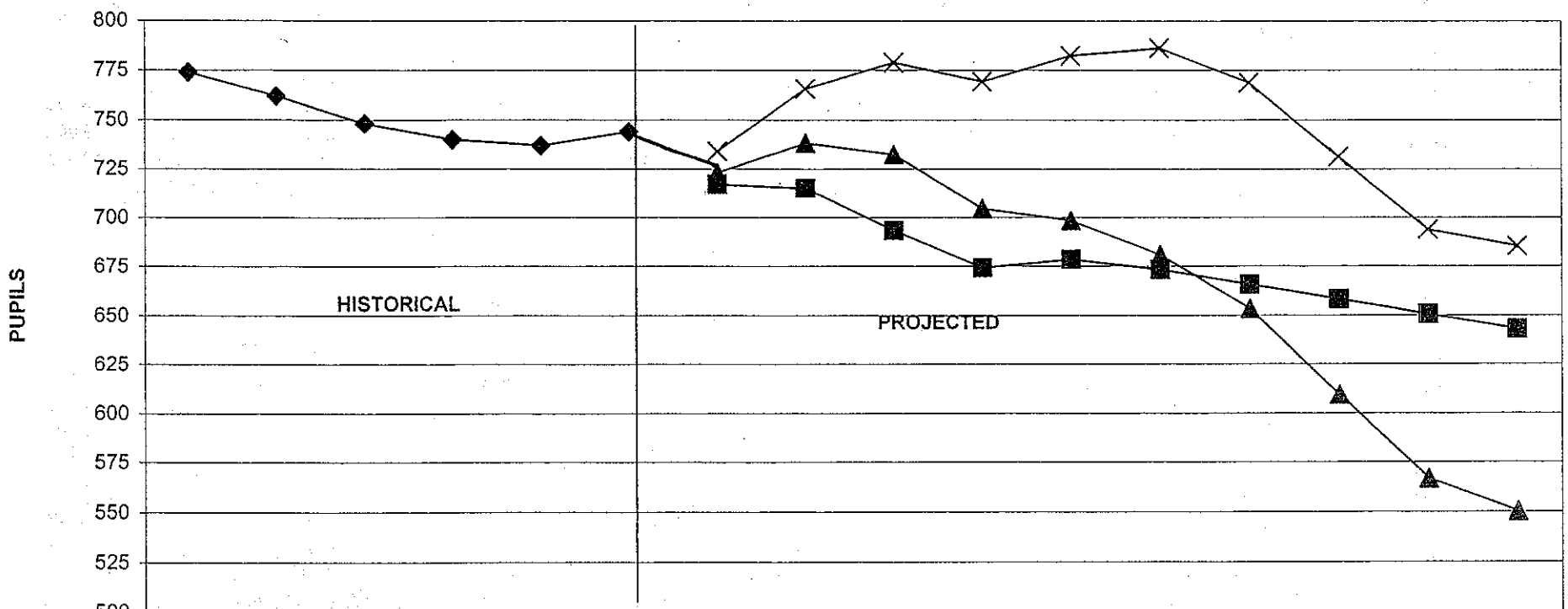
	LOW RANGE PROJECTION			MID RANGE PROJECTION			HIGH RANGE PROJECTION		
YEAR	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12
2008	*874*	*897*	**1772**	*868*	*897*	**1766**	*885*	*897*	**1783**
2009	*863*	*888*	**1750**	*840*	*888*	**1727**	*890*	*888*	**1778**
2010	*875*	*877*	**1752**	*835*	*877*	**1713**	*921*	*877*	**1798**
2011	*843*	*896*	**1740**	*813*	*896*	**1709**	*908*	*896*	**1805**
2012	*813*	*898*	**1710**	*793*	*898*	**1690**	*897*	*898*	**1794**
2013	*803*	*900*	**1704**	*796*	*900*	**1696**	*909*	*900*	**1809**
2014	*783*	*888*	**1671**	*788*	*888*	**1677**	*911*	*888*	**1800**
2015	*751*	*861*	**1611**	*780*	*854*	**1633**	*891*	*873*	**1765**
2016	*705*	*877*	**1581**	*771*	*850*	**1621**	*852*	*908*	**1760**
2017	*658*	*871*	**1529**	*762*	*825*	**1588**	*813*	*925*	**1738**

TABLE 10: SUMMARY OF BASELINE ENROLLMENT PROJECTIONS INFLUENCED BY ESTIMATED ADDED SINGLE FAMILY UNITS TO THE HOUSING MARKET

	LOW RANGE PROJECTION				MID RANGE PROJECTION				HIGH RANGE PROJECTION			
	K-5	6-8	9-12	TOTALS	K-5	6-8	9-12	TOTALS	K-5	6-8	9-12	TOTALS
2008	723	402	646	1772	717	402	646	1766	734	402	646	1783
2009	741	413	603	1757	718	413	603	1734	769	413	603	1785
2010	739	422	605	1766	700	422	605	1727	785	422	605	1812
2011	711	409	634	1754	680	409	634	1724	776	409	634	1819
2012	705	399	621	1725	685	399	621	1705	789	399	621	1809
2013	687	380	652	1719	680	380	652	1711	793	380	652	1825
2014	659	370	657	1686	672	363	657	1692	775	383	657	1814
2015	614	398	613	1625	663	371	613	1647	736	429	613	1778
2016	571	413	610	1594	655	369	610	1634	698	465	610	1773
2017	553	391	596	1541	646	365	588	1599	688	450	612	1750

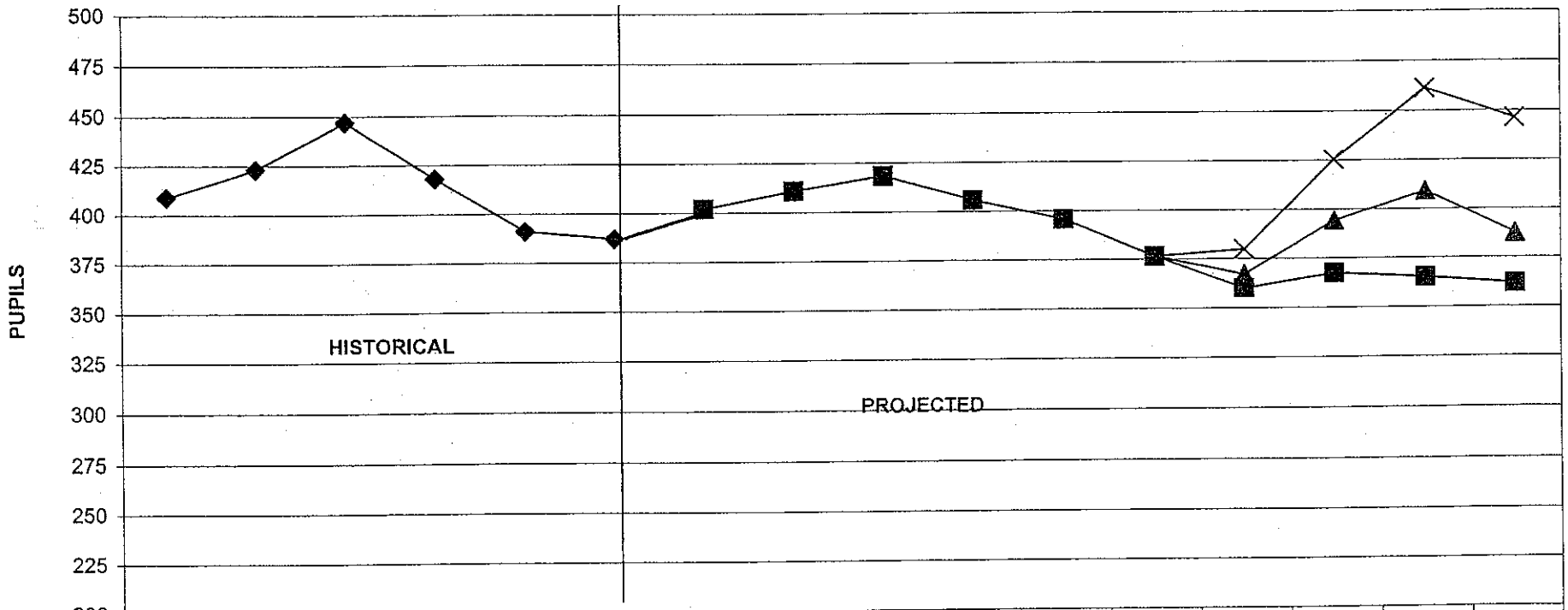
	LOW RANGE PROJECTION			MID RANGE PROJECTION			HIGH RANGE PROJECTION		
YEAR	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12
2008	874	897	1772	868	897	1766	885	897	1783
2009	866	891	1757	843	891	1734	894	891	1785
2010	882	884	1766	843	884	1727	928	884	1812
2011	851	903	1754	821	903	1724	916	903	1819
2012	820	905	1725	800	905	1705	904	905	1809
2013	811	908	1719	804	908	1711	917	908	1825
2014	790	896	1686	796	896	1692	919	896	1814
2015	757	868	1625	786	861	1647	897	881	1778
2016	710	884	1594	776	857	1634	858	915	1773
2017	662	878	1541	766	833	1599	817	933	1750

CHART TWO-A: GRADES K-5 ESTIMATED BASELINE COHORT LOW, MID, AND HIGH ENROLLMENT PROJECTIONS 2008-2017



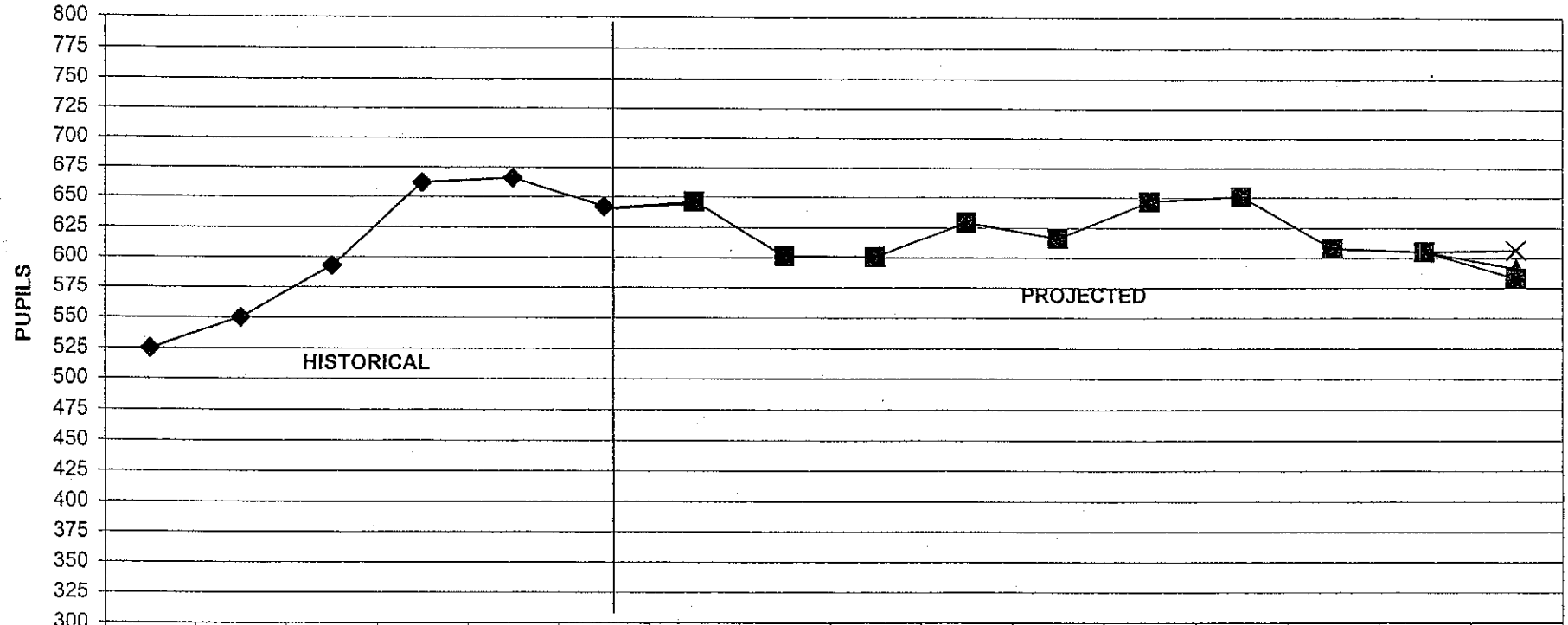
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	774	762	748	740	737	744										
COHORT LOW							723	738	732	704	698	681	653	609	567	550
COHORT MID							717	715	693	674	678	673	666	658	651	643
COHORT HIGH							734	766	779	769	782	786	769	731	694	685

CHART TWO-B: GRADES 6-8 ESTIMATED BASELINE COHORT LOW, MID, AND HIGH ENROLLMENT PROJECTIONS 2008-2017



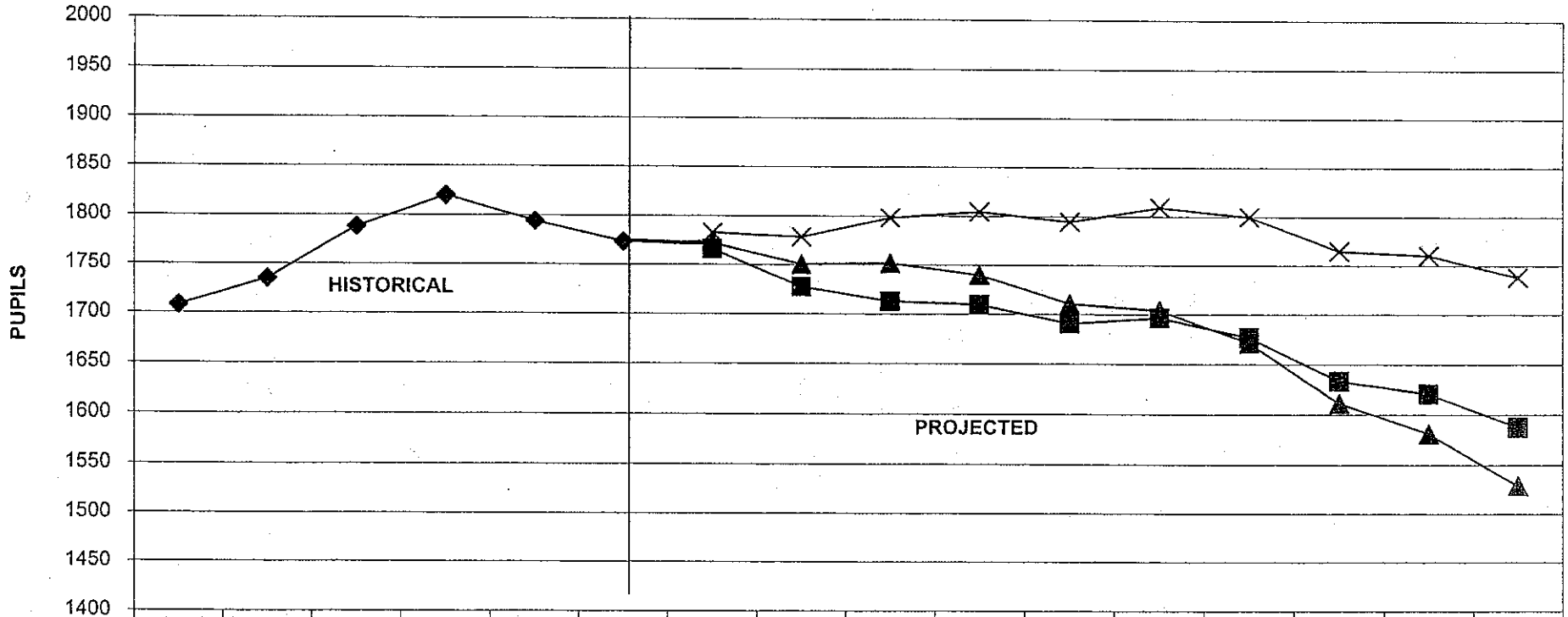
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	409	423	447	418	391	387										
COHORT LOW							402	411	418	406	396	376	367	394	409	387
COHORT MID							402	411	418	406	396	376	360	368	365	362
COHORT HIGH							402	411	418	406	396	376	380	425	461	446

CHART TWO-C: GRADES 9-12 ESTIMATED BASELINE COHORT LOW, MID, AND HIGH ENROLLMENT PROJECTIONS 2008-2017



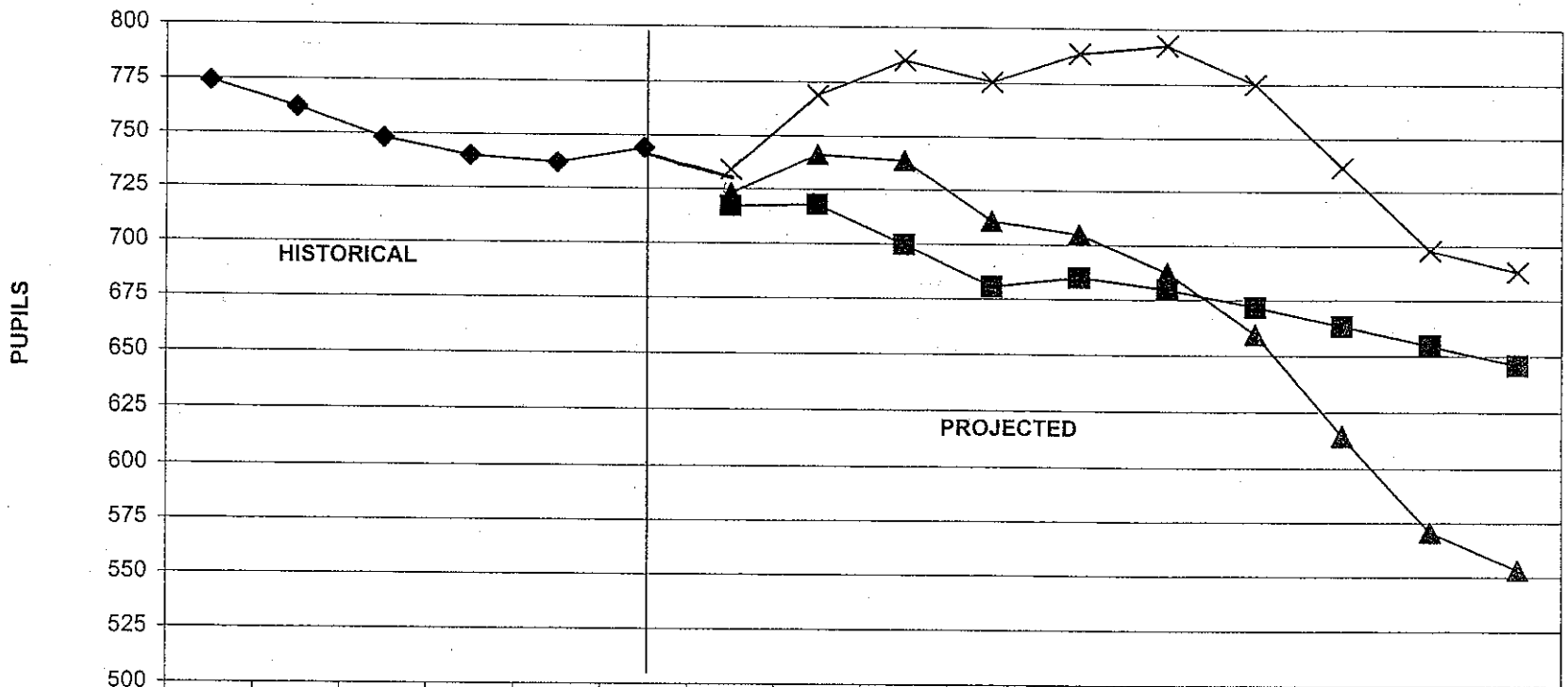
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	525	550	593	662	666	642										
COHORT LOW							646	601	601	629	616	647	651	608	605	591
COHORT MID							646	601	601	629	616	647	651	608	605	583
COHORT HIGH							646	601	601	629	616	647	651	608	605	606

CHART TWO-D: GRADES K-12 ESTIMATED BASELINE COH0RT LOW, MID, AND HIGH ENROLLMENT PROJECTIONS 2008-2017



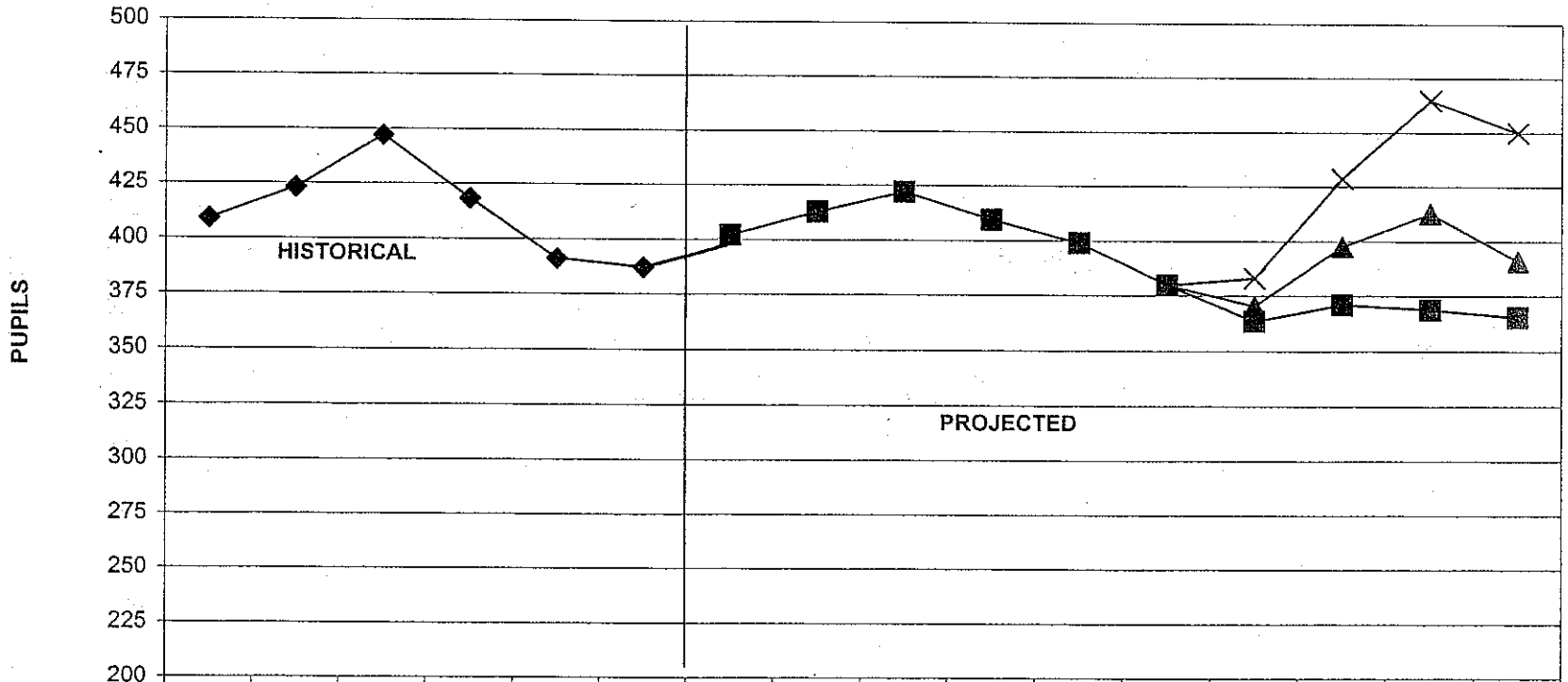
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	1708	1735	1788	1820	1794	1773										
COHORT LOW							1772	1750	1752	1740	1710	1704	1671	1611	1581	1529
COHORT MID							1766	1727	1713	1709	1690	1696	1677	1633	1621	1588
COHORT HIGH							1783	1778	1798	1805	1794	1809	1800	1765	1760	1738

CHART THREE-A: GRADES K-5 ESTIMATED LOW, MID, AND HIGH ENROLLMENT PROJECTIONS INFLUENCED BY ADDED HOUSING UNITS TO THE MARKET 2008-2017



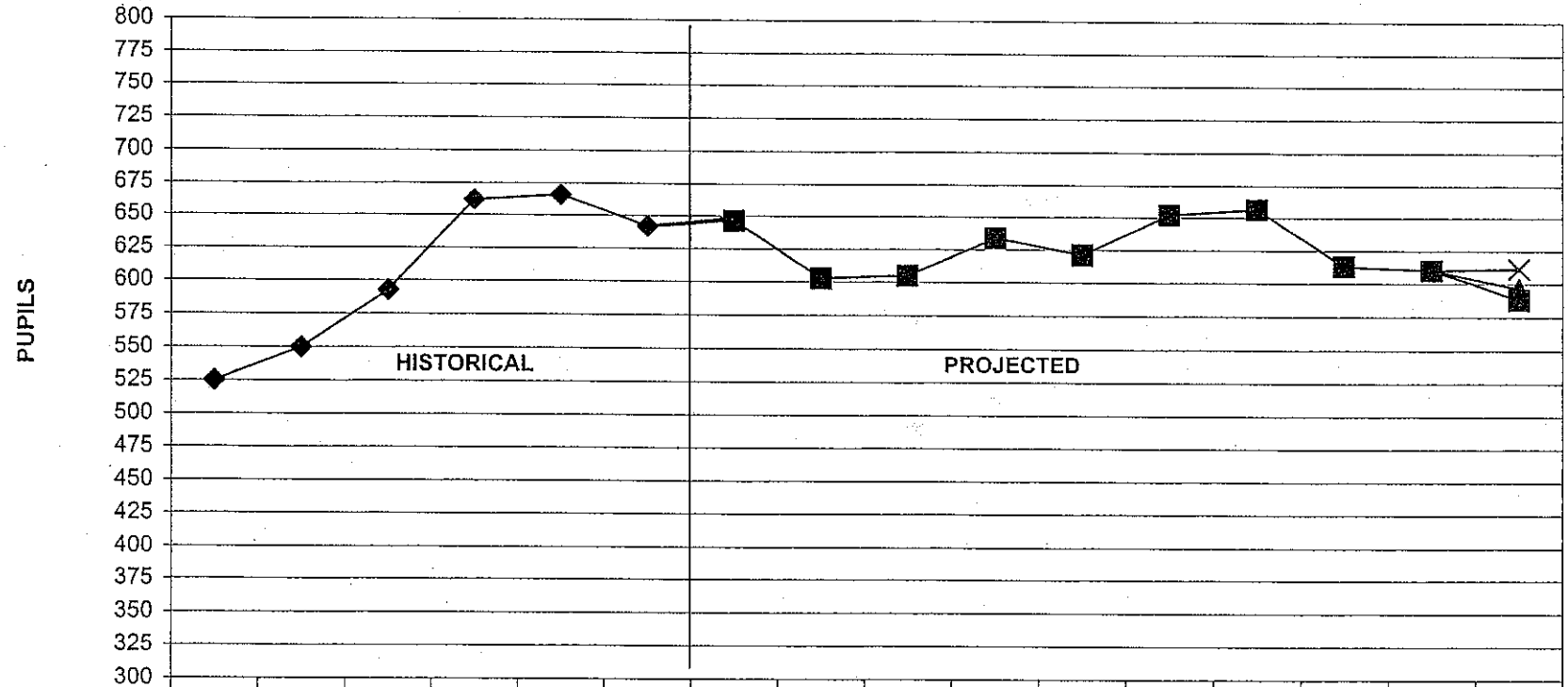
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	774	762	748	740	737	744										
BASELINE PLUS HOUSING LOW							723	741	739	711	705	687	659	614	571	553
BASELINE PLUS HOUSING MID							717	718	700	680	685	680	672	663	655	646
BASELINE PLUS HOUSING HIGH							734	769	785	776	789	793	775	736	698	688

CHART THREE-B: GRADES 6-8 ESTIMATED LOW, MID, AND HIGH ENROLLMENT PROJECTIONS INFLUENCED BY ADDED HOUSING UNITS TO THE MARKET 2008-2017



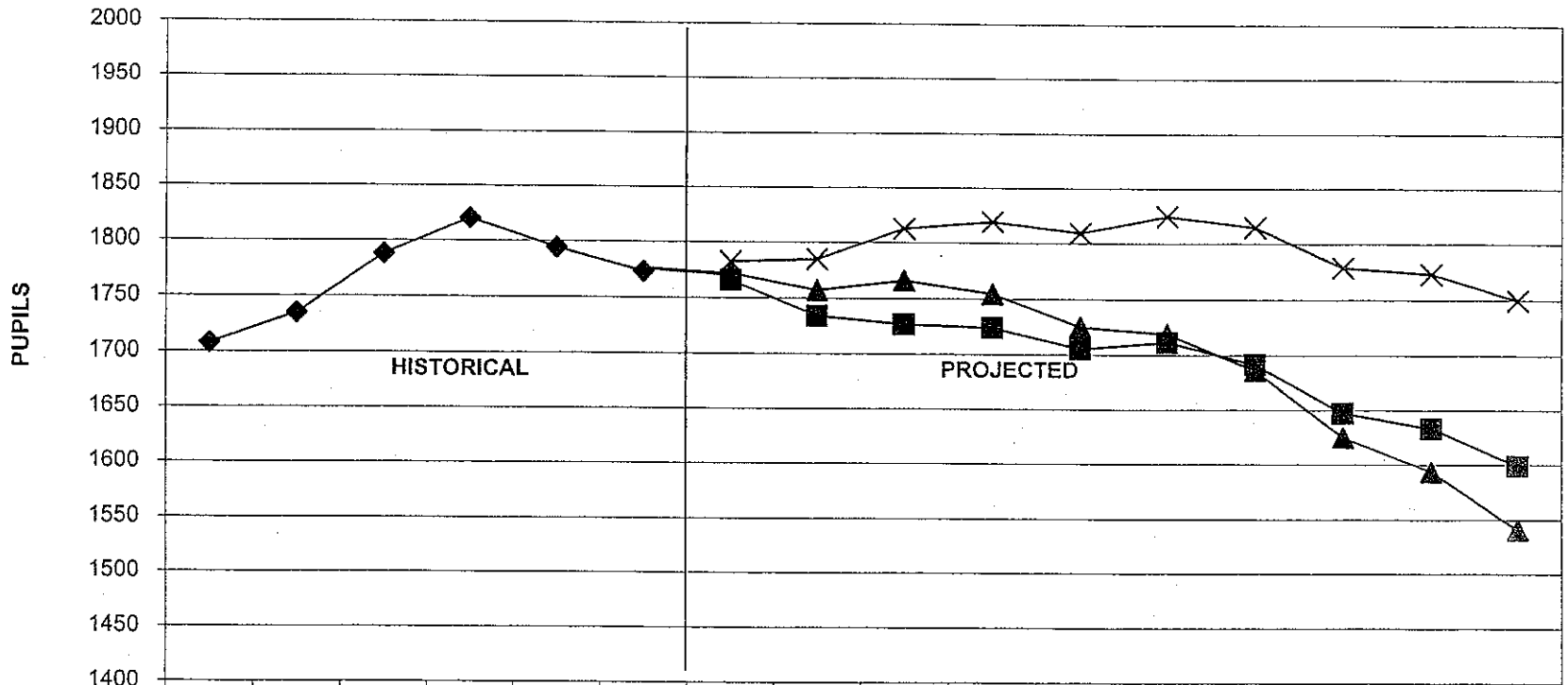
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	409	423	447	418	391	387										
BASELINE PLUS HOUSING LOW							402	413	422	409	399	380	370	398	413	391
BASELINE PLUS HOUSING MID							402	413	422	409	399	380	363	371	369	365
BASELINE PLUS HOUSING HIGH							402	413	422	409	399	380	383	429	465	450

CHART THREE-C: GRADES 9-12 ESTIMATED LOW, MID, AND HIGH ENROLLMENT PROJECTIONS INFLUENCED BY ADDED HOUSING UNITS TO THE MARKET 2008-2017



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	525	550	593	662	666	642										
BASELINE PLUS HOUSING LOW							646	603	605	634	621	652	657	613	610	596
BASELINE PLUS HOUSING MID							646	603	605	634	621	652	657	613	610	588
BASELINE PLUS HOUSING HIGH							646	603	605	634	621	652	657	613	610	612

CHART THREE-D: GRADES K-12 ESTIMATED LOW, MID, AND HIGH ENROLLMENT PROJECTIONS INFLUENCED BY ADDED HOUSING UNITS TO THE MARKET 2008-2017



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
HISTORICAL	1708	1735	1788	1820	1794	1773										
BASELINE PLUS HOUSING LOW							1772	1757	1766	1754	1725	1719	1686	1625	1594	1541
BASELINE PLUS HOUSING MID							1766	1734	1727	1724	1705	1711	1692	1647	1634	1599
BASELINE PLUS HOUSING HIGH							1783	1785	1812	1819	1809	1825	1814	1778	1773	1750

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT

ENROLLMENT PROJECTION/ DEMOGRAPHIC STUDY

JUNE 2006

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as a tool for planning

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PREFACE

A WELL THOUGHT-OUT PLAN FOR FACILITY PROJECTS

Defining a Vision; the Role of an Architect and Construction Management Firm; Maximizing New York State Building Aid Reimbursement

A. Introductory Discussion:

Briarcliff Manor like most school districts in New York State desires to receive the maximum state building aid allowable to help pay for the facilities necessary to support the locally defined educational plan.

Defining the educational program is the first priority by the school board, district leadership, and faculty. The educational plan accommodates statewide curriculum/assessment standards, and the vision and aspirations Briarcliff Manor has for the children of the district, present and future.

Commissioner's Regulations 155.1 requires a school district to plan for the future of its facilities by: assessing enrollment projections, evaluating the district's grade organization, reviewing the use of existing buildings, evaluating the need for replacing obsolete and/or aging facilities, and determining the needs for additional facilities.

A key ingredient to determine what facilities are needed to implement the educational plan is an enrollment projection. The defining of facilities necessary to implement the plan is with a future vision of the K-6 enrollment to be served five years from now, the 7-8 enrollment to be served eight years from now, and the 9-12 enrollment to be served ten years from now.

Once the educational program plan is defined and future enrollment estimates are calculated, an architect can help a school board answer:

- How do the present facilities help or hinder the educational plan?
- Can the current facilities be renovated to meet the space needs of the educational plan?
- Can the current facilities be renovated with the addition of new space to meet the needs of the educational plan?
- Should a current building be abandoned and a new building constructed to meet the space needs of the educational plan?

Form follows function. The educational program plan/expectations to serve the estimated future student population must first be defined. Then, and only then can design specialists help define facility options to achieve the educational plan. It is also at this time that the various facility options are analyzed to calculate the maximum State of New York building aid represented by each respective option to achieve the defined educational program specifications.

B. Goals

1. DEVELOP AFFORDABLE OPTIONS TO MEET THE EDUCATIONAL SPECIFICATIONS

A simultaneous overlay in reviewing facility options that can meet the needs of the educational plan is economics. What can the school district afford? What facility options are within the means of the school district? After planned input from the community, the school board/administrative team can judge and estimate what the local taxpayer can afford to implement the educational plan and the necessary facilities. Estimates of capital fund collections based on various facility options are provided by the architect and construction management consultants so estimates on school district taxes can be calculated.

2. CHOOSE DESIGN OPTIONS THAT QUALIFY FOR MAXIMUM BUILDING AID FROM THE STATE OF NEW YORK

Commissioner's Regulations have been developed to help secure equity and fairness in determining the maximum amount the State will pay to support facilities in all school districts, rich and poor. Districts that are

wealthy may spend much more than what the State will aid 'up to'. For Briarcliff Manor and most school districts, the reality of responsible economics is that they must try and satisfy the facility needs of their educational plans at no more than the maximum allowable expense the State will aid 'up to'. This worthy goal is not always attainable. The real work of an architect/engineer is the skill to design a form that will satisfy the function of the district's educational plan ***within*** the maximum cost allowance that the State will aid 'up to' unless the school board decides to spend above the aidable ceiling. Therefore, it is important to support the work of the architect and the program decision-making of the district by having available on-going estimates of maximum aid ceiling calculations of design schematics. In this way, the major work necessary to submit a project for State Education Department review is not wasted. Briarcliff Manor and the architect design team will know the estimated qualifying aid ceiling of a plan before submittal to the State Education Department.

3. UNDERSTAND THE 'MAXIMUM AID CEILING ALLOWANCE'

Any dollars spent over the assigned maximum cost allowance as defined by the State Education Department are all '100 penny dollars' directly from local tax dollars with no State support. Careful planning is necessary to keep as close to the maximum aid ceiling as possible. Sometimes the maximum aid ceiling may not be sufficient for major work in very old, sub-standard buildings. Or, a district may wish to provide more space than the estimated enrollments can justify as per the SED school facility program guidelines. In these cases, the school will need to decide what it can afford over the state aidable ceiling for the facility project.

C. Strategic Approach

1. Assure that all design features can be directly related to the educational vision, instructional goals, and mission of the Briarcliff Manor school district. Articulate this vision with clarity to the community.

2. Follow Commissioner's guidelines that are used to determine maximum cost allowance for building aid for each building.

3. Keep a district-wide perspective. The total of the rated capacities of **all** the buildings in the Briarcliff Manor Central School District must relate and be congruous with the total projected K-6 and 7-12 student enrollments to be served in programs offered by the school district. The district cannot receive aid on space that supercedes the enrollment estimated to be served in the future.

4. Follow carefully what makes up a maximum aid ceiling assignment. Maximum aid ceilings are building specific and cannot be allocated for other buildings. Maximum aid ceilings include two parts: one is for construction or reconstruction and the other is for related incidental expenses. Both aid ceiling maximums cannot be interchanged.

5. Put in place accurate record keeping for each project. This is to insure that the Briarcliff Manor School District can file accurate final cost reports to the State Education Department such that there are no deducts in aid for unapproved items or for work that was not in the original scope of the project and not substantiated by an approved change order.

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EXECUTIVE SUMMARY

PURPOSE

The study provides historical and current Briarcliff Manor School District enrollment data and suggests enrollment projection scenarios to aid long-range planning by policy makers of the district.

STUDY METHODOLOGY

Live birth data since 1982 for the catchment area of the school district and for Westchester County are analyzed. Three methods of live birth data analyses identify three sets of estimates of future kindergarten enrollments.

The cohort survival statistic is applied to the kindergarten through grade twelve enrollments for the school years from 2000-2001 through 2005-2006. All students including special needs students are included at each grade level count.

The average grade-to-grade survival ratios along with the forecasted kindergarten enrollments are used to estimate future grade enrollments in the Briarcliff Manor School District through 2016-2017.

STUDY LIMITATIONS

It is assumed that various demographic, program, and economic variables will continue in the future in a similar manner as they have since 2000 unless data are identified to the contrary.

Enrollment projections for the immediate future are more reliable than those for years further into the future. Enrollment projection totals for ranges of grade levels are more reliable than are those for specific grade levels in specific future years.

MAJOR FINDINGS OF THE STUDY

The trend of live births in Westchester County since 1996 is in a slow steady decrease. The trend of births in the catchment area of the Briarcliff Manor School District with a ten year point of view from 1996 is stable. There is only one fewer birth in 2005 compared to 1996 in the school district. However, since 2000 the live

births in the school district catchment area have steadily decreased from 490 to 405 annually.

The study compares the annual historical pattern of Briarcliff Manor kindergarten enrollment since 1987 with the recorded birth numbers five years earlier in the catchment area served by the school district. On average 26% of the total live births in the catchment area from 1982 to 2000 enrolled in the kindergarten classes of the district from 1987 to 2005. Over the past ten years the median ratio of available live births who became Briarcliff kindergarteners five years later rose to 26.5% from a median ratio of 20% for the years 1987 through 1995. This is evidence that the Briarcliff Manor School District is retaining and attracting a population of young families at a higher rate than other school districts that also serve segments of the geographic catchment area of population.

The study suggests that Briarcliff Manor kindergarten enrollments are expected to be in the 110 to 130 student enrollment range over the next ten years without the estimated impact of proposed housing unit developments. If proposed housing developments achieve the sale of 14 single family homes and a calculated proportion of existing homes attract families with children under 18, the Briarcliff Manor kindergarten enrollments are estimated to be in the 125 to 135 range over the next seven years.

The cohort graduation rate data recently published and the yearly SED Report Cards about Briarcliff Manor document the high success Briarcliff Manor has demonstrated in ensuring close to all pupils achieve State standards. The study assumes the same systemic effort to have all pupils achieve graduation will continue into the future.

The employment market that influences the Briarcliff Manor area is expected by the New York State Department of Labor to experience growth. The Department predicts that job growth is likely to exceed the rate of labor force growth.

The study calculates six estimated K-12 enrollment possibilities over the next ten years through 2015-2016. Listed below is the most optimistic projection.

	K-5	**6-8**	**9-12**	**K-12**
CURRENT 2005-2006	**742**	**415**	**679**	**1836**
2010-2011	806	414	657	1877
2013-2014	823	420	670	1913
2015-2016	829	428	655	1911

A snapshot of the 2000 Census data researched and charted specifically for the Briarcliff Manor School District is provided. A series of observations and discussion questions are offered as a tool for the Board of Education, senior administration, staff and community to use as they work together to solidify a long-range program and facilities plan.

The report of the study concludes with a recommended approach to utilize the K-12 enrollment projection scenarios calculated by the study to make decisions about possible program and facilities growth in the future.

June, 2006

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PURPOSE AND USE OF THE STUDY

A demographic/enrollment projection study provides historical and current school district enrollment data and suggests enrollment projection scenarios based on the trending of historical data. A cohort survival statistic methodology is used. In addition, the impact of student programming, housing market demographics and employment climate on future enrollments is estimated. The main purpose of the study is to provide a tool to help school district decision-making. The study provides present and projected pupil enrollments to enable the school district to comply with Commissioner's Regulation Section 155.1. The Regulation requires long-range planning of program requirements, pupil capacity of existing facilities, and a plan for repair or modernization of facilities and/or provision for additional facilities to support the delivery of program. The demographic/enrollment study and calculations combined with the values, intuition, and vision of school district officials can frame planning discussions as the school district projects its facilities, staffing and program needs into the future. An enrollment projection estimate is recommended by the study for facility long-range planning. Other enrollment projection estimates presented in the study may be better suited for other future issues facing the district.

METHODOLOGY FOR THE ENROLLMENT PROJECTION CALCULATIONS

A. Compilation of Data

The study collects the following data that are used to execute the cohort survival statistic to project future enrollments of the school district:

- Student enrollment of the Briarcliff Manor Union Free School District by grade level from 2000-2001 through 2005-2006. All children including special needs

students regardless of instructional program are included at each grade level enrollment count as provided by school district personnel.

- Live birth numbers since 1982 of the district catchment area made up of the two towns and village which contain the boundaries of the Briarcliff Manor School District. (Source: NYS Department of Health).
- New residential housing unit development information within the school district and information about housing stock currently for sale within the school district.

B. Application of the Baseline Cohort Survival Statistic

The cohort survival statistic identifies a 'percentage of survival' ratio that describes the relationship between the grade enrollment in a year compared to the grade enrollment in the next lower grade from the previous year.

For example, in 2005-2006, 103 children were enrolled in the second grade served by Briarcliff Manor. In the previous year, 2004-2005, 99 children were enrolled in the first grade. The number of first grade students enrolled in 2004-2005 divides the number of second grade students enrolled in 2005-2006. One hundred and three divided by 99 provides a 'percentage of survival ratio' of 1.04. The quotient is greater than 1.0 demonstrating that the enrollment number of students increased from one year to the next as the students moved from first grade to second grade in 2005-2006.

If a ratio falls below 1.0, the ratio signifies that the enrollment of students in a grade level decreased or did not 'survive' enrollment into the next grade level of the next year. If a ratio rises above 1.0, the ratio then signifies new enrollment has moved to the district or a significant change in grade-to-grade promotion policy.

Calculating the survival ratios from 2000-2001 through 2005-2006 for each of the grade enrollments provides the basis for a set of average grade-to-grade survival ratios that can be used to estimate future baseline grade enrollments in the Briarcliff Manor School District.

C. Basic Assumptions of the Projection Calculations

• When using the Cohort Survival Statistic to project future enrollments, it is assumed that the following variables will continue in the future in a similar manner as they have since 2000 *unless data are identified to the contrary*:

- the death rate of children
- the live birth rate
- migration of students both into and out of the district
- grade retention patterns
- residential construction and housing market
- increase or decrease of local employment opportunities
- dropout rate
- graduation rate
- private school enrollments

The study recognizes that any proposed new residential households beyond the customary number of units built annually within the Briarcliff Manor School District may add to the population of the school district if constructed. In addition, the study estimates the impact of Academic Intervention Efforts and program implementation on enrollment. Both variables are analyzed and, if applicable, calculations are used to adjust the base cohort statistic to estimate future enrollments in the school district.

D. Limitations of the Study

• The future enrollments predicted using the cohort survival statistic should be adjusted if there is evidence that one or more of the study assumptions have changed. For example, if the ratio of any future housing unit developments meant for family home ownership use rather than retiree/senior housing ownership changes, or the number of units proposed, or the mix of rental apartments as estimated by developers changes, then such substantiation could document an increase or a decrease in the future school enrollments described in this study.

Projections for the immediate future are more reliable than those for years further in the future. Enrollment projection totals for K-6 and for 7-12 are more reliable than are those for specific grade levels in specific years. In particular, the enrollment projection scenarios that take into account expected new construction of household units and housing market sales should be viewed in terms of total K-6 or total 7-12 enrollments.

• The cohort survival statistic is a linear calculation. As such, sporadic fluctuations of historical enrollment data from year-to-year could affect the estimated projections of future enrollments. No large fluctuations are found. There is a steady linear increase in total K-12 enrollment since 2000. Since 2000, K-12 enrollment ranges from a current year high of 1836 to a low of 1593 in 2000-2001. Since 2000-2001, the K-12 enrollment mean is 1727 and the median is 1739. ***Figure Eleven*** graphically represents the net percentage changes in K-12 enrollment from 2000 through 2005. Since 2000-2001 the total K-12 enrollment has increased by 243 pupils or 15.254%.

KINDERGARTEN ENROLLMENT PROJECTIONS

The Briarcliff Manor School District does not undertake a door-to-door school district census. It is in the process of a mailed survey to all residential tax parcels in the school district to determine the number of 0 to 18 year-olds within the district. At present, there are no historical population data available concerning birth to four year-olds living within the boundaries of the district. Therefore, the study undertakes a trend analysis of the live births in the geographical area that makes up the catchment area of the district, and the historical enrollments of kindergarten classes as reported by the district. The historical live birth data are as recorded by the NYS Department of Health.

The study documents the live births in the enrollment area of the school district and all of Westchester County since 1982. ***Table 1*** lists live birth data from 1982 through 2005 for Westchester County, the Village of Briarcliff Manor and the Towns of Mount Pleasant and Ossining that make up the catchment area of the Briarcliff Manor School District. Between 1982 and 2005 there were 294,031 live births in Westchester County with 10,229

registered to the catchment area of the school district. The catchment area of the Briarcliff Manor School District has been home to 3.48% of all of the births in Westchester County since 1982. Since 2000 the annual percentage of the births in Westchester County recorded for the Briarcliff Manor UFSD catchment area has decreased from 3.7% in 2000 to 3.6% in the latest Health Department data for 2005.

Figure One charts the live birth data for Westchester County since 1982 and ***Figure Two*** charts the live birth data for the Briarcliff Manor School District catchment area for the same period. Charting the live birth data history since 1982 illustrates an increasing positive birth growth trend in Westchester County and, to a lesser degree, in the school district area. However, since 1996 there is a steadily *decreasing* trend in live births in Westchester County in total (-90.727 slope). There were almost 1350 fewer births recorded county-wide in 2005 as compared to 1996. ***Figure Four*** illustrates the live births trend in Westchester County for the past ten years. Conversely, the live birth trend is nearly stable for the Briarcliff Manor School District catchment area since 1996 (-2.803 slope). ***Figure Five*** illustrates the live births trend in the Briarcliff Manor School District area for the past ten years. There is only 1 fewer birth in 2005 as compared to 1996. Since 2000 the number of annual births recorded by the NYS Health Department for the catchment area of the school district has decreased from 490 to 405. The decrease in live birth share in the school district catchment area since 2000 initially suggests fewer kindergarten enrollees over the next six years.

The live birth data of the county and the area that makes up the Briarcliff Manor School District do provide a documented population factor that can be charted and statistically used to forecast future kindergarten enrollments in the school district. There are no data to identify kindergarten enrollments from 1987 through 2005 of children not born in the enrollment area served by Briarcliff Manor and are from families who moved to the school district. Similarly, there are no data to determine specifically how many children born in the school district enrollment area in the years 1982-2000 moved from the area and, therefore, did not enroll in Briarcliff Manor kindergarten classes for each year from 1987 through 2005. The study initially assumes that the migration of students both into

and out of the district will continue in a similar manner as it has during the years since 1987.

In order to forecast future kindergarten enrollments, the study compares the Briarcliff Manor kindergarten enrollments since 1987 to the total live births since 1982 in the catchment area that makes up the geographical boundaries of the school district. Ratios are calculated to determine the annual historical pattern of kindergarten enrollment in the Briarcliff Manor School District compared to all the children born five years earlier in the catchment area served by the school district ***(Table 3)***. Briarcliff Manor kindergarten enrollments for each year from 1987 through 2005 are compared to the total live births in the enrollment area served by the district for each year from 1982 through 2000 as compiled by the New York State Department of Health. The mathematical comparison of each annual kindergarten enrollment with the total live births five years earlier in the Briarcliff Manor enrollment area results in a set of ratios. For example, in 2002 there were 126 students enrolled in the kindergarten class. In 1997, there were 435 live births in the catchment area of the school district. A ratio of .289655 results from comparing the 2002 kindergarten enrollment of 126 students with the 435 total live births five years earlier. That is, 29% of the 1997 live births in the Briarcliff Manor catchment area became Briarcliff Manor kindergartners in 2002. If one compares the kindergartners enrolled from 1987 through 2005 with the live births in the Briarcliff Manor catchment area from 1982 through 2000, the on average kindergarten-enrollment-to-live-birth ratio is .264270. That is, on average 26.4% of the total live births in the catchment area that contains the Briarcliff Manor School District from 1982 to 2000 enrolled in the kindergarten classes of the district from 1987 to 2005. Another illustration of the historical positive trend of preschoolers in the catchment area enrolling in Briarcliff for kindergarten is demonstrated by comparing the median kindergarten enrollment to birth ratio from 1987 through 1995 with the median ratio from 1996 through 2005. Over the past ten years the median ratio of available live births who become Briarcliff kindergarteners five years later rose to 26.5% from a median ratio of 20% for the years 1987 through 1995. ***Figure Ten*** graphically illustrates each of the annual kindergarten enrollments since 1996 and the relationship of each annual enrollment total with the births

in the school district five years earlier. For the ten year period 1991-2000 there is a decreasing trend of live births in the catchment area that contains the school district (-2.2667 slope). Correspondingly, for the ten year period 1996-2005 there is a slightly increasing trend of kindergartners who enroll in Briarcliff Manor (+.0848 slope) compared to the live births five years earlier in the district. This documents that the Briarcliff Manor School District is retaining and attracting a population of young families at a higher rate than other school districts that also serve segments of the geographic catchment area of population.

Figure Seven illustrates the birth trends for Westchester County as a whole and the enrollment area served by the school district. The live births trend for Westchester County calculated since 1996 projects a continued decrease (-90.727 slope). Live births in the catchment area that makes up the Briarcliff Manor School District are expected to decrease slower (-2.8303). The base cohort enrollment projection calculations of the study assume a relative stable live birth trend for the school district catchment area into the future even though the live births in the county as a whole are expected to decrease. The study also assumes in calculating the base cohort enrollment projections that the positive historical rate of children born in the school district catchment area who enroll as Briarcliff Manor kindergarteners will continue into the future.

KINDERGARTEN ENROLLMENT FORECASTS

Estimating future kindergarten enrollments is the most speculative aspect of projecting K-12 enrollments. However, analyzing historical annual kindergarten enrollments and historical annual live birth data do reveal a set of defendable estimates of future kindergarten enrollments. These estimated kindergarten enrollments then can be included in the base cohort survival statistic application to project future K-12 enrollments.

The historical kindergarten enrollments of the Briarcliff Manor School District and historical live birth data are analyzed three ways. The three analyses form the basis for three kindergarten enrollment forecasts. The three kindergarten forecasts are used to develop Low, Mid, and a High K-12 enrollment projection calculations.

LOW RANGE K-12 ENROLLMENT PROJECTION CALCULATION

Table 5 lists the kindergarten enrollment forecast that forms the foundation for ***Table 7A: Low-Range Cohort Survival Statistic Enrollment Projections Grades K-12.***

Future live births in the enrollment area are extrapolated by estimating the extension of an exponential curve that best describes the historical annual live birth data documented by the NYS Health Department since 1996. Future kindergarten-enrollment-to-live-birth ratios are calculated from the ratios derived from comparing historical kindergarten and enrollment area live birth data from 1996 through 2005. ***(Table 3)*** An exponential growth trend analysis of the kindergarten/live birth ratios for each year since 1996 results in a prediction of future ratio values for each year from 2006 through 2017.

The estimated kindergarten enrollment-to-live-birth ratios for the years 2006 through 2010 are then multiplied times the known live births of 2001 through 2005 in the catchment area of the school district. The results are the forecasted kindergarten enrollments for the years 2006 through 2010. These forecasted kindergarten enrollments are utilized in the cohort survival statistic calculation reported in ***Table 7A.***

Future kindergarten enrollments for 2011-2017 are estimated by multiplying the estimated live births for 2006 through 2012 times the estimated kindergarten enrollment-to-live-birth ratios for the years 2011-2017. The resulting estimated kindergarten enrollments are utilized in the cohort survival statistic calculation reported in ***Table 7A.***

Analyzing historical live birth data and kindergarten data in this fashion produces the most conservative K-12 enrollment projection through 2017-18. The low-range projection assumes that the historical pattern of live births since 1996 in the catchment area will continue through 2017. The projection also assumes that the historical relationship since 1996 between the number of births recorded for the catchment area of the school district and kindergarten enrollments five years later in the district will continue in the same pattern into the future.

MID-RANGE K-12 ENROLLMENT PROJECTION CALCULATION

Table 4 lists the kindergarten enrollment forecast that forms the foundation for ***Table 7B: Mid Range Cohort Survival Enrollment Projections Grades K-12.***

The projected kindergarten enrollment to live birth ratio used in this analysis is the average ratio derived by comparing the total kindergarten enrollments from 2001 through 2005 and the total live births in the enrollment area of the district from 1996 through 2000. The resulting ratio of .264270 is then multiplied times the known live births of 2001 through 2005 as recorded by the NYS Health Department. The results are the forecasted kindergarten enrollments for the years 2006 through 2010. These forecasted kindergarten enrollments are utilized in the cohort survival statistic calculation reported in ***Table 7B.***

Future live births in the enrollment area are extrapolated by estimating the extension of an exponential curve that best describes the historical annual live birth data documented by the NYS Health Department since 1996. The live birth estimates for 2005 through 2011 are then multiplied by the anticipated .264270 live-birth-to-kindergarten-enrollment ratio. The resulting estimated kindergarten enrollments for the years 2011 through 2017 are also utilized in the cohort survival statistic calculation reported in ***Table 7B.***

Analyzing historical live birth data and kindergarten data in this fashion produces a mid-range cohort baseline K-12 enrollment projection estimate through 2016-17. The mid-range projection assumes that live births will continue to follow the same trend pattern as they have in the enrollment area since 1996. Also, it is assumed that the ratio of the total live births in the enrollment area and kindergarten enrollment data of the district since 1996 is a reasonable indicator over time of the live birth/Kindergarten ratio to expect for the upcoming years 2006-2017.

HIGH RANGE K-12 ENROLLMENT PROJECTION CALCULATION

Table 6 lists the kindergarten enrollment forecast that forms the foundation for ***Table 7C: High Range Cohort Survival Statistic Enrollment Projections Grades 7-12.***

Unlike the low and mid range projections, the high projection does not consider the historical annual kindergarten-enrollment-to-live-birth ratios as a variable to forecast future kindergarten enrollments.

Future kindergarten enrollments for 2006-2017 are extrapolated by estimating the extension of an exponential curve that best describes the historical annual kindergarten enrollment data pattern since 1996. This scenario assumes that the pattern of kindergarten enrollments will continue into the future regardless of the historical pattern of live births or ratios derived by comparing the relationship of live births in a year and Briarcliff Manor kindergarten enrollments five years later. The estimated kindergarten enrollments from this protocol are utilized in the cohort survival statistic calculation reported in ***Table 7C.***

Analyzing historical live birth data and historical kindergarten enrollment data in this fashion produces a high-range cohort baseline K-12 enrollment projection estimate through 2017-2018. The high-range projection assumes that the historical pattern of kindergarten enrollments through 2017 will follow the historical growth trend of kindergarten enrollments from 1996 through 2005 without a calculated direct relationship to the number of future annual live births in the enrollment area of the school district.

K-12 ENROLLMENT PROJECTIONS

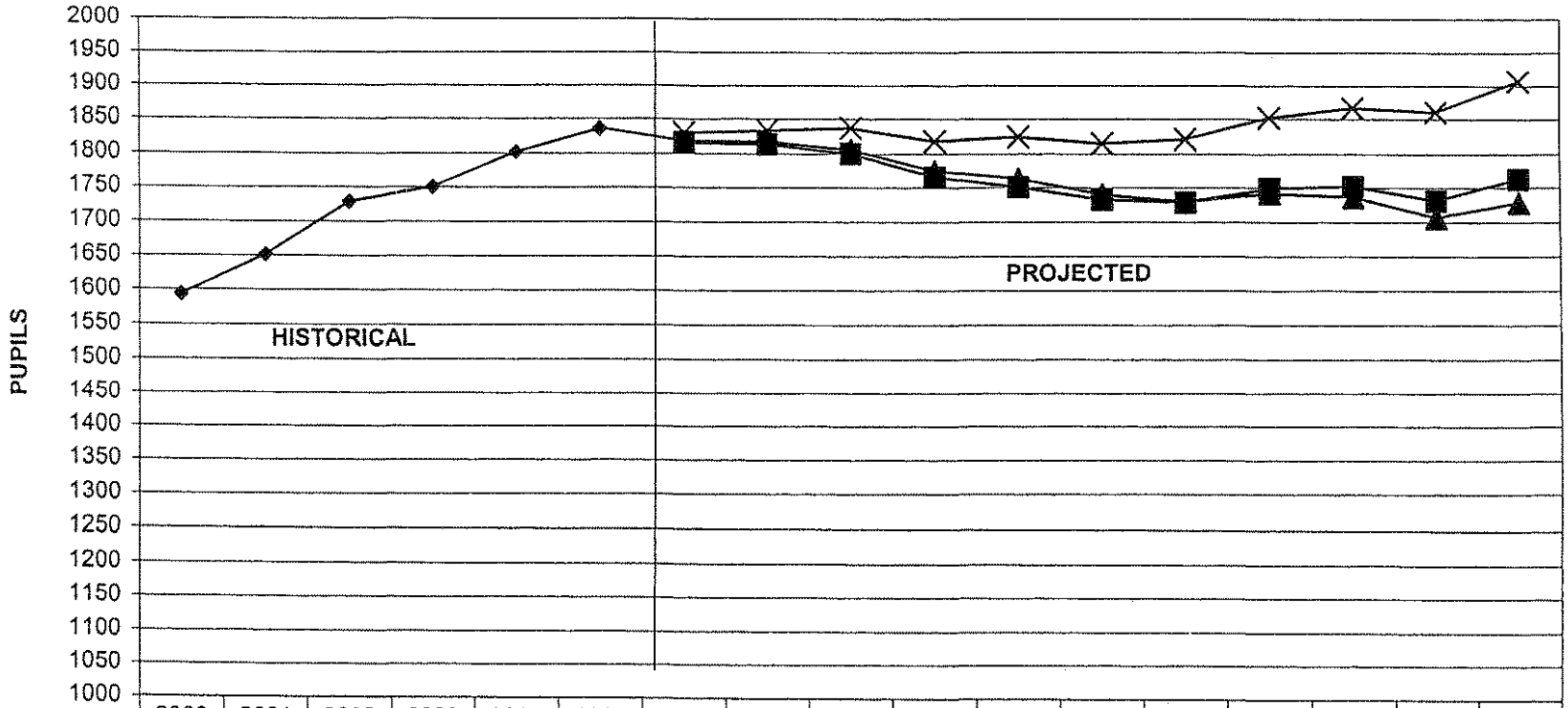
Tables 7A, B, and ***C*** present Low, Mid, and High range K-12 enrollment projections calculated using the cohort survival statistic. Each calculation uses the historical K-12 enrollments as reported by the school district for each of the school years 1999-2000 through 2005-2006. The historical enrollment data are used to calculate 'percentage of survival' ratios for each grade level K-12. The ratios quantify the rate of change in number of students in a particular grade level compared to the number of students in the next higher grade level in the following year. The 'survival ratios' are averaged for each grade level from 1999-2000 through 2005-2006. The six-year average ratios for each grade level are used to calculate estimated future grade 1-12 enrollments through 2016-17.

Table 9 summarizes the K-5, 6-8, and 9-12 base cohort enrollment projections for the years 2006-2007 through 2016-2017 applying the cohort survival statistic and the three methodologies to estimate future kindergarten enrollments. ***Charts Two, Three*** and ***Four*** present the low-range, mid-range, and high-range enrollment projection calculations as reported in ***Table 9.***

Pre-K enrollments are not included in the K-12 enrollment projections for future facility capacity expectations. The Briarcliff Manor Central School does not offer Pre-K program at this time. Current New York State Commissioner's Regulations, which govern school facility projects and building aid, support Pre-K-programming space *in addition* to the space necessary to serve K-12 students. Therefore, as the district revisits its long-range facility plan for its elementary schools, the district's future vision for its Pre-K programming is an *additional* enrollment factor beyond the projections offered by this report. Any *expected* future Pre-K enrollment to be served in five years is an added program capacity factor in calculating Building Aid Units to determine an estimated building aid ceiling amount up to which NYS will provide building aid for an approved facility project.

The chart on the next page illustrates the historical enrollment since 2000 and the baseline low, mid, and high enrollment projections.

LINEAR COHORT SURVIVAL K-12 ESTIMATED ENROLLMENT PROJECTIONS 2006-2016



	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
HISTORICAL	1593	1651	1728	1750	1802	1836											
COHORT LOW							1818	1818	1806	1774	1763	1740	1728	1741	1735	1706	1728
COHORT MID							1816	1814	1800	1765	1750	1732	1728	1749	1751	1731	1762
COHORT HIGH							1830	1833	1837	1818	1824	1815	1821	1852	1866	1860	1907

VARIABLES THAT MAY SUGGEST ADJUSTMENTS TO THE CALCULATED BASE ENROLLMENT PROJECTIONS

The six sources of current and projected school district enrollment are:

- live births within the school district and their eventual kindergarten enrollment in the district;
- new household population to the district with children;
- new population to the district who are at child-bearing age and plan to begin a family;
- enrollment of students from non-public schools or from home schooling settings;
- the success of the school district through program and academic intervention efforts in keeping existing enrollment as long as possible to culminate in high school graduation
- a change by other public schools who tuition students to attend Briarcliff Manor

The study analyzes various data that may influence one or more sources of future enrollment in the district. The analyses may suggest that the base cohort enrollment projection calculations should be adjusted to reflect other variables in addition to historical enrollment patterns

CENSUS 2000 DATA

The Federal Census Bureau reports the following population changes from 2000 through 2005. The Town of Mount Pleasant and the school district experienced a large population increase since 2000 compared to NYS, Westchester County and the Town of Ossining.

	2005 EST.	2004 EST.	2003 EST.	2002 EST.	2001 EST.	2000 EST.	CHANGE 2000 TO 2005(4)
NY STATE	19,254,630	19,280,727	19,228,031	19,164,755	19,091,210	18,998,889	+1.346%
WESTCHESTER COUNTY		942,444	940,561	937,892	933,241	926,029	+1.8%%
TOWN OF OSSINING	NA	36,519	36,504	37,054	36,781	36,624	-.30%
TOWN OF MOUNT PLEASANT	NA	44,302	43,632	43,622	43,422	43,304	+2.3%
BRIARCLIFF MANOR SCHOOL DISTRICT	NA	7452	7435	7416	7375	7302	+2.05%

Tab 2 includes Census 2000 profile datasets for Westchester County, and for the Towns of Ossining and Mount Pleasant. In addition, a customized Census profile dataset is included for the specific geographic area within the enrollment boundaries that make up the Briarcliff Manor School District. The customized district-specific Census 2000 dataset was prepared by Mr. Warren Glimpse of the firm *Proximity* of Virginia. A digital shapefile protocol was used to overlay the legal boundaries of the school district on to the federal census block data for the region.

The Census data are included in this report to provide a tool for more in-depth analysis which may provide insights into how any new population, new housing or employment opportunities if they occur may or may not affect the enrollment of the school district in the future. In addition, a review of the Census data variables can provide insights into: community education program opportunities, K-12 program variables related to the community profiles, public relations/communication strategies with various subsets of the population in the district, and other school district issues and roles as the school district plans for the future. Typical basic Census factors that are often reviewed by school and community leaders as they discuss the possibilities of the future of a district are charted below. Some example discussion questions for Briarcliff Manor based on the Census data might include:

- The Briarcliff Manor School District has higher percentage of children population cohorts compared to the same population cohorts that make up Westchester County. At the same time, Briarcliff Manor has a higher median age of population by almost two years compared to the county. About 30% of the school district population is at child-bearing age compared to almost 36% county-wide. About 37% of the school district population changed residences between 1995 and 2000. Over the same period, kindergarten enrollment increased by 21%. From 2000 to 2005, kindergarten enrollment increased by 3.5%. The population of the district is aging and the enrollment of kindergarteners has remained stable since 2000. What are some possible impacts on the school district if the population profile remains stable?

- Almost 65% of the population over 15 is married compared to 56% of the county population. The median age of the population living in the district is higher by almost three years compared to the median age for the county as a whole. The Briarcliff Manor 'child-bearing' population is about 6% lower than the corresponding 20 to 44 year old population in the county as a whole. Without new population primarily due to the availability of new housing, the live births in the district would be expected to decrease in the coming years. However, the addition of new housing units to the district is limited due to the

lack of vacant property. Therefore, existing homes in Briarcliff Manor is the commodity that is the asset to attract families with children in the future. What are the possible impacts on the school district if homes 'turnover' at a slow rate? At a fast rate? What might the steadily rising median cost of housing in Briarcliff Manor (now at about $880,875 for the six month period ending 12/31/05) impact the profile of those who purchase available housing units in the future? (Source: MLS, Inc.)

- One in every two households in the district has a member less than 18 years of age. A ratio of 1 in 3 is very good. Most school districts have a ratio of 1 in 3.5 or 4. The ratio for all of Westchester County is 1 in 3. Also, about 45% of school district households include a married couple with their own children less than 18 years of age. Only 26% of all households in the county include a married couple with their own children less than 18 years of age. District households with one or more persons 65 or older are under the county-wide percentage by about 3 points. Householders living alone in the Briarcliff Manor School District (15%) are well below the county-wide percentage of 26%. Almost 13% of the population is 65 or older. What do these data suggest about community programs offered and communication efforts with the entire community of stakeholders?

- Female householders, with no husband present and with children under 18 make up 3.34% of all households and 6.8% of all families in the district. The percentage of all families with children under age 18 considered in poverty is very low at about 1.5%. Almost 66% of such families with children under age 18 in poverty are headed by female householders with no husband present. There are less than 15 of such families in poverty. However, do the children of such families in poverty display similar needs? How does the school program address these needs?

- The median household income is about 16% less than the median family income in the Briarcliff Manor School district. Has this disparity caused a noticeable difference in expectations for education by segments of the community? If not, what communication or program efforts by the district have proven successful in nurturing support?

- The mean household earnings in Briarcliff Manor are almost 1.75 times the mean household earnings in Westchester County. The socio-economic characteristics of the community have influenced the quality and positive reputation of the school system. What may be some of the outcomes of the continued disparity of income between the district population and the rest of Westchester County in the future?

- About 1 in 5 households have social security income and about 1 in 8 households in the Briarcliff Manor School District have retirement income. What do such data suggest about 'stakeholdership' of the district and the 'ability' to financially resource the district? The 'desire' or 'willingness' to financially resource the district? Are there any noticeable dichotomies of

opinions about the school district by the half of the households with children under 18 and the half of the households with no children under 18?

2000 NATIONAL CENSUS DATA SNAPSHOT

CENSUS FACTOR	SPECIFIC TO THE BRIARCLIFF MANOR UFSD	WESTCHESTER COUNTY
Total population	7302	923,459
males	46.52%	47.8%
females	53.48%	52.2%
Latino	2.77%	15.6%
White, nonLatino	89.25%	64.1%
Black, nonLatino	1.44%	14.2%
Asian, nonLatino	5.75%	4.5%
Other	3.56%	1.6%
Under age 5	7.22%	7%
5 to 9 (K-4)	9.13%	7.4%
10 to 14 (5-8)	8.55%	6.9%
15 to 19 (9-12)	7.48%	5.9%
20 to 44 ('child-bearing' age)	29.8%	35.5%
45 to 54	15.49%	14.1%
55 to 64	9.39%	9.4%
65 to 74	5.81%	7.2%
Above 74	7.13%	6.7%
Median age	39.4	37.6
Population 25 and older with at least high school diploma	94.57%	82.5%
Population 15 and older and married	65.36%	55.6%
Total Housing Units	2266	349,445
-Vacant Units -Seasonal	2.21% .75%	3.5% .8%
Total households	2216	337,142
Age 5 and over different house in 1995	36.52%	38.8%
Family households	83.66%	69.8%
Married couple family with own children under 18	45.08%	26.4%
Households with members under 18	49.73%	36.6%
Households with one or more persons 65 or older.	23.74%	26.8%
Population 65 or older	12.94%	13.9%
Householder living alone	14.71%	25.7%
Average family size	3.3	3.21
Per cent of households that are families with female householder, no husband present with children under 18	3.34%	6.3%

Per cent of families that are families with female householder, no husband present with children under 18	6.8%	18.5%
Families in poverty with children under age 18	1.5%	10.2%
% of families in poverty with female householder, no husband present with children under 18	66%	59.6%
Average household size	3	2.67
Average household size owner occupied	3.10	2.80
Average household size renter occupied	1.8	2.47
Population that speaks English less than 'very well'	3.69%	12.3%
Median Household Income (2000)	$131,929	$63,582
Mean earnings (2000)	$174,479	$100,776
Median Family Income (2000)	$157,858	$79,881
Households with social security income	22.99%	31.1%
Households with retirement income	23.55%	26.8%
Mean Retirement Income (2000)	$25,936	$21,487

A. LIVE BIRTHS

Since 1996 the annual live births in the catchment area of the school district range from a high of 490 in 2000 to a low of 404 in 2003. The mean is 430.3 births per year. The median is 424. ***Figure Five*** charts the annual live births in the catchment area since 1996. The trend analysis of the data since 1996 suggests a slightly decreasing pattern into the future without taking into account the potential new population that may occupy proposed new housing units or the turnover of existing housing over the next ten years. The pattern of live births is included in the base calculations of the enrollment projection estimates.

B. DROPOUT RATES/NONCOMPLETION RATES

The NYS Department of Education publishes a Report Card that includes dropout rates for school districts. The State Education Department defines a 'dropout' as follows:

> "A dropout is any student who left school prior to graduation for any reason except death and did not enter another school or approved high school equivalency preparation program. The dropout rate is calculated by dividing the total number of students who dropped out in a given year by the total

fall enrollment in grades 9-12, including that portion of the ungraded secondary student enrollment that can be attributed to grades 9-12."

Starting in June of 2003, the annual dropout rate is no longer an accountability measure. *(See January 24, 2003 SED field memo "Testing and Accountability under the No Child Left Behind Act.)* The graduation rate for 2003 is computed as follows:

> "The numerator will be the number of students in the 1999 cohort who earned a local diploma (with or without a Regents endorsement) by June 2003. The denominator will be the sum of the count of 1999 cohort members as of June 2003 plus the count of students eliminated from the cohort because they transferred to a general education development (GED) program."

The dropout rates since 1995-1996 and the noncompletion rates since 1999-2000 for the Briarcliff Manor School District are charted below as published by the Sate Education Department. In addition, on February 13, 2006, the State Education Department published the first graduation results report for students who began 9th grade in 2000 and 2001. The students included are those in the 2000 and 2001 cohorts who started 9th grade in 2000 and 2001 and had graduated, were still enrolled, had dropped out, or had transferred to a GED program as of June 30, 2005.

BRIARCLIFF MANOR SCHOOL DISTRICT
HIGH SCHOOL GRADUATION RESULTS OF ALL STUDENTS OF GRADE 9 COHORTS FOUR YEARS LATER

YEAR	STUDENT COUNT	% GRADUATED	IEP DIPLOMA	% STILL ENROLLED	TRANS. TO GED	% DROPPED OUT
2000	116	100%	.0%	.0%	0%	0%
2001	120	98.3%	.0%	.8%	0%	.8%

HIGH SCHOOL NONCOMPLETION RATES FOR ALL BRIARCLIFF MANOR STUDENTS*

YEAR	# DROPPED OUT	% OF ENROLL	# ENTERED GED PROGRAM	% OF ENROLL	TOTAL NON-COMPLETERS	% OF ENROLL
95-96		.0%				.0%
96-97		.0%				.0%
97-98		.0%				.0%
98-99	0	0%	0	.0%	0	.0%
99-00	0	0%	1	.3%	1	.3%
00-01	0	0%	0	0%	0	0%
01-02	0	0%	0	0%	0	0%
02-03	0	0%	0	0%	0	0%
03-04	0	0%	0	0%	0	0%
04-05	1	0	1	.2%	1	.2%

*Noncompletion and GED rates are also recorded for 'Students with Disabilities' and 'General Education Students' separately by the SED starting in 2001-2002. The rates are combined in this summary chart.

The dropout rate and the 'noncompleter' rate protocol are factors to review as part of enrollment projection studies. The factors give insight about how many students leave enrollment before they become high school completers. A source of added school district enrollment is the success of the school district through program and academic intervention efforts in keeping existing enrollment as long as possible to culminate in high school graduation. Enrollment of students in a GED course of study is not viewed by SED as a program and academic intervention to keep enrollees in the 'public school system' since such GED enrollees are now identified as 'noncompleters.'

The Briarcliff Manor grade-to-grade average survival ratios for grades 1 through grade 12 since 2000-2001 are at or within .023 of 1.0. This suggests a high retention rate of students from one year to the next and/or that students are moving into the school district and enrolling at Briarcliff Manor at a similar rate to the number of students who move out of the district or leave Briarcliff Manor to enroll in a non-public school.

Briarcliff Manor clearly has committed program and curriculum efforts to achieve the higher New York State academic standards and graduation requirements for all students. The graduation completion data and the drop out data substantiate the successful implementation of academic intervention efforts. Given the results of this school district commitment, the study suggests it is likely that the academic intervention efforts integrated into the curriculum will continue to positively achieve the high success of the district in helping all students through high school completion.

Therefore, the study does not have a basis for a set of enrollment projection scenarios that calculate a low, mid, and high estimates of future enrollments that assume changes in enrollment population due to any change in the continued delivery of the

sustained and systemic academic intervention services as evidenced by the documented history of consistent student success. Briarcliff students do not drop out.

C. HOUSING MARKET

The 2000 Census reports the following data about housing units in the school district.

HOUSING CHARACTERISTIC	AS PER THE 2000 CENSUS
TOTAL HOUSING UNITS	**2250**
NUMBER OF HOUSING UNITS BUILT BETWEEN 1995 TO 2000	210
NUMBER OF SINGLE UNITS	1930; 85.8%
NUMBER OF UNITS IN 2-UNIT STRUCTURES	30; 1.3%
NUMBER OF UNITS IN 3 TO 9 UNIT STRUCTURES	95; 4.2%
NUMBER OF UNITS IN 10 TO 19 UNIT STRUCTURES	15; .7%
NUMBER OF UNITS IN 20 TO 49 UNIT STURCTURES	4; .2%
NUMBER OF UNITS IN 50 OR MORE UNIT STRUCTURES	175; 7.8%
TOTAL OCCUPIED HOUSEHOLD UNITS	2185
OWNER OCCUPIED	1935
RENTER OCCUPIED	250
OWNER OCCUPIED HOUSEHOLDER 15 TO 54	1240; 55.1%
OWNER OCCUPIED HOUSEHOLDER 55 AND OLDER	695; 30.9%
HOUSING UNITS WITH 3 BEDROOMS OR MORE	76.9%
ONE PERSON OWNER OCCUPPIED HOUSEHOLDS OCCUPIED BY HOUSEHOLDER 55 AND OLDER	6.7%
TWO PERSONS OR MORE OWNER OCCUPPIED HOUSEHOLDS OCCUPIED BY HOUSEHOLDER 55 AND OLDER	24.2%
FAMILY HOUSING UNITS WITH 3 OR MORE PERSONS	53.6%
FAMILY HOUSEHOLDS	80.4%
NON FAMILY HOUSEHOLDS	16%
NON FAMILY HOUSEHOLDS OCCUPIED BY SINGLE PERSON	14.2%
MARRIED COUPLE HOUSEHOLDS	73.1%
MARRIED COUPLE HOUSEHOLDS WITH OWN CHILDREN UNDER 18	42.4%
HOUSEHOLDS WITH CHILDREN UNDER 18	49.73%
POPULATION IN OWNER OCCUPIED SINGLE UNIT STURUCTURES	5565; 76.2%
POULATION IN RENTER OCCUPIED UNITS	495; 6.8%
PERCENTAGE OF OWNER OCCUPIED UNITS WHERE HOUSEHOLDER MOVED IN FROM 1995 TO 2000	30.4%
PERCENTAGE OF RENTER OCCUPIED UNITS WHERE HOUSEHOLDER MOVED IN FROM 1995 TO 2000	1.7%

AGE PROFILE OF OWNER OCCUPIED HOUSING UNITS	
25 TO 34 YEARS OLD	8%
35 TO 44	30%
45 TO 54	26%
55 TO 64	16%
65 TO 74	11%
75 AND OVER	9%
65 AND OVER	20%
55 AND OVER	36%

The data provides insights into the housing unit culture and population served by the Briarcliff Manor School District. Some observations include:

- Owner occupied single-family residences predominates the housing culture of the school district. Briarcliff Manor is a single family unit homeowner community.
- Over 76% of the housing units in the district have three bedrooms or more. A little over 36% of all owner householders are over 55 years of age. Seven per cent of those over 55 live alone in the house they own. The housing units in the district are large enough to house families with children.
- Over one-third of the owner-occupied housing units are occupied by an age group who is generally referred to as 'empty-nesters' who typically consider downsizing their homes sometime in their post age 55 years.
- Family households make up a vast majority of over 80% of all households with 58% of family households made up by married couple households with children under 18. The Briarcliff Manor School District reflects a family-oriented culture.
- Fifty per cent of all occupied households units have children under 18.

The median price of homes has increased steadily from 2003 through 2005 in the four county-region surrounding the Briarcliff Manor School District. The New York State Association of Realtors reports the following data:

MEDIAN SALES PRICES OF EXISTING SINGLE-FAMILY HOMES

COUNTY	2003	2004	2005	% change 2003-2004	% change 2004-2005	% change 2003-2005
Westchester	$560,000	$640,000	$670,000	14.3	4.7	19.6
Putnam	$345,000	$372,000	$410,000	7.8	10.2	18.8
Nassau	$395,00	$440,000	$489,000	11.4	11.1	23.8
Rockland	$395,000	$445.000	$498,000	12.7	11.9	26.1
Suffolk	$316,000	$355,000	$397,450	12.3	12	25.8
Briarcliff Manor	July -December 2005 (Westchester-Putnam MLS)		$880,875			

One factor to review when analyzing the potential influence of new housing units or the sale of existing housing units in a school district is the calculated 'value of affordability' for the school district geographical area. Affordable housing is typically defined as that which is affordable to an individual, or household, earning 80 percent of the median household income for that geographic area and who spends no more than 30 percent of their income on housing costs. It does not take into account any specific down payment percentage or amount. Eighty percent of the median family household income in the geographic area of the school district, adjusted for inflation since 2000, is estimated to be $159,792 (80% times $199,740). The estimated 80% median household income threshold, adjusted for inflation since 2000, is estimated to be $133,545 (80% times $166,932). Given the 'affordable housing' guideline, the median family household in the school district would be able to afford a 30 year 8-percent fixed rate mortgage of $547,945, and the median household in the school district would be able to afford a mortgage of $457,947 with the same terms. The affordability calculation is conservative in nature. If one uses the current national average mortgage rate for a 30-year fixed-rate mortgage with 20 percent down payment, then the 'affordable' mortgage amounts for the statistical median household, median family household, and mean household in Briarcliff Manor would be higher. The current median house price of $880,875 is not reflective of the estimated median Briarcliff Manor household income benchmarked to the 'value of

affordability' factor calculation. The focused question at hand is; do the households who purchase homes at the median price come with children?

POTENTIAL HOUSING DEVELOPMENTS

Mr. David J. Turiano, Building/Codes Official for the Village of the Briarcliff Manor, reports the following housing unit potential development.

Development	Potential New Housing Units to the Market	Estimated Occupancy
LRM Subdivision	• 7 five bedroom homes at +/- $2.5 million	• 12 months
PacWater Subdivision	• 6 five bedroom homes at +/- $2.5 million	• 24 months
Stafford Subdivision	• 1 four bedroom home at $1 million	• 24 months
Classic Residence by Hyatt	• 405 units for seniors	• 48 months

Mr. John Hamilton, Building Inspector for the Town of Ossining, and Mr. John Ciulla, Town of Mt. Pleasant Building Inspector, report no development within the school district beyond the normal annual building permits.

ANALYSIS OF THE POTENTIAL IMPACT OF NEW HOUSING UNIT DEVELOPMENT ON THE FUTURE ENROLLMENT OF THE SCHOOL DISTRICT

Mr. Mark Seiden, Briarcliff Manor Realtor, was interviewed to better understand the housing market and its potential. Typically 43 single family homes are sold annually. The typical buyer is in their 30's and 40's. Mr. Seiden offered a snapshot of the current market. One year ago there were 14 homes for sale over $1 million. Currently there are 20. Sixty-seven homes sold in the last 365 days. There are 78 single family homes on the market within the school district ranging from $464,000 to $10 million. Mr. Seiden emphasized that there is over a year of single family homes inventory on the market at the present time. Twelve condominiums sold in the last 365 days. There are currently 10 condos on the market. An enacted "bulk housing law" in the village has slowed new construction on land less than two to three acres in order to meet the set-back guidelines. There is discussion beginning to change the law.

Mr. Seiden suggests that the Classic Residence by Hyatt will have little if any significant impact on the single family housing market locally. He cites the Kendall Project in Tarrytown a few years ago which attracted a number of Briarcliff residents to sell their homes. He suggests that senior 'empty-nesters' look beyond the confines of the village for such housing options as represented by the Hyatt Project. In addition, he notes that the Hyatt option will not be inexpensive. Those that can afford the option also have the means for other options to fit their needs. It is likely that the Hyatt development will be successful, but not necessarily because current village and school district residents will vacate their single family homes and buy at the Hyatt.

Given the information about the tentative developments publicly known to date and the expert insights offered by Mr. Seiden, the study undertakes an estimate of the possible influence the proposed new housing units as well as the potential resale of homes to new family households may have on future enrollments of the Briarcliff Manor School District.

The study presents a low, mid, and high estimate of school enrollments taking in to account the tentative new housing projects. The proposed market for the 14 units are families based on the number of bedrooms that are proposed for each unit.

In offering this scenario of the possible affect on student enrollments of the proposed developments, it is also assumed that about 45% of the typical annual sale of 43 single family units will be purchased by 19 married householders with children under age 18. The estimate of 19 such married buyers with children under 18 follows the historical 45% percentage share of all households in the district as documented by the 2000 Census. Therefore, the study calculates the impact of the assumption that 19 single family residences in Briarcliff Manor that now do not have children under age 18 will be sold annually over the next three years to households who have children under 18.

The study uses the 3.3 persons per family household factor in combination with Census 2000 population age cohort percentages to estimate potential new school-aged population impact on the Briarcliff Manor School District. In addition, the age cohort percentages

from the 2000 Census are considered a valid measure to estimate future school age population as a subset of new population moving to the school district. Census 2000 reports that the Briarcliff Manor School District total population is made up of: 7.22% under the age of 5; 9.13% between age 5 and 9; 8.85% between age 10 to 14; and, 7.48% between age 15 and 19.

The methodology for the estimate assumes the following:

- All of the additional single-family residences suspected to be on the market will be owner occupied.
- None of the new households will be occupied by seasonal residents.
- All the additional single-family residences estimated to be on the market will be occupied within two years as suggested by the codes official. The Census 2000 percentages of population for age group cohorts in the geography bounded by the Briarcliff Manor School District are valid estimates in 2006.
- Occupation of the homes will reflect on-average the Briarcliff Manor School District family household size of 3.3 as per the 2000 Census.
- All children who live in the new housing will attend the public school and not a private school or undertake a home-schooled experience. Until specific profiles of specific new home-buyers are known, it is assumed that new pupils to the school district will be equally dispersed by grade level.

Applying the assumptions about new housing units and the resale of existing homes to families with children, the study calculates that the District can expect about 76 pupils to enroll then proceed through the subsequent grade levels from 2007-2008 through 2013-2014 based on the historical grade-to-grade survival ratios.

	IN 12 MONTHS	**IN 24 MONTHS**	**IN 36 Months**
***ADDITIONAL* SINGLE FAMILY RESIDENCES SOLD BEYOND THE NORM DUE TO PROPOSED DEVELOPMENTS**		7	7
***Additional* family households from the resale of existing homes**	19	19	19

AVERAGE HOUSHOLD SIZE (CENSUS 2000)	X 3.3	X 3.3	X 3.3
ESTIMATED TOTAL NEW POPULATION	**62.7**	**85.80**	**85.80**
Estimated under five years old (7.22%)	4.52	6.19	6.19
Estimated new enrollment grades K, 1,2,3,4 (9.13%)	5.72	7.83	7.83
Estimated new enrollment grades 5, 6, 7, 8,9 (8.55%)	5.36	7.34	7.34
Estimated new enrollment grades 10,11,12 (7.48%)	4.69	6.42	6.42

The following chart illustrates the estimated growth in school-aged population over the next six years. The lull in the current housing market as described by Mr. Seiden motivates a conservative estimate of new school district enrollment because of housing market opportunities*

SUMMARY OF ESTIMATED PER GRADE LEVEL K THROUGH 12 ADDED ENROLLMENT TO BASE COHORT CALCULATION FOR EACH YEAR 2007 THROUGH 2013-2014 DUE TO THE INFLUENCE OF THE HOME MARKET IN THE BRIARCLIFF MANOR SCHOOL DISTRICT

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Age 0 to 1	1.131735	1.54869	1.54869	0	0	0	0
Age 2	1.131735	2.680425	3.09738	1.54869	0	0	0
Age 3	1.131735	2.680425	4.229115	3.09738	1.54869	0	0
Age 4	1.131735	2.680425	4.229115	4.229115	3.09738	1.54869	0
K	1.144902	2.698443	4.63881	4.229115	4.229115	3.09738	1.54869
Grade 1	1.144902	1.566708	1.566708	0	0	0	0
Grade 2	1.144902	1.566708	1.566708	0	0	0	0
Grade 3	1.144902	1.566708	1.566708	0	0	0	0
Grade 4	1.144902	1.566708	1.566708	0	0	0	0
Grade 5	1.340213	1.833975	1.833975	0	0	0	0
Grade 6	1.340213	1.833975	1.833975	0	0	0	0
Grade 7	1.340213	1.833975	1.833975	0	0	0	0
Grade 8	1.340213	1.833975	1.833975	0	0	0	0
Grade 9	1.17249	1.60446	1.60446	0	0	0	0
Grade 10	1.17249	1.60446	1.60446	0	0	0	0
Grade 11	1.17249	1.60446	1.60446	0	0	0	0
Grade 12	1.17249	1.60446	1.60446	0	0	0	0
ESTIMATED TOTALS K-12	15.77532	22.71902	24.65938	4.229115	4.229115	3.09738	1.54869

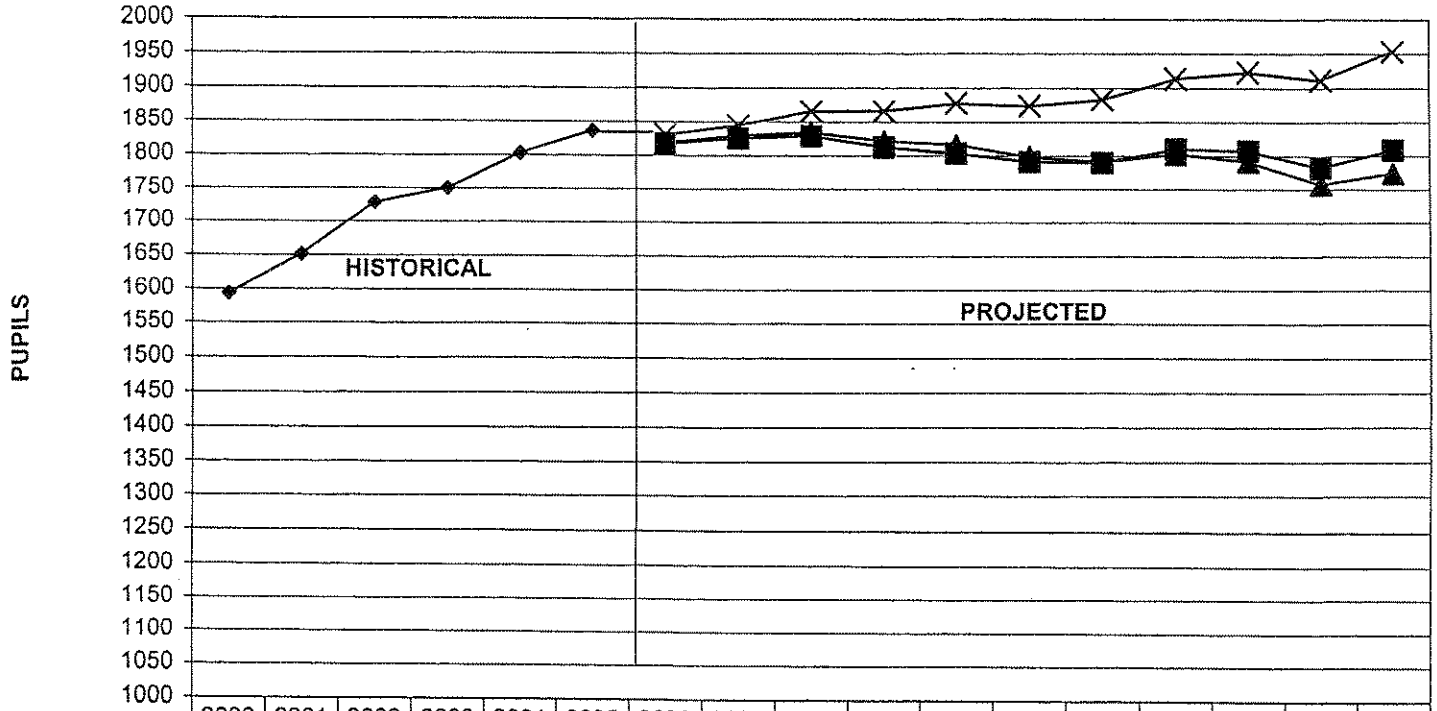
The base cohort K-12 low, mid, and high enrollment projections are recalculated by factoring the estimated added annual pupil enrollment estimated due to housing market influences. ***Tables 8A, B, and C*** illustrate the estimated low, mid and high enrollment impacts of the new population expected to move to the district.

Table 10 summarizes the adjusted low, mid, and high enrollment projections taking into account the expected positive influence of the single-family housing market.

It is recommended that the K-6 and 7-12 enrollment totals be used for future planning at this point in time. Until the 14 new housing units are ready for sale, and until marketing results begin to take shape, the elementary and secondary enrollment totals suggested by the study as a result of assumed housing market conditions are more reliable for planning than individual grade level enrollment estimates at the time of publication.

The chart on page 28 illustrates the historical enrollment since 2000 and the baseline low, mid, and high enrollment projections adjusted by the estimated influence of the housing market on future pupil enrollments.

LINEAR COHORT K-12 ESTIMATED ENROLLMENT PROJECTIONS INFLUENCED BY HOUSING MARKET 2006-2016



	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
HISTORICAL	1593	1651	1728	1750	1802	1836											
COHORT LOW, PLUS HOUSING							1818	1829	1834	1821	1816	1798	1790	1802	1791	1757	1774
COHORT MID, PLUS HOUSING							1816	1825	1828	1812	1803	1791	1789	1809	1807	1782	1809
COHORT HIGH, PLUS HOUSING							1830	1844	1865	1865	1877	1873	1882	1913	1922	1911	1953

D. EMPLOYMENT MARKET

The Labor Department 2005 written analysis of the Hudson Valley declares that the Hudson Valley "continues to enjoy one of the strongest regional economies in New York State." (April, 2005) For example, the private sector job county increased by 2.3% from February 2004. Over the same period, trade, transportation and utilities added "3000 jobs driven in large part by robust population growth and the region's close proximity to major population centers." Educational and health services "added by far the most jobs (+5000)." The Department of Labor credits the boost in the employment market of the region partly due to the relocation of jobs from Manhattan. Approximately 3000 jobs were added to the region alone from the relocation of Morgan Stanley and the New York Life Insurance Company. The Wakefern Food Corporation relocated to Allentown, PA. Any negative affect was short-lived because of the economic diversity of the region. The region's leisure and hospitality sector grew by 3000 jobs with Putnam-Rockland-Westchester area adding 1100 jobs alone. Westchester based Bridgecom International has teamed up with Broadview Network Holdings of New York City to increase market share in voice, data and Internet services. As such, Ligthpath has been expanding throughout Westchester County. Another positive indication of economic health is the addition of 500 workers in an expanded IBM chip fabrication facility. The Department of Labor concludes that "future demand for financial services in the region" and growth in telecommunications should be sustained by the Hudson Valley's continued population growth and strong housing market."

Focusing on the New York City job market, the Labor Department substantiates that "the employment services, computer systems design and management of companies (primarily regional headquarters and holding companies) showed the greatest improvement" in 2005. This sector accounts for almost 18 percent of New York City private sector jobs. Its turnaround over 2004 is the key reason (for) the accelerating job growth in 2005. Employment opportunities in financial activities grew four-fold in 2005 over 2004. The Labor Department foresees the New York City economy continuing to strengthen. The strong New York City economy is contributing to the

burgeoning population in the Putnam-Rockland-Westchester metropolitan statistical area (MSA) as people with jobs in the New York City area "have sought more affordable housing."

The February 2006 Labor Department assessment of the region documents the continued growth experienced in 2005. Local job gains "were largest in educational and health services (+3400), trade, transportation, and utilities (+3300), professional and business services (+2300), and leisure and hospitality (+2100). The Department of Labor points to the job gain in professional and business services as an outcome of the relocation of several company headquarters to the area. For example, the world's third largest personal computer maker, the Lenovo Group Ltd., moved its headquarters from China. Nokia, the Finnish cell phone maker, followed through on its 2005 plans to move into its new regional headquarters.

Several manufacturing companies have announced expansion plans. Among them is Kawasaki Rail Car expects to "double its current workforce of 280 in order to fulfill a contract to build 340 rail cars for the Port Authority." Par Pharmaceuticals has begun construction of a 25,000 square foot facility in Rockland County to expand its manufacturing, packaging, and quality control work.

The Department of Labor emphasizes the area's economic diversity and ongoing population growth as the reasons for the "further strengthen(ing) of the region's economic picture" in 2006.

Adjustments are not made to the basic enrollment projection calculations of the study specifically due to the regional employment market at this time. However, the adjustments made to the basic enrollment projection calculations that take into account the likely influence of a strong housing market recognizes the expected increase in population and related professional and high-salaried labor force within the region. The economic regional picture, as per the New York State Labor Department, seems to indicate that there will be a market who will undoubtedly seek out Westchester County and Briarcliff Manor as a residential destination.

E. PRIVATE, AND HOME SCHOOL ENROLLMENTS

The district reports the following total private enrollment data for the school years 2000-2001 through 2005-2006.

	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Private School Enrollment K-12	109	107	102	97	100	99
K-12 Enrollment Briarcliff Manor	1593	1651	1728	1750	1802	1836
Percentage of Private School Enrollment	6.8%	6.5%	5.9%	5.5%	5.5%	5.4%
Private School Enrollment K-6	50	48	43	39	44	41
K-6 Enrollment Briarcliff Manor	905	907	941	901	895	871
Percentage of Private School Enrollment	5.5%	5.3%	4.6%	4.3%	4.9%	4.7%
Private School Enrollment 7-12	59	59	59	58	56	58
7-12 Enrollment Briarcliff Manor	688	744	787	849	907	965
Percentage of Private School Enrollment	8.6%	7.9%	7.5%	6.8%	6.2%	6%

Since 2000-2001 the numbers of children attending private school has remained consistent between 97 and 109 pupils. The percentage of total private school enrollments compared to Briarcliff Manor School enrollments has decreased each year. There has been close to a 1.5% decrease in private school K-12 enrollment percentages over the past six years. Looking only at K-6 private school enrollment, the chart above documents a corresponding decrease by .8% of elementary private school enrollments compared to the total elementary public school enrollment at Briarcliff. The 7-12 private school enrollment as a percentage of public 7-12 enrollment decreased by 2.6% over the past six years.

Briarcliff has experienced a 15.3% increase in total K-12 enrollment since 2000-2001. The private school enrollment yearly decrease as a percentage of public school

pupils enrolled suggests that the Briarcliff School District as a public school is a positive variable in attracting families who purchase homes in the school district.

The district reports no information about the openings or closings of private schools or about an increase in the number of home schooled children. No charter school applications are reported. It is assumed that the enrollment data listed above are consistent variables and have already been incorporated into the cohort survival ratios and the calculations of the study. No changes are made to the calculations because of the pattern of private school enrollments projected for the future. The study assumes that the estimated new pupil enrollment due to the influence of the housing market will attend the Briarcliff Manor School District. The capacity to add new enrollments by the private schools available to Briarcliff Manor School District school-aged children is not known. The district may wish to take a more conservative approach in looking at future enrollment of new school-aged population generated by the estimated influence of the family residence market in the district. A conservative assumption is that 5 to 6% of any new school-aged population in the district will attend private schools if it comes to the attention of the district that the private schools have the capacity and desire to serve added enrollment.

Comprehensively tracking the private school, home school, and any future charter school enrollment data specifically by private entity will enable the district to analyze any possible influence on future enrollment projections. It is also suggested that efforts be given to contact families who have chosen to enroll their children in other schools or practice home-schooling. Learning about the reasons for their non-district enrollment decisions may help the district choose various initiatives, if appropriate. Such information may be an added asset as the district along with other agencies and businesses of the district and village prepare welcoming information for new residents. A communication/information strategy with current private school families may encourage public school enrollment and parent comfort about switching children from a private school experience to the documented opportunities and quality of instruction offered by Briarcliff Manor as a public school. Such a strategy

of communication and information also strengthens relationships with all taxpayers of the district regardless of where their children are enrolled.

F. ENROLLED TUITION STUDENTS

The Pocantico Hills Central School District has a long history of tuitioning its students to Briarcliff Manor for grades 9-12. In an interview with Dr. Tom Elliott, the Superintendent of Pocantico, he confirmed that the enrollments of Pocantico Hills remain stable. He predicts little change in the pattern of grade 8 students who decide to enroll at Briarcliff Manor for high school. Charted below are the numbers of grade 9 enrollments from Pocantico Hills since 2000.

Year	Grade 8 Pocantico Hills Students	Number who attend grade 9 at Briarcliff Manor
2000-2001	27	10
2001-2002	38	25
2002-2003	44	29
2003-2004	44	27
2004-2005	40	27
2005-2006	41	21

It is assumed that the enrollment data listed above are consistent variables and have already been incorporated into the cohort survival ratios and the calculations of the study. No changes are made to the calculations because of the pattern of tuitioned Pocantico Hills Central School District grade 9 enrollments projected for the future.

SUMMARY OF K-12 ENROLLMENT PROJECTION DATA CALCULATIONS

Charts 2A and B represent the low range K-5, 6-8, and 9-12 enrollment projection calculation given the historical pattern of kindergarten enrollments in the Briarcliff Manor School District since 1996 and the live births in the enrollment areas served by the school district. ***Charts 3A and B*** represent the mid-range enrollment projection calculation and ***Charts 4A and B*** represent the high range calculation ***Chart 5A*** and ***Chart 5B*** plot a low-range estimated impact on enrollment due to the estimated influence of the housing market

in the district. Similarly, ***Charts 6A*** and ***6B*** plot a mid-range estimated impact on enrollment due to the housing market. In like manner, ***Charts 7A*** and ***7B*** illustrate the high-range estimated enrollment impact due to housing market sales to families with children. ***Charts 11, 12, and 13*** are summary charts that illustrate for comparison the low, mid, and high K-12 enrollment estimates based on the two cohort statistic calculations. The first cohort calculation is based on historical K-12 enrollment data patterns. The second cohort calculation adds to the historical trend data an estimate of new student enrollment due to a possible addition to the single family residence market in the school district over the next 36 months.

Enrollment Projection Data as a Tool to Define Building Aid Ceiling Estimates

The tables that follow summarize the six enrollment projection calculations through 2016-2017 undertaken in this study based on the application of the cohort survival statistic and annual total live birth analysis to project potential kindergarten enrollments in the future. The tables report the enrollment projection data presented by the study in the format necessary to form the basis for determining State Education Department building aid ceiling allowances for potential facility projects in the school district. The total state-rated capacity of all classrooms in all district buildings designated for K-6 measured by the SED Building Aidable Units (BAU's) protocol cannot exceed the total projected enrollment of K-6 pupils five years from now in order to qualify for the maximum aid ceiling. Similarly, the total state-rated BAU capacity of all classrooms in all district buildings designated for 7-8 (if separate building(s) are designated for junior high/middle school) cannot exceed the total projected enrollment of 7-8 pupils eight years from now. If there are not separate building(s) for grades 7-8, then the total state-rated BAU capacity of classrooms in district buildings designated for grades 7-12 cannot exceed the total projected enrollment of 7-12 pupils ten years from now.

Enrollment Projections Set I: Basic linear cohort survival statistic calculations based on live birth trends and historical enrollment since 2000-2001 to the present.

Calculation	Year	Grades K-6	Grades 7-8	Grades 9-12
CURRENT ENROLLMENT	2005-2006	871	286	679
Base Low Range*	2010-2011	857		
	2013-2014		259	
	2015-2016			616
Base Mid Range*	2010-2011	845		
	2013-2014		257	
	2015-2016			613
Base High Range	2010-2011	919		
	2013-2014		272	
	2015-2016			667

*The Base Low Range and Base Mid Range calculations are discriminating when viewed in the Program/Staff Planning tables that are in the next section.

Enrollment Projections Set II: Basic linear cohort survival statistic calculations based on live birth trends and historical enrollment since 2000-2001 to the present; plus the estimated impact of the housing market

Calculation	Year	Grades K-6	Grades 7-8	Grades 9-12
CURRENT ENROLLMENT	2005-2006	871	286	679
Low Range, Housing Market*	2010-2011	889		
	2013-2014		268	
	2015-2016			639
Mid Range, Housing Market*	2010-2011	876		
	2013-2014		266	
	2015-2016			636
High Range, Housing Market	2010-2011	950		
	2013-2014		281	
	2015-2016			655

*The Base Low Range, Housing Market and Base Mid Range, Housing Market calculations are discriminating when viewed in the Program/Staff Planning tables that are in the next section.

Enrollment Projection Data as a Tool to Help Define Program Capacity for the Future

The tables that follow also summarize the six enrollment projection calculations through 2016-2017 undertaken in this study based on the application of the cohort survival statistic and annual total live birth analysis to project potential kindergarten enrollments in the future. The tables report the enrollment projection data presented by the study in a format matching the grade level configuration of the buildings of the district. These tables can be helpful as the district undertakes its ongoing program/staff planning efforts.

<u>Enrollment Projections Set I</u>: Basic linear cohort survival statistic calculations based on live birth trends and historical enrollment since 2000-2001 to the present.

Calculation	Year	Grades K-5	Grades 6-8	Grades 9-12	*Grades K-6*	*Grades 7-12*	Total K-12
CURRENT ENROLLMENT	2005-2006	742	415	679	*871*	*965*	1836
Base Low Range	2010-2011	718	399	646	*857*	*905*	1763
	2013-2014	705	390	646	*836*	*905*	1741
	2015-2016	711	379	616	*833*	*873*	1706
Base Mid Range	2010-2011	705	399	646	*845*	*905*	1750
	2013-2014	717	385	646	*846*	*903*	1749
	2015-2016	746	371	613	*865*	*866*	1731
Base High Range	2010-2011	779	399	646	*919*	*905*	1824
	2013-2014	800	406	646	*934*	*918*	1852
	2015-2016	815	413	632	*951*	*909*	1860

Enrollment Projections Set II: Basic linear cohort survival statistic calculations based on live birth trends and historical enrollment since 2000-2001 to the present; plus the estimated impact of the housing market

Calculation	Year	Grades K-5	Grades 6-8	Grades 9-12	*Grades K-6*	*Grades 7-12*	Total K-12
CURRENT ENROLLMENT	2005-2006	742	415	679	*871*	*965*	1836
Low Range, Housing Market	2010-2011	744	414	657	*889*	*927*	1816
	2013-2014	732	414	657	*864*	*938*	1802
	2015-2016	725	393	639	*852*	*905*	1757
Mid Range, Housing Market	2010-2011	732	414	657	*876*	*927*	1803
	2013-2014	741	399	670	*874*	*936*	1809
	2015-2016	760	386	636	*884*	*898*	1782
High Range, Housing Market	2010-2011	806	414	657	*950*	*927*	1877
	2013-2014	823	420	670	*962*	*951*	1913
	2015-2016	829	428	655	*970*	*941*	1911

RECOMMENDED APPROACH TO UTILIZE K-12 ENROLLMENT PROJECTION DATA FOR PLANNING

The study analyzes historical birth trends of the enrollment area of the Briarcliff Manor School District. The application of trending historical Briarcliff Manor enrollments as a benchmark to predict future enrollment patterns is also undertaken. The study also quantifies the enrollment impact of the consistent and systemic Academic Intervention Services program to help ensure that all students achieve high school completion. The results of the study include a series of 'what if' enrollment projection scenarios based on variables that the Board of Education and senior administration have little control over except for the implementation of a continued successful AIS program of services to all students of the district in need of such services.

What can the Board, senior administration, and community do to plan accurately the school district programs and facilities for the future and how can the enrollment projections of this study help that planning?

Suggestions and Recommendations

- If the Board has not already done so, it is suggested that, through a facilitated discussion, the Board and senior administration come to a consensus about their values, intuition, and vision-- as inspired by the values of the community-- of the future of the school district with regard to student programming and the role of the district in community and economic development.

- It is recommended that the high-range enrollment projection calculation with adjustments for the influence of the housing market be utilized to project student capacity needs for facility project planning. The district's commitment to achieve the learning standards for all students is expected to remain successful as historically documented by the Briarcliff Manor School District Annual Report Cards and the recent graduation rate publication by the SED.

- The influence of some proposed new housing developments and the expectation that current housing stock will be sold to households with school-age children is expected to increase the school-age population at the rates per household as defined in the 2000 Census results and as applied in the methodologies of this study. Critical to long-range facility planning is judging the cohort of student clients the district will serve in the future. The State Education Department guidelines, which define a building aid ceiling for proposed school facility projects, rely on enrollment projections five years into the future for elementary facilities, eight years into the future for junior high stand-alone facilities, and ten years into the future for grades 7-12 facilities. Estimates of facility capacities needed to serve expected student enrollments should be prudent. Facilities cannot be over-built. They also cannot be under-built given the commitment of the community to support building projects and given the time it takes to plan and build school facilities.

- Therefore, for a review and analysis study of the adequacy of current facilities, the Board and senior administration may want to review the vision for future student programming and facilities in the context of serving: 829 K-5 students five years from now; 428 middle school students eight years from now; and 655 grades 9-12 students ten years from now.* Based on the results of this enrollment/demographic study, the Building Aidable Units to determine a building aid ceiling will rest on the total capacity of the district to serve 950 K-6 students five years from now; 281 grades 7-8 students eight years from now; and 655 grades 9-12 students ten years from now.* Pre-kindergarten program capacity need, if any, should be added to the K-6 total to determine total pupil capacity needs and the resulting Building Aidable Units.

*See Preface *A Well Thought-Out Plan for Facility Projects,* page i.

Cautions About Enrollment Projections

Future enrollments are positively affected by:

- Added births in the district and the resulting added kindergarten enrollments
- The reductions in private school/home school/charter school enrollments
- The increase in the enrollment retention of students through grade 12 as completers of a diploma program
- A robust employment market that can attract new residents with children and/or who are at childbearing age
- A robust housing market that can attract new residents with children and/ or who are at childbearing age
- Increased enrollment of tuitioned students from other school districts.

Similarly, future enrollment projections can be negatively affected by the antitheses of the same variables.

Therefore, the enrollment projection estimates should be revisited and updated yearly if there are any major changes in: the assumptions that base the methodology of this study, the annual live birth data for the district, major shifts in housing market and employment market opportunities from what has been expected, changes in the educational program

offered, and/or changes in the non-public school, charter school, or out of school district enrollments by Briarcliff Manor School District residents.

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FIGURES, TABLES, CHARTS

TABLE 1

LIVE BIRTHS IN THE ENROLLMENT AREA SERVED BY THE
BRIARCLIFF MANOR SCHOOL SCHOOL DISTRICT
AS REPORTED BY THE NEW YORK STATE DEPARTMENT OF HEALTH
1982-2005

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	*TOTAL*
Mt. Plasant	229	202	199	206	211	270	308	307	300	300	319	245	283	268	259	276	284	281	312	242	267	223	172	185	6148
Ossining	74	103	120	95	113	80	68	66	82	91	123	84	89	70	75	78	95	69	83	89	90	87	140	121	2185
Village of Briarcliff Manor	45	49	66	63	69	66	73	88	87	89	79	100	70	77	72	81	71	94	95	79	89	94	101	99	1896
TOTAL BIRTHS	*348*	*354*	*385*	*364*	*393*	*416*	*449*	*461*	*469*	*480*	*521*	*429*	*442*	*415*	*406*	*435*	*450*	*444*	*490*	*410*	*446*	*404*	*413*	*405*	*10229*
TOTAL BIRTHS SINCE 1996															*406*	*435*	*450*	*444*	*490*	*410*	*446*	*404*	*413*	*405*	*4303*
WESTCHESTER COUNTY-WIDE TOTAL BIRTHS	9964	10313	10294	10694	11031	11719	12168	12707	13233	13333	13139	12946	13002	12980	12696	12655	12829	12898	13299	12799	12807	12789	12386	11350	*294031*
WESTCHESTER COUNTY-WIDE TOTAL BIRTHS SINCE 1996															12696	12655	12829	12898	13299	12799	12807	12789	12386	11350	126508
BRIARCLIFF CATCHMENT AREA BIRTHS TO WESTCHESTER COUNTY BIRTHS RATIO	0.035	0.034	0.037	0.034	0.036	0.035	0.037	0.036	0.035	0.036	0.040	0.033	0.034	0.032	0.032	0.034	0.035	0.034	0.037	0.032	0.035	0.032	0.033	0.036	0.0348
BRIARCLIFF CATCHMENT AREA BIRTHS TO WESTCHESTER COUNTY BIRTHS RATIO SINCE 1996															0.032	0.0344	0.0351	0.0344	0.0368	0.032	0.035	0.032	0.033	0.036	0.034

TABLE 2

KINDERGARTEN ENROLLMENT OF THE BRIARCLIFF MANOR SCHOOL DISTRICT
1987-2005

1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
67	66	72	80	92	81	90	111	95	122	112	120	111	115	118	126	99	126	119

FIGURE ONE: WESTCHESTER COUNTY LIVE BIRTHS 1982-2005

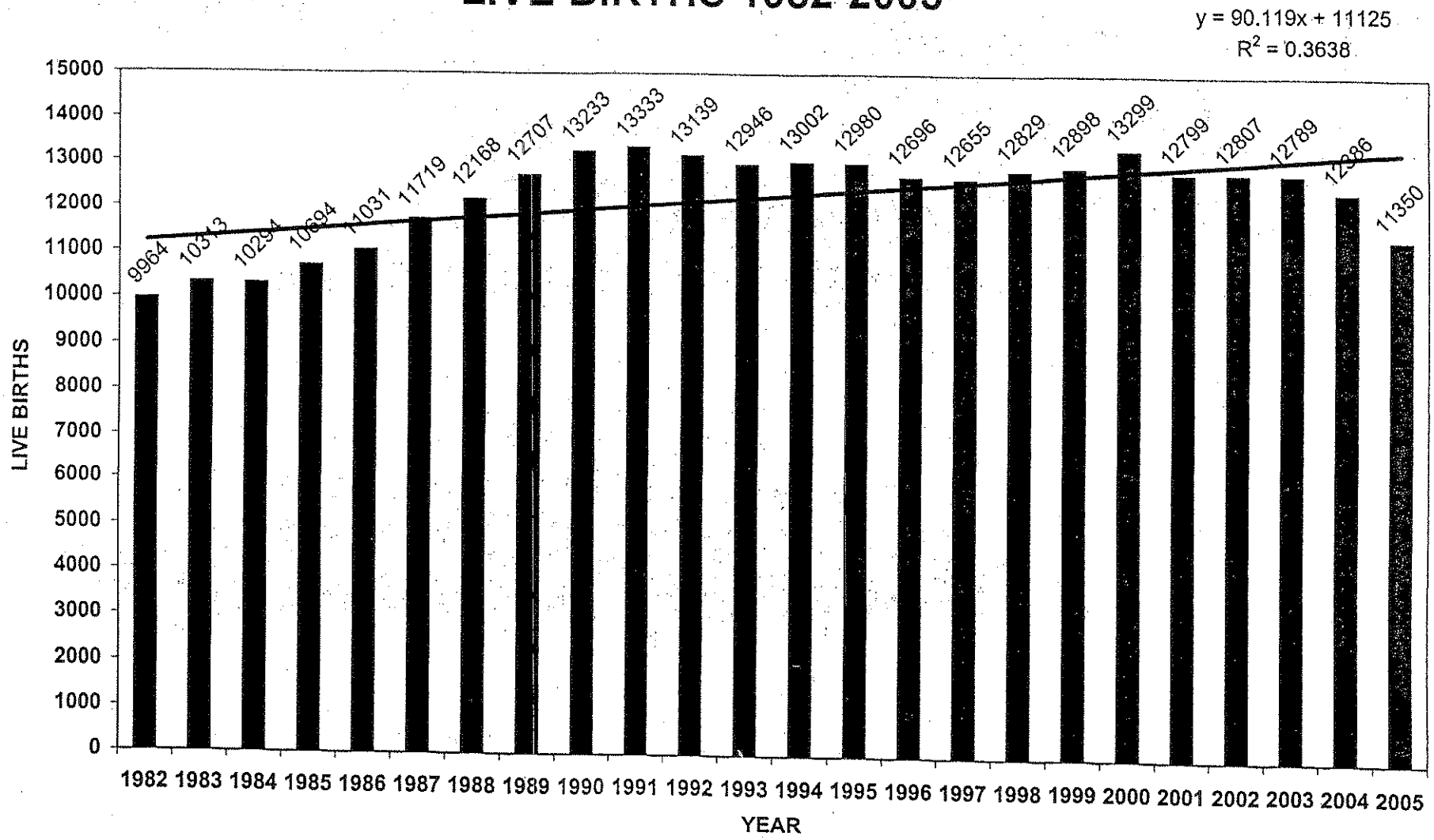


FIGURE TWO: BRIARCLIFF MANOR CATCHMENT AREA LIVE BIRTHS 1982-2005

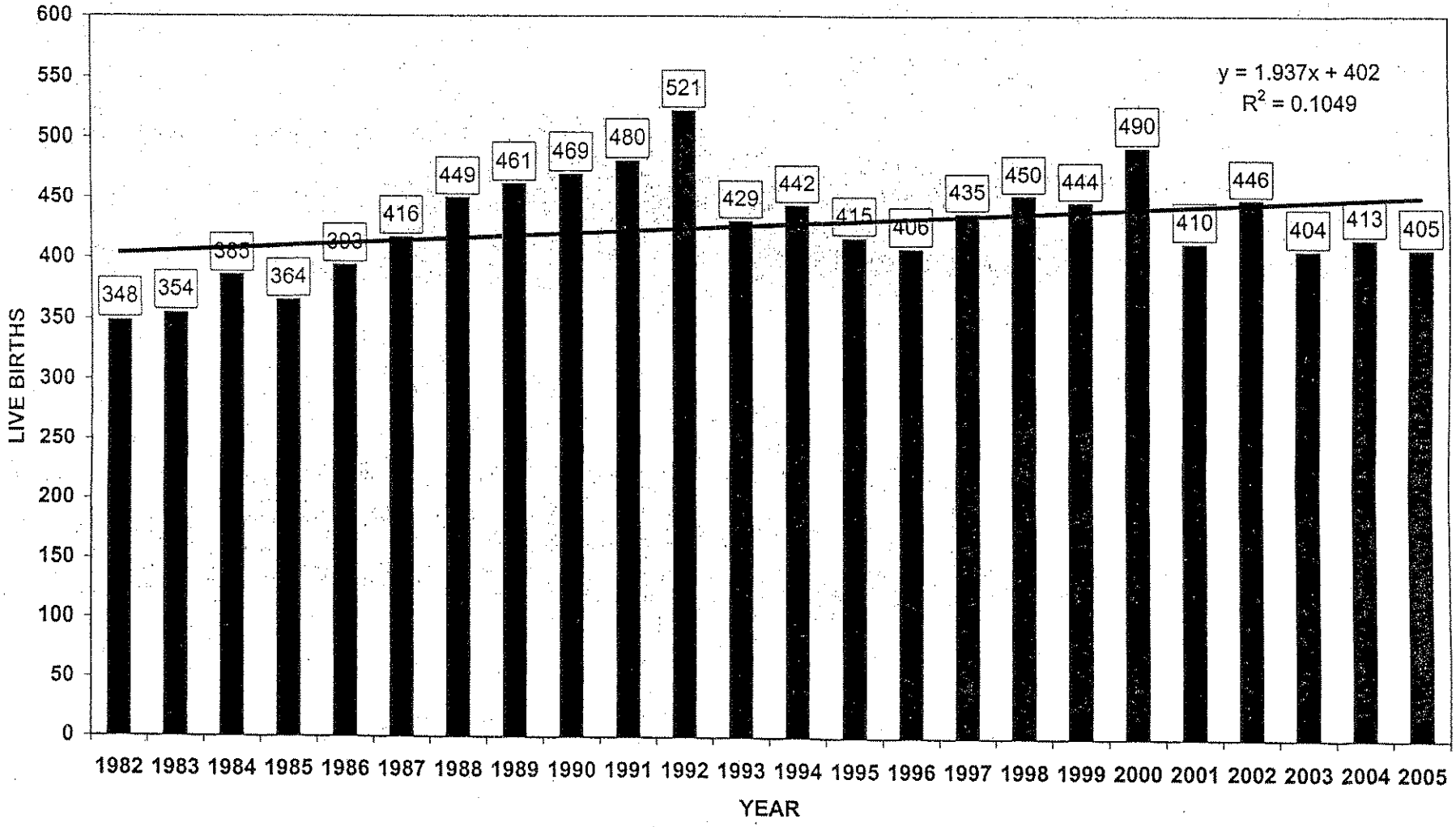


FIGURE THREE: RATIOS OF BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA LIVE BIRTHS TO NASSAU COUNTY LIVE BIRTHS 1982-2005

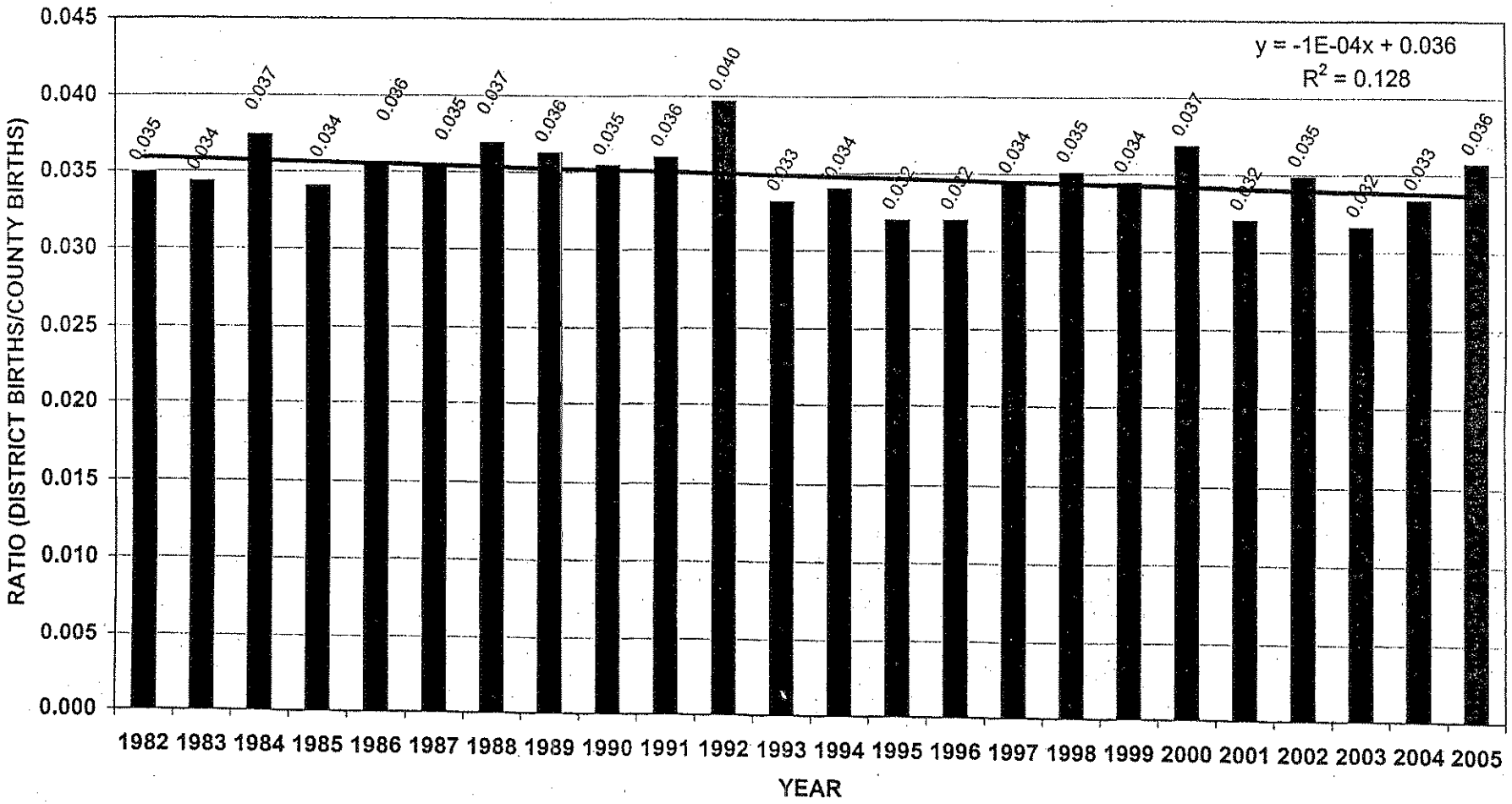


FIGURE FOUR: LIVE BIRTHS IN WESTCHESTER COUNTY 1996-2005

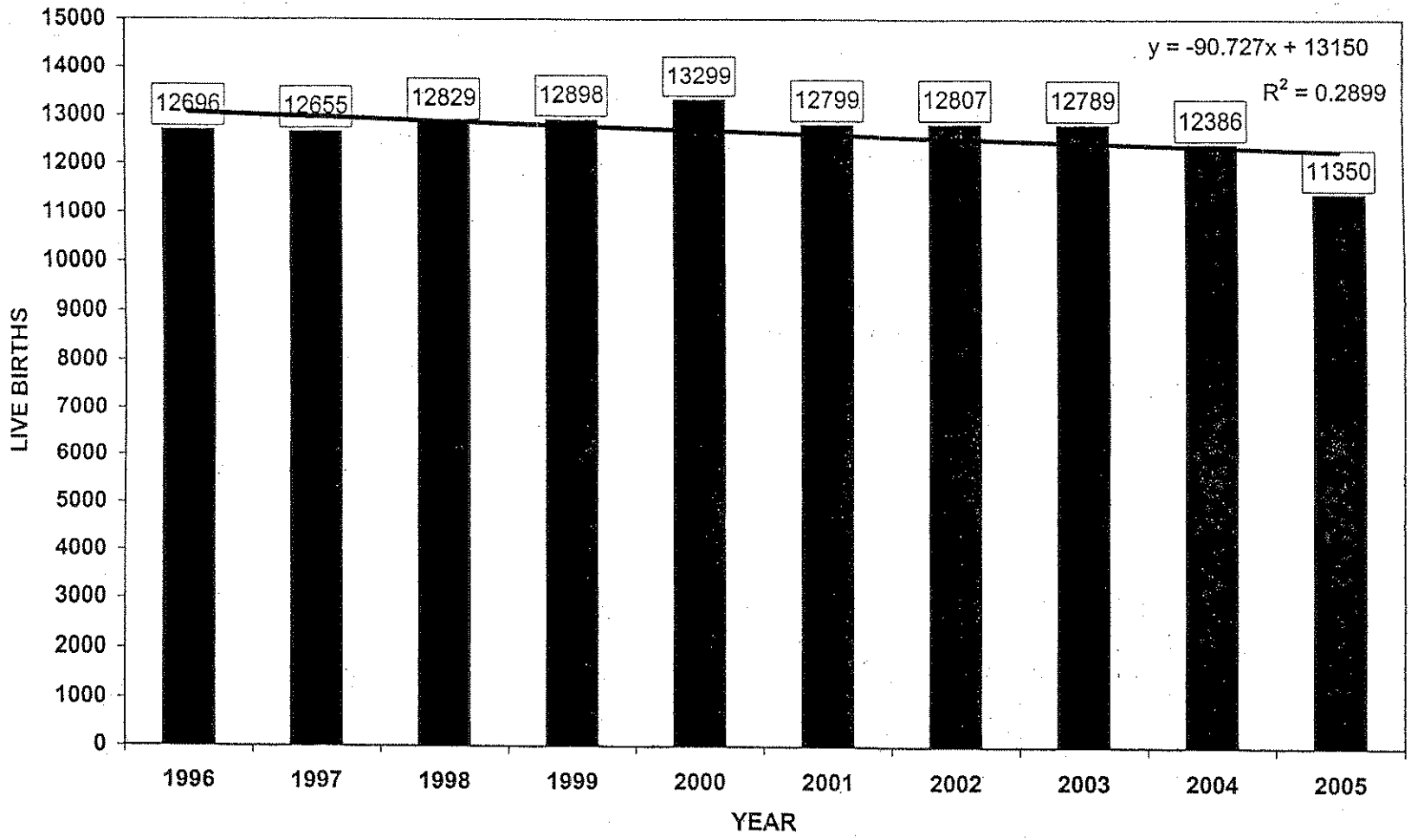


FIGURE FIVE: LIVE BIRTHS IN THE BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA 1996-2005

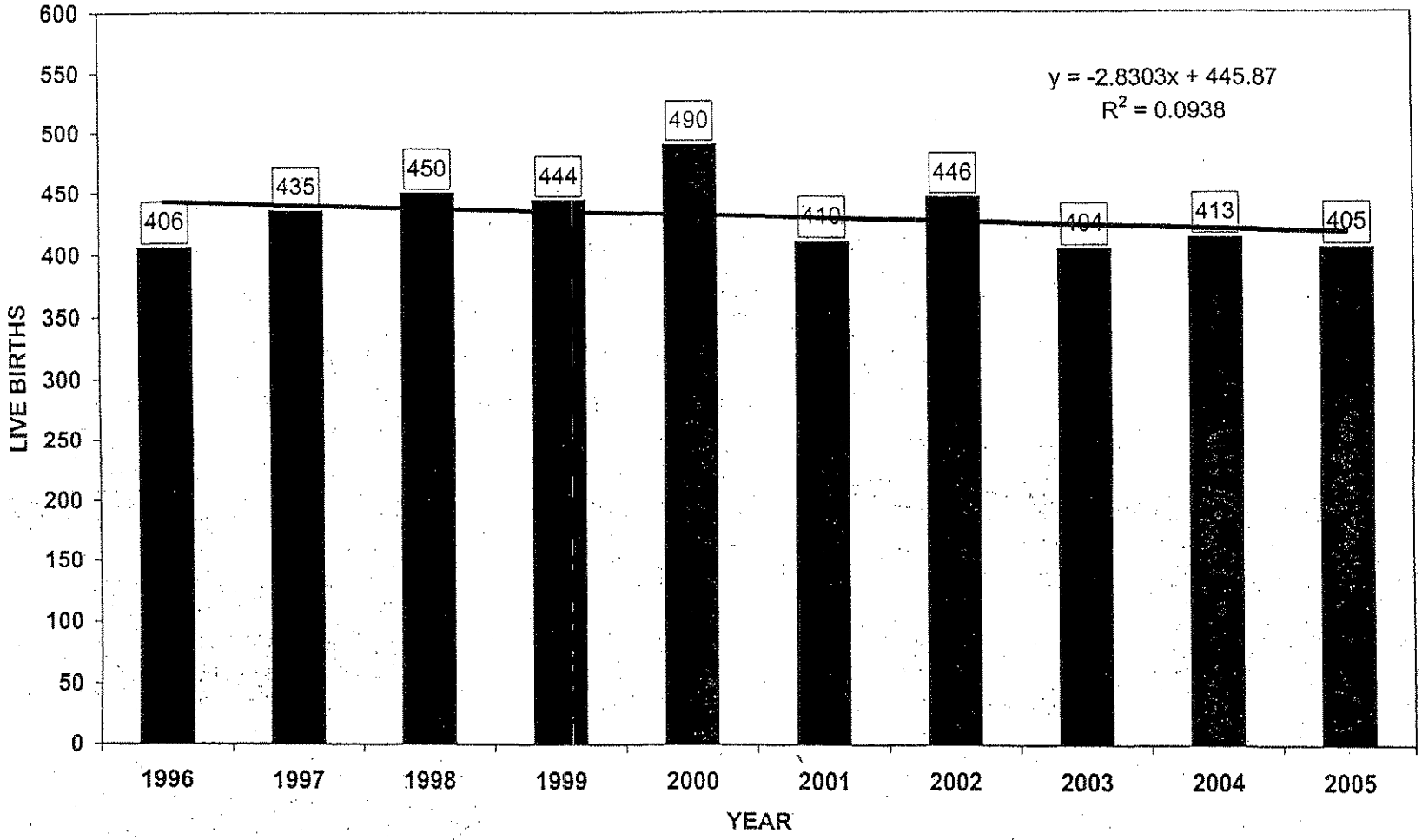


FIGURE SIX: RATIOS OF BRIARCLIFF MANOR SCHOOL DISTRICT CATCHMENT AREA LIVE BIRTHS TO WESTCHESTER COUNTY LIVE BIRTHS 1996-2005

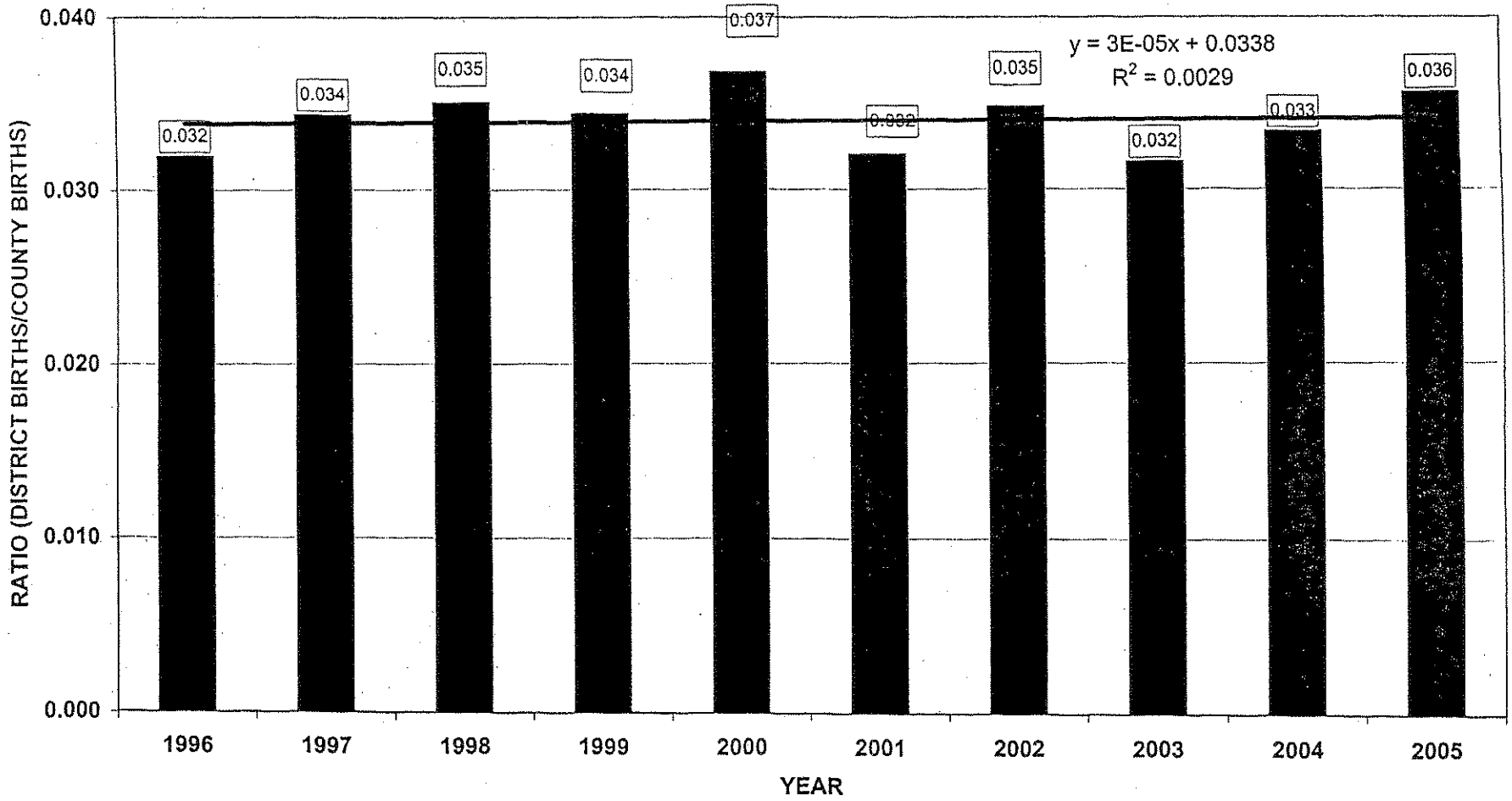


FIGURE SEVEN: BRIARCLIFF CATCHMENT AREA AND WESTCHESTER COUNTY BIRTH TRENDS 1996-2005

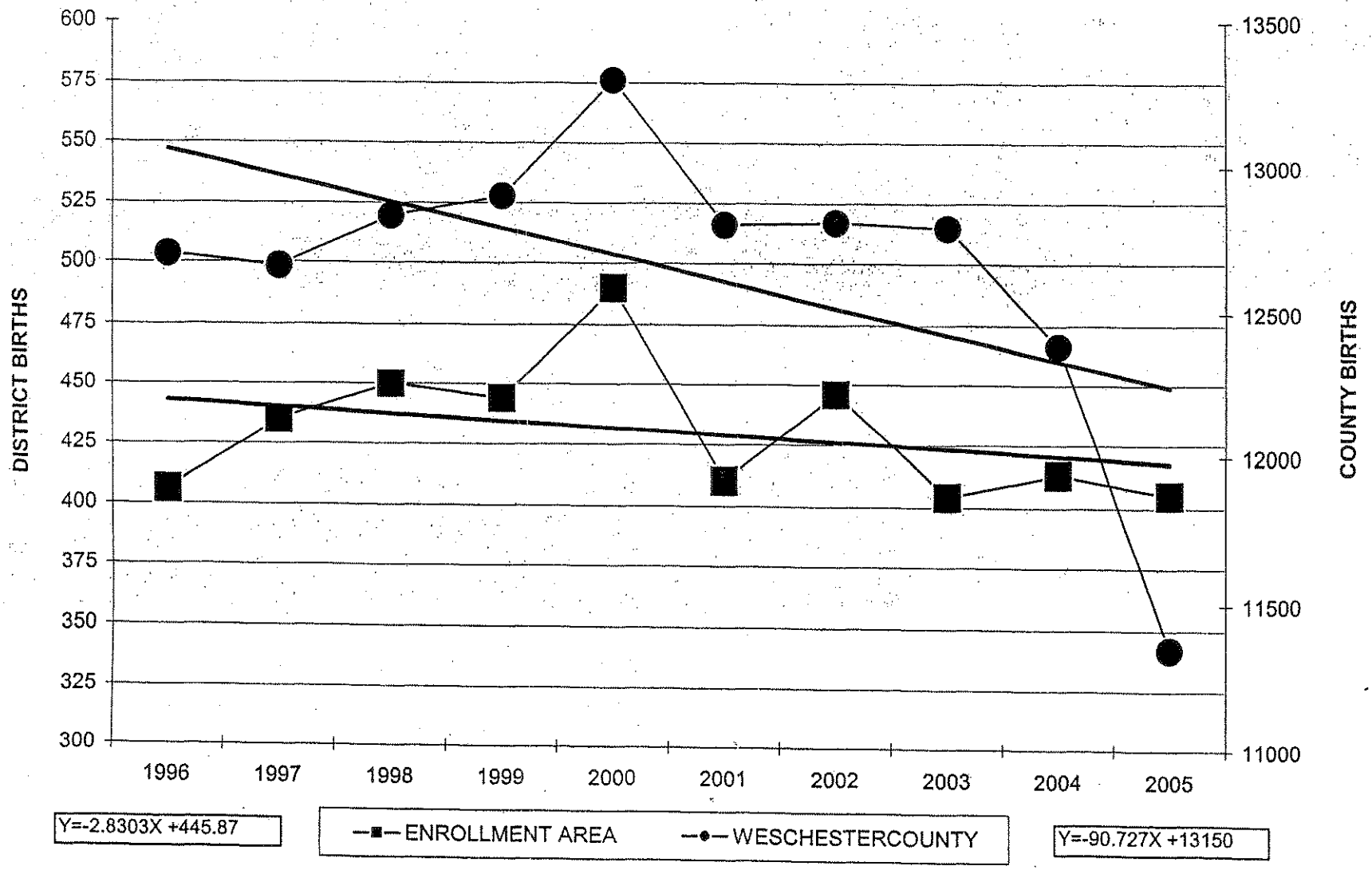


FIGURE EIGHT: BRIARCLIFF MANOR KINDERGARTEN ENROLLMENT 1987-2005

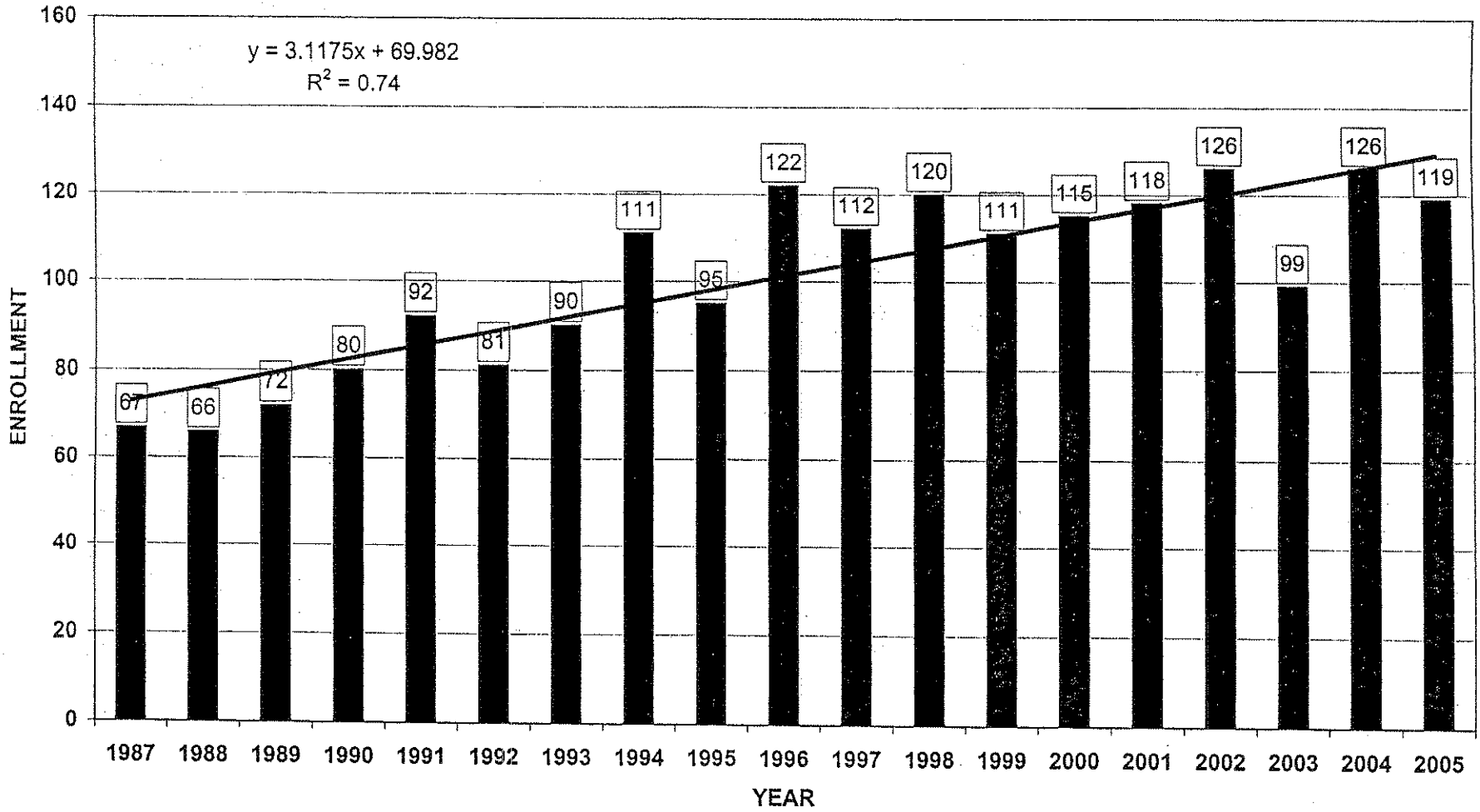


FIGURE NINE: BRIARCLIFF MANOR KINDERGARTEN ENROLLMENT 1996-2005

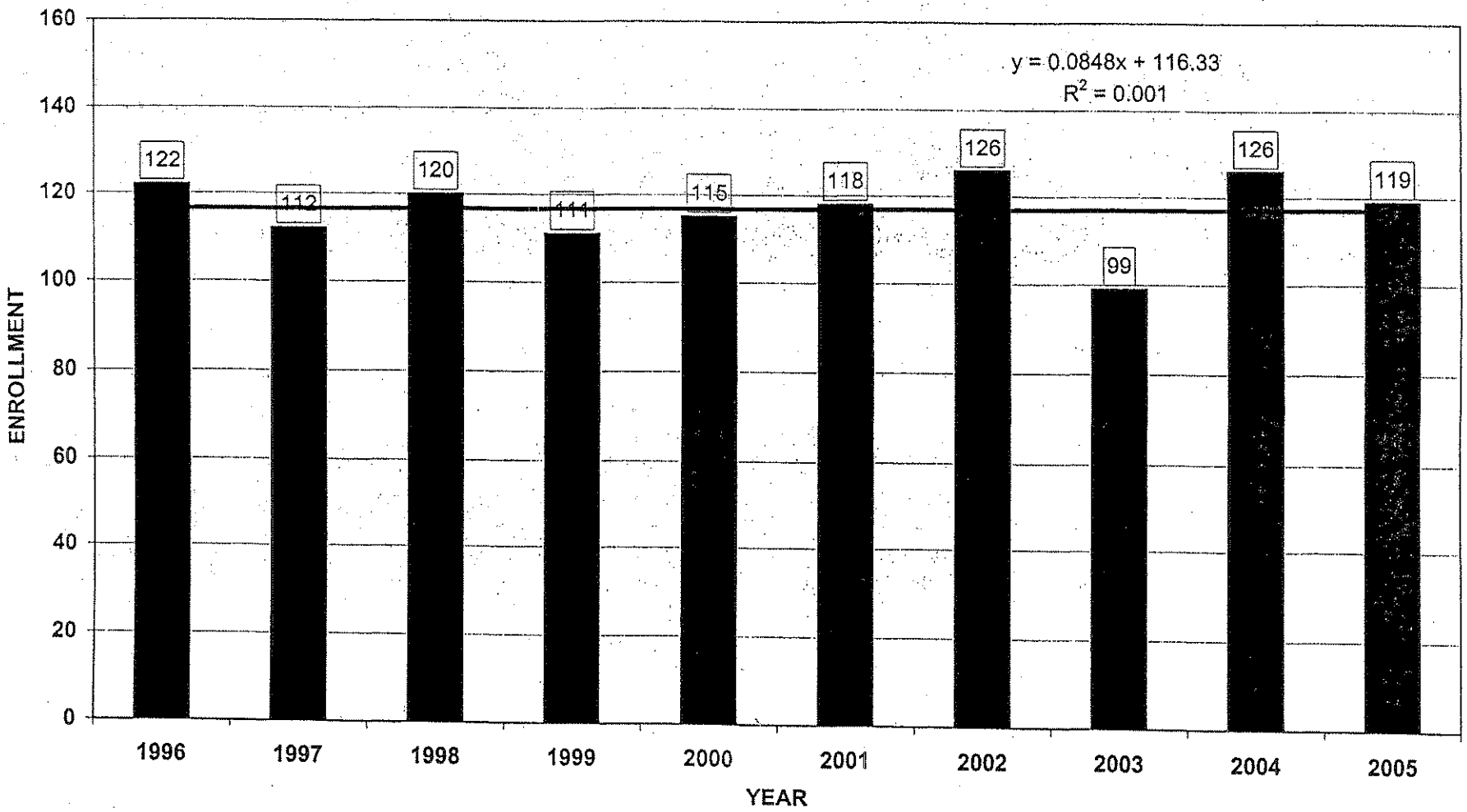


FIGURE TEN: KINDERGARTEN ENROLLMENT 1996-2005 AND CATCHMENT AREA LIVE BIRTHS 1991-2000

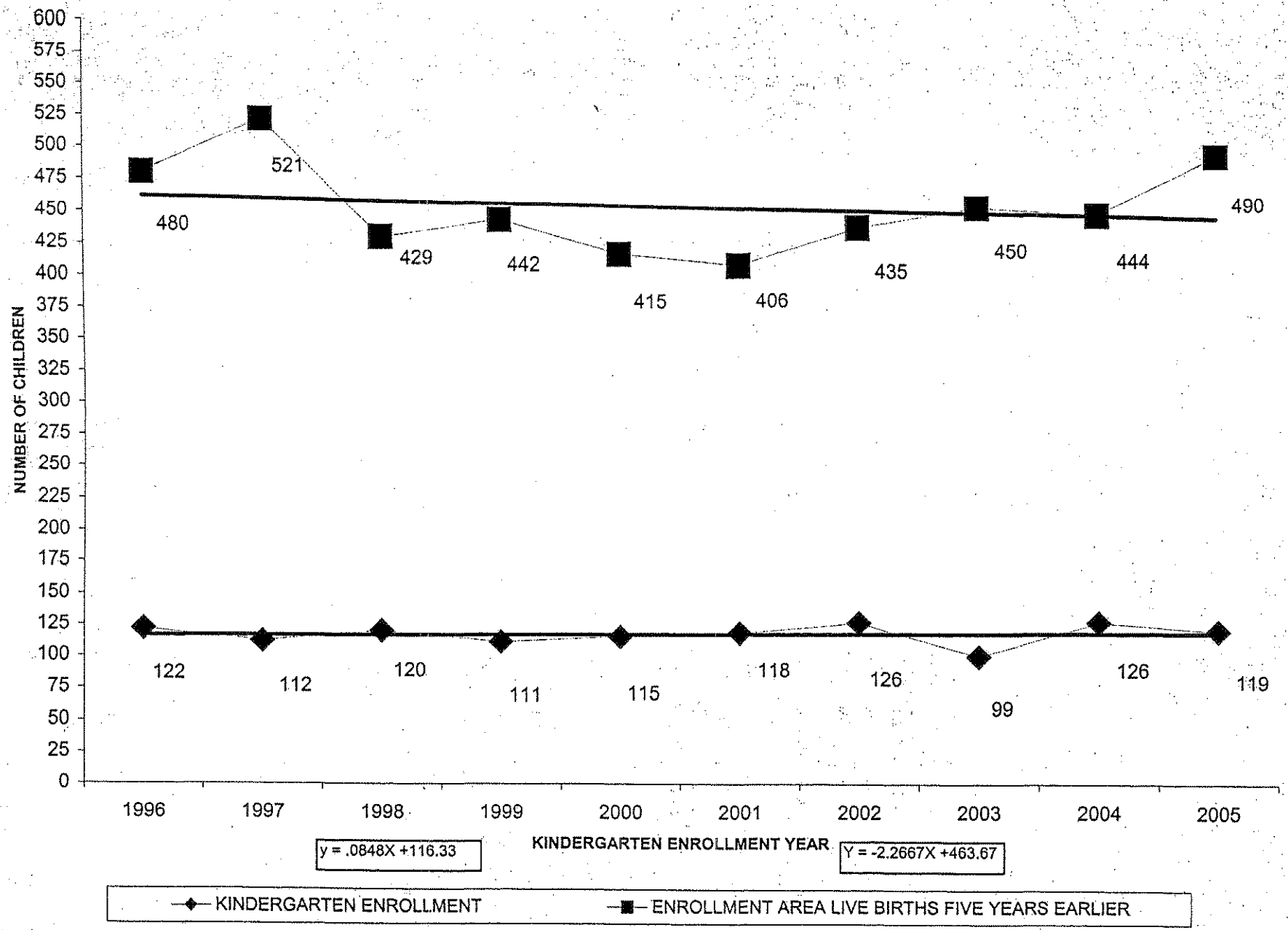


TABLE 3

RATIOS OF YEARLY KINDERGARTEN ENROLLMENTS OF THE BRIARCLIFF MANOR SCHOOL DISTRICT SINCE 1987 AND THE LIVE BIRTHS FIVE YEARS EARLIER IN THE CATCHMENT AREA OF THE DISTRICT

COMPARISON YEARS	K ENROLL	LIVE BIRTHS CATCH. AREA	RATIO KIND/ BIRTHS RATIO
1987 K STUDENTS TO 1982 BIRTHS	67	348	**0.192529**
1988 K STUDENTS TO 1983 BIRTHS	66	354	**0.186441**
1989 K STUDENTS TO 1984 BIRTHS	72	385	**0.187013**
1990 K STUDENTS TO 1985 BIRTHS	80	364	**0.21978**
1991 K STUDENTS TO 1986 BIRTHS	92	393	**0.234097**
1992 K STUDENTS TO 1987 BIRTHS	81	416	**0.194712**
1993 K STUDENTS TO 1988 BIRTHS	90	449	**0.200445**
1994 K STUDENTS TO 1989 BIRTHS	111	461	**0.240781**
1995 K STUDENTS TO 1990 BIRTHS	95	469	**0.202559**
1996 K STUDENTS TO 1991 BIRTHS	122	480	**0.254167**
1997 K STUDENTS TO 1992 BIRTHS	112	521	**0.214971**
1998 K STUDENTS TO 1993 BIRTHS	120	429	**0.27972**
1999 K STUDENTS TO 1994 BIRTHS	111	442	**0.251131**
2000 K STUDENTS TO 1995 BIRTHS	115	415	**0.277108**
2001 K STUDENTS TO 1996 BIRTHS	118	406	**0.29064**
2002 K STUDENTS TO 1997 BIRTHS	126	435	**0.289655**
2003 K STUDENTS TO 1998 BIRTHS	99	450	**0.22**
2004 K STUDENTS TO 1999 BIRTHS	126	444	**0.283784**
2005 K STUDENTS TO 2000 BIRTHS	119	490	**0.242857**

TABLE 4

PROJECTED BRIARCLIFF MANOR 2006-2017 KINDERGARTEN ENROLLMENTS BASED UPON (A) THE EXPONENTIAL TREND ANALYSIS OF THE HISTORICAL PATTERN OF CATCHMENT AREA LIVE BIRTHS FROM 1996 THROUGH 2005, AND (B) THE RATIO DERIVED FROM TOTAL CATCHMENT AREA LIVE BIRTHS AND TOTAL DISTRICT KINDERGARTEN ENROLLMENT COMPARISON DATA SINCE 1996

YEAR	PROJECTED K-ENROLL.	YEAR	LIVE BIRTHS CATCH. AREA	K-ENROLL TO LIVE BIRTH RATIO '96-'05
2006	108	2001	410	0.264270
2007	118	2002	446	0.264270
2008	107	2003	404	0.264270
2009	109	2004	413	0.264270
2010	107	2005	405	0.264270
			PROJECTED LIVE BIRTHS	
2011	119	2006	452	0.264270
2012	120	2007	454	0.264270
2013	121	2008	456	0.264270
2014	121	2009	458	0.264270
2015	122	2010	461	0.264270
2016	122	2011	463	0.264270
2017	123	2012	465	0.264270

TABLE 5

PROJECTED BRIARCLIFF MANOR 2006-2017 KINDERGARTEN ENROLLMENTS BASED UPON EXPONENTIAL TREND ANALYSES OF THE HISTORICAL PATTERNS OF: (A) THE RATIOS DERIVED FROM COMPARING ANNUAL KINDERGARTEN ENROLLMENTS 1996 THROUGH 2005 WITH ANNUAL CATCHMENT AREA BIRTHS FIVE YEARS EARLIER, AND (B) THE CATCHMENT AREA LIVE BIRTHS FROM 1996 THROUGH 2005

YEAR	PROJECTED K-ENROLL.	YEAR	LIVE BIRTHS ENROLL AREA	EST. K-ENROLL TO LIVE BIRTH RATIO
2006	110	2001	410	0.267417
2007	120	2002	446	0.268692
2008	109	2003	404	0.269967
2009	112	2004	413	0.271242
2010	110	2005	405	0.272518
			PROJECTED LIVE BIRTHS	
2011	114	2006	415	0.273793
2012	113	2007	412	0.275068
2013	113	2008	410	0.276343
2014	113	2009	407	0.277618
2015	113	2010	404	0.278894
2016	112	2011	401	0.280169
2017	112	2012	398	0.281444

TABLE 6

PROJECTED BRIARCLIFF MANOR SCHOOL DISTRICT
2006-2017 KINDERGARTEN ENROLLMENTS
BASED UPON AN EXPONENTIALTREND ANALYSIS
OF THE HISTORICAL PATTERN OF KINDERGARTEN ENROLLMENT
DATA SINCE 1996

YEAR	PROJECTED K-ENROLL.	YEAR	LIVE BIRTHS ENROLL. AREA	EST. K-ENROLL TO ENROLL. AREA LIVE BIRTH RATIO
2006	122	2001		
2007	123	2002		
2008	124	2003		
2009	125	2004		
2010	126	2005		
			PROJECTED LIVE BIRTHS	
2011	127	2006		
2012	129	2007		
2013	130	2008		
2014	131	2009		
2015	132	2010		
2016	134	2011		
2017	135	2012		

CHART ONE-A: HISTORICAL K-12 ENROLLMENT 2000-2005

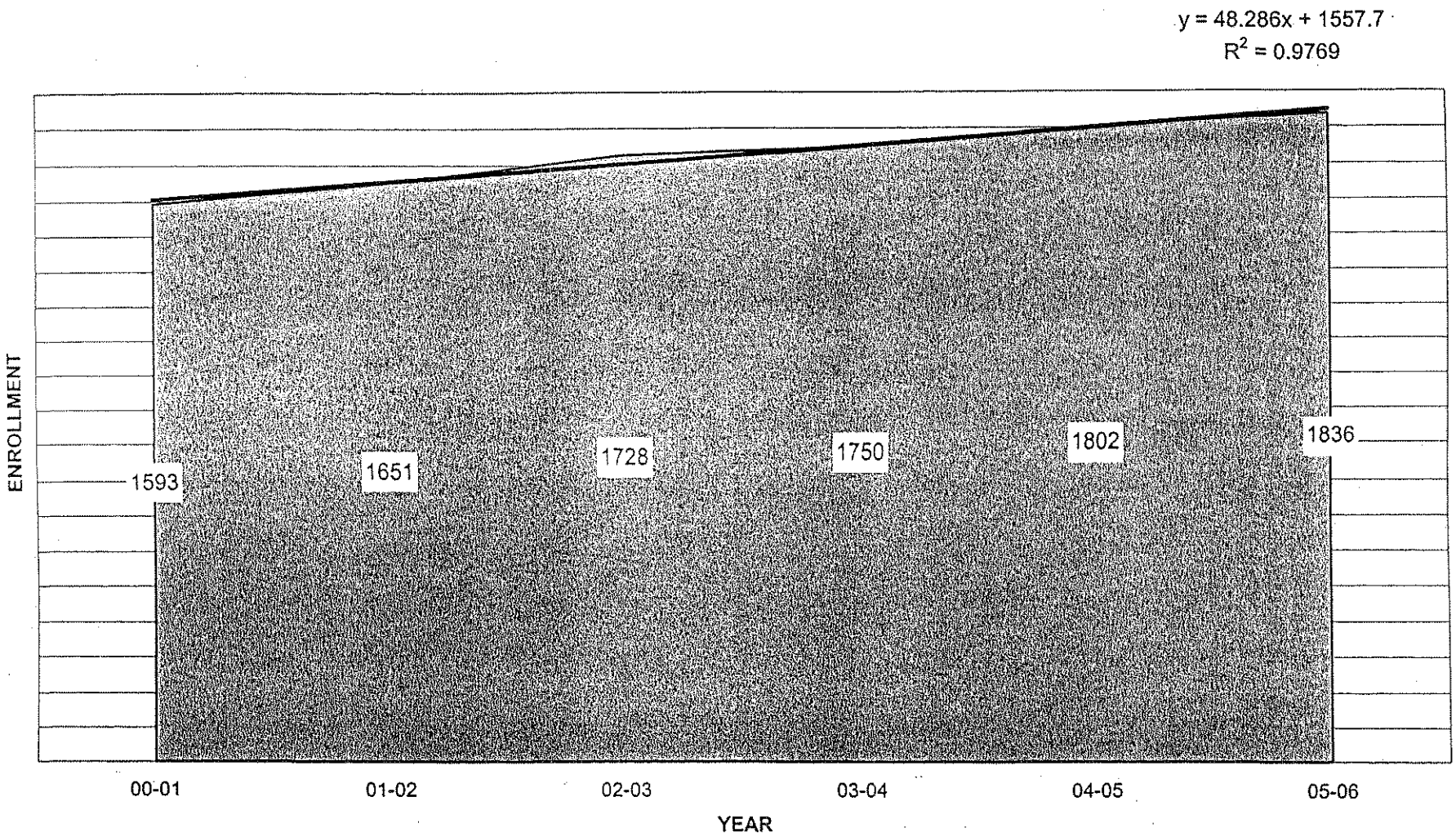


CHART ONE-B: HISTORICAL K-6, 7-12 ENROLLMENT 2000-2005

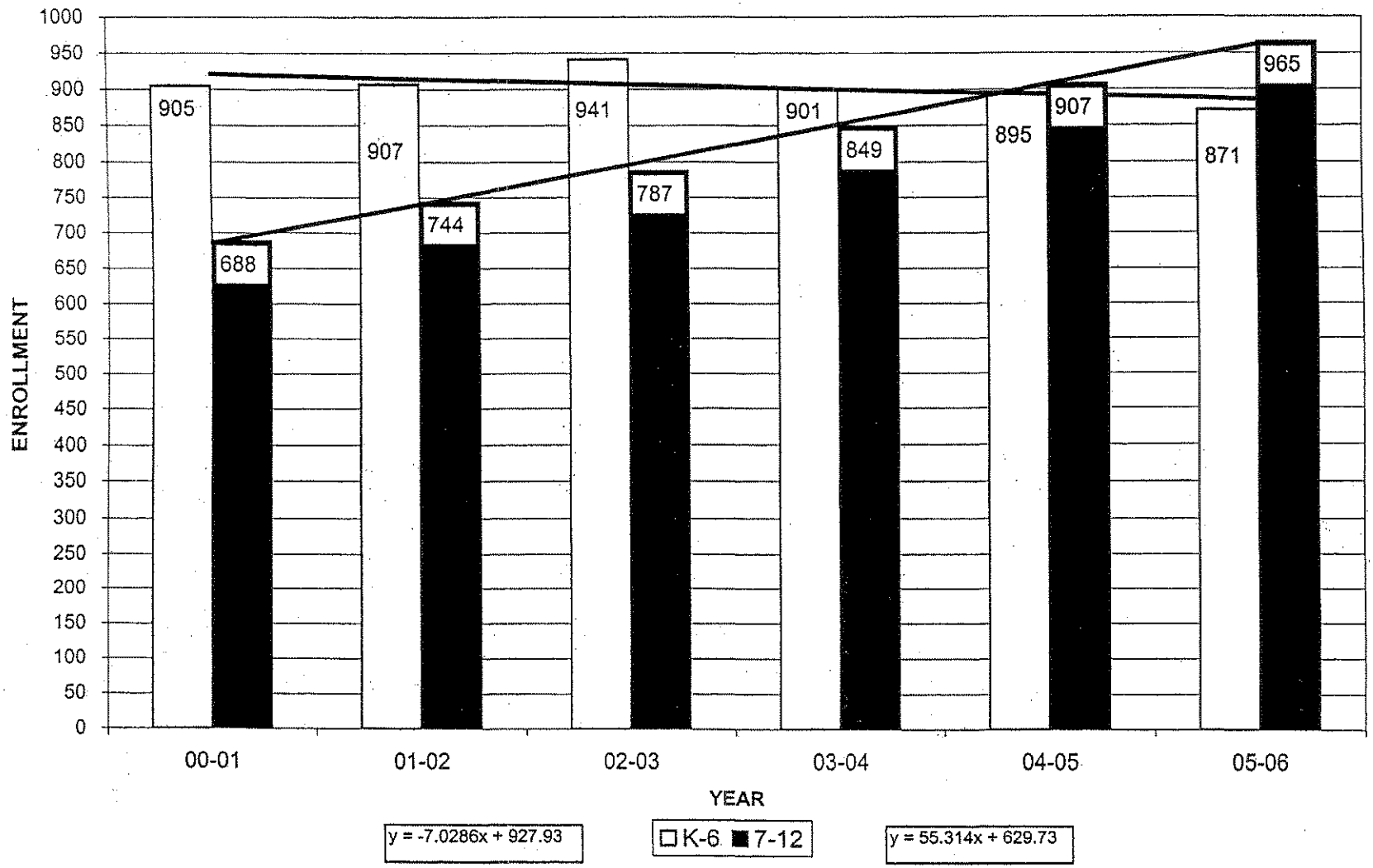
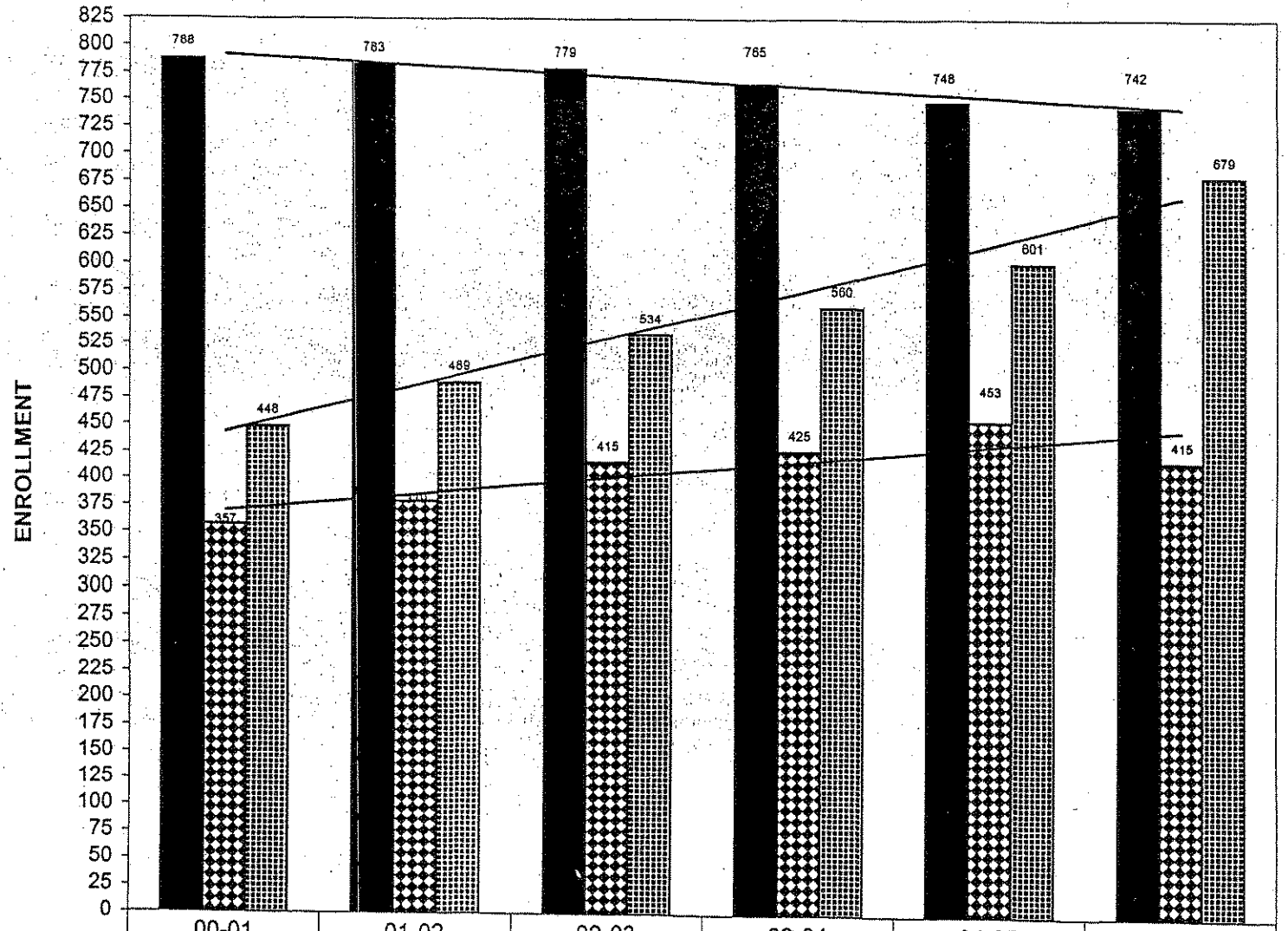


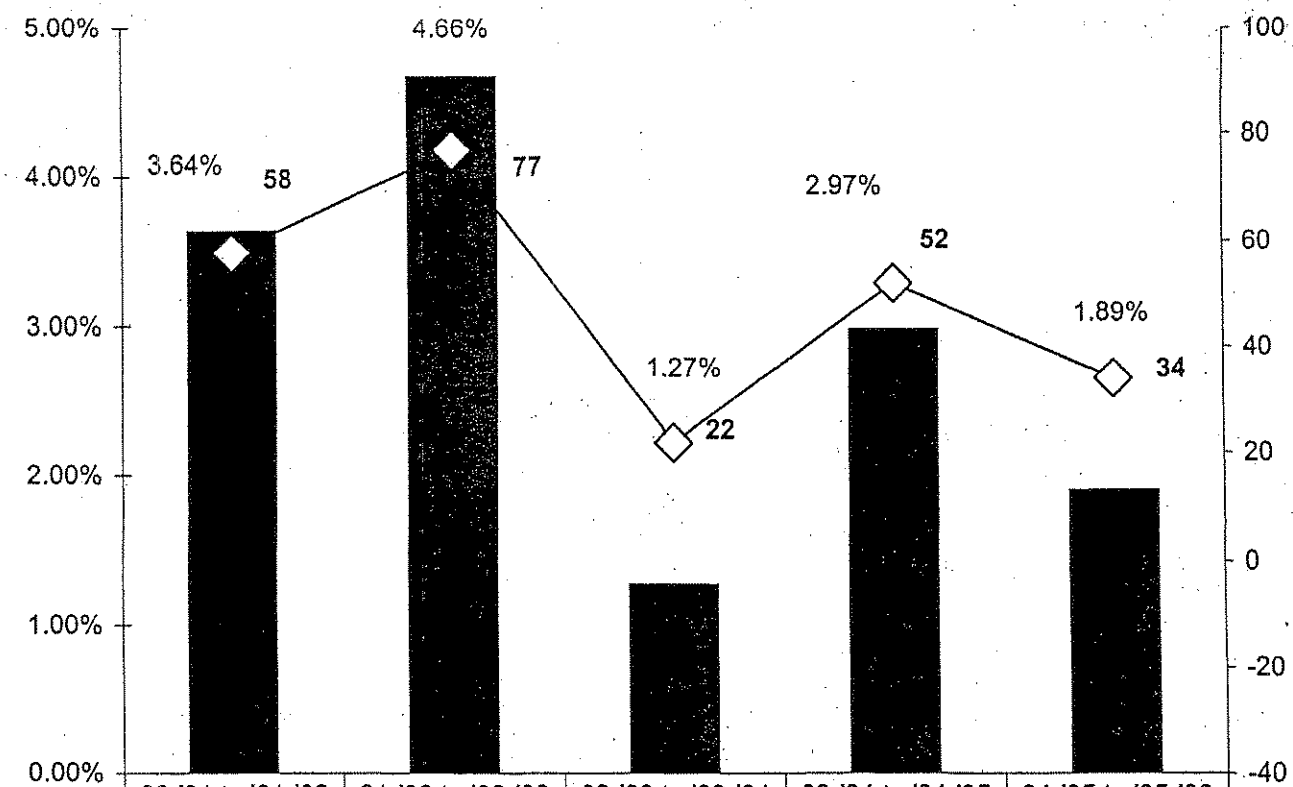
CHART ONE-C: HISTORICAL K-5, 6-8, 9-12 ENROLLMENT 2000-2005



	00-01	01-02	02-03	03-04	04-05	05-06
K-5	788	783	779	765	748	742
6-8	357	379	415	425	453	415
9-12	448	489	534	560	601	679

y = -9.9714x + 802.4
y = 14.914x + 355.13
y = 43.343x + 400.13

FIGURE ELEVEN: K-12 ENROLLMENT CHANGES 2000-2005



	00-'01 to '01-'02	01-'02 to '02-'03	02-'03 to '03-'04	03-'04 to '04-'05	04-'05 to '05-'06
Year-to-Year % Change in Total K-12 Enrollment	3.64%	4.66%	1.27%	2.97%	1.89%
Year-to-Year Student Enrollment Change K-12	58	77	22	52	34

TABLE 7-A: LOW RANGE COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
00-01	116		122		137		134		156		123		117		128		112		124		130		107		87	1593
01-02	119	0.97	113	1.03	126	1.01	138	0.99	133	0.99	154	1.01	124	1.06	124	1.02	131	1.19	133	0.98	122	0.90	117	1.09	117	1651
02-03	128	1.03	123	1.02	115	1.03	130	1.07	147	1.02	136	1.05	162	1.02	126	1.02	127	1.24	163	0.98	131	0.98	119	1.03	121	1728
03-04	101	1.09	140	1.05	129	1.01	116	1.01	131	1.01	148	1.00	136	1.01	163	1.00	126	1.23	156	0.99	162	0.93	122	1.01	120	1750
04-05	127	0.98	99	1.00	140	1.02	131	1.03	120	1.00	131	0.99	147	0.98	133	1.06	173	1.28	161	0.96	150	1.01	164	1.03	126	1802
05-06	121	1.03	131	1.04	103	1.01	142	0.99	130	0.96	115	0.98	129	1.01	148	1.04	138	1.06	184	1.01	162	1.07	160	1.05	173	1836
Average Ratio		1.023		1.028		1.016		1.018		0.995		1.008		1.013		1.029		1.200		0.986		0.977		1.045		
06-07	110		124		135		105		145		129		116		131		152		166		181		158		167	1818
07-08	120		112		127		137		107		144		130		117		135		183		163		177		165	1818
08-09	109		123		116		129		139		106		145		132		121		162		180		160		185	1806
09-00	112		111		126		117		132		139		107		147		136		145		159		176		167	1774
10-11	110		115		115		128		120		131		140		108		151		163		143		156		184	1763
11-12	114		112		118		116		130		119		132		141		111		182		161		140		163	1740
12-13	113		117		116		120		119		130		120		134		146		134		179		157		146	1728
13-14	113		116		120		117		122		118		131		122		138		175		132		175		164	1741
14-15	113		116		119		122		120		121		119		133		125		165		172		129		183	1735
15-16	113		116		119		121		124		119		122		120		136		150		163		168		135	1706
16-17	112		116		119		121		123		123		120		124		124		164		148		159		176	1728

TABLE 7-B: MID RANGE COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
00-01	116		122		137		134		156		123		117		128		112		124		130		107		87	1593
01-02	119	0.97	113	1.03	126	1.01	138	0.99	133	0.99	154	1.01	124	1.06	124	1.02	131	1.19	133	0.98	122	0.90	117	1.09	117	1651
02-03	128	1.03	123	1.02	115	1.03	130	1.07	147	1.02	136	1.05	162	1.02	126	1.02	127	1.24	163	0.98	131	0.98	119	1.03	121	1728
03-04	101	1.09	140	1.05	129	1.01	116	1.01	131	1.01	148	1.00	136	1.01	163	1.00	126	1.23	156	0.99	162	0.93	122	1.01	120	1750
04-05	127	0.98	99	1.00	140	1.02	131	1.03	120	1.00	131	0.99	147	0.98	133	1.06	173	1.28	161	0.96	150	1.01	164	1.03	126	1802
05-06	121	1.03	131	1.04	103	1.01	142	0.99	130	0.96	115	0.98	129	1.01	148	1.04	138	1.06	184	1.01	162	1.07	160	1.05	173	1836
Average Ratio		1.023		1.028		1.016		1.018		0.995		1.008		1.013		1.029		1.200		0.986		0.977		1.045		
06-07	108		124		135		105		145		129		116		131		152		166		181		158		167	1816
07-08	118		110		127		137		107		144		130		117		135		183		163		177		165	1814
08-09	107		121		114		129		139		106		145		132		121		162		180		160		185	1800
09-00	109		109		124		115		132		139		107		147		136		145		159		176		167	1765
10-11	107		111		112		126		117		131		140		108		151		163		143		156		184	1750
11-12	119		109		115		114		128		117		132		141		111		182		161		140		163	1732
12-13	120		122		112		116		116		128		118		134		146		134		179		157		146	1728
13-14	121		123		125		114		119		116		129		119		138		175		132		175		164	1749
14-15	121		124		126		127		116		118		117		130		123		165		172		129		183	1751
15-16	122		124		127		128		129		116		119		118		134		147		163		168		135	1731
16-17	122		125		127		129		130		129		117		120		122		161		145		159		176	1762

TABLE 7-C: HIGH RANGE COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
00-01	116		122		137		134		156		123		117		128		112		124		130		107		87	1593
01-02	119	0.97	113	1.03	126	1.01	138	0.99	133	0.99	154	1.01	124	1.06	124	1.02	131	1.19	133	0.98	122	0.90	117	1.09	117	1651
02-03	128	1.03	123	1.02	115	1.03	130	1.07	147	1.02	136	1.05	162	1.02	126	1.02	127	1.24	163	0.98	131	0.98	119	1.03	121	1728
03-04	101	1.09	140	1.05	129	1.01	116	1.01	131	1.01	148	1.00	136	1.01	163	1.00	126	1.23	156	0.99	162	0.93	122	1.01	120	1750
04-05	127	0.98	99	1.00	140	1.02	131	1.03	120	1.00	131	0.99	147	0.98	133	1.06	173	1.28	161	0.96	150	1.01	164	1.03	126	1802
05-06	121	1.03	131	1.04	103	1.01	142	0.99	130	0.96	115	0.98	129	1.01	148	1.04	138	1.06	184	1.01	162	1.07	160	1.05	173	1836
Average Ratio		1.023		1.028		1.016		1.018		0.995		1.008		1.013		1.029		1.200		0.986		0.977		1.045		
06-07	122		124		135		105		145		129		116		131		152		166		181		158		167	1830
07-08	123		125		127		137		107		144		130		117		135		183		163		177		165	1833
08-09	124		126		128		129		139		106		145		132		121		162		180		160		185	1837
09-00	125		127		129		130		132		139		107		147		136		145		159		176		167	1818
10-11	126		128		130		131		133		131		140		108		151		163		143		156		184	1824
11-12	127		129		131		132		134		132		132		141		111		182		161		140		163	1815
12-13	129		130		132		133		135		133		133		134		146		134		179		157		146	1821
13-14	130		132		134		135		136		134		134		135		138		175		132		175		164	1852
14-15	131		133		136		136		137		135		135		136		139		165		172		129		183	1866
15-16	132		134		137		138		138		136		136		137		140		166		163		168		135	1860
16-17	134		135		138		139		140		137		137		138		141		168		164		159		176	1907

TABLE 8-A COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12 AND ESTIMATED INFLUENCE OF THE HOUSING MARKET

LOW RANGE

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
00-01	116		122		137		134		156		123		117		128		112		124		130		107		87	1593
01-02	119	0.97	113	1.03	126	1.01	138	0.99	133	0.99	154	1.01	124	1.06	124	1.02	131	1.19	133	0.98	122	0.90	117	1.09	117	1651
02-03	128	1.03	123	1.02	115	1.03	130	1.07	147	1.02	136	1.05	162	1.02	126	1.02	127	1.24	163	0.98	131	0.98	119	1.03	121	1728
03-04	101	1.09	140	1.05	129	1.01	116	1.01	131	1.01	148	1.00	136	1.01	163	1.00	126	1.23	156	0.99	162	0.93	122	1.01	120	1750
04-05	127	0.98	99	1.00	140	1.02	131	1.03	120	1.00	131	0.99	147	0.98	133	1.06	173	1.28	161	0.96	150	1.01	164	1.03	126	1802
05-06	121	1.03	131	1.04	103	1.01	142	0.99	130	0.96	115	0.98	129	1.01	148	1.04	138	1.06	184	1.01	162	1.07	160	1.05	173	1836
Average Ratio		1.023		1.028		1.016		1.018		0.995		1.008		1.013		1.029		1.200		0.986		0.977		1.045		
06-07	110		123.7		134.7		104.6		144.6		129.3		115.9		130.7		152.3		165.6		181.4		158.3		167.2	1818
07-08	121.1		113.6		128.3		137.9		107.7		145.2		131.7		118.8		135.9		182.9		163.3		177.3		165.4	1829
08-09	111.7		125.5		118.4		131.9		142.0		109.0		148.2		135.3		124.1		163.1		180.3		159.6		185.2	1834
09-00	116.6		115.8		130.5		121.8		135.9		143.1		111.6		152.0		141.1		148.9		160.8		176.2		166.7	1821
10-11	114.2		119.3		119.0		132.6		124.0		135.2		144.2		113.1		156.4		169.3		146.9		157.2		184.1	1816
11-12	118.2		116.8		122.6		120.9		135.0		123.4		136.2		146.1		116.4		187.8		167.0		143.5		164.2	1798
12-13	116.1		120.9		120.1		124.5		123.1		134.3		124.3		138.1		150.4		139.8		185.2		163.1		149.9	1790
13-14	114.5		118.7		124.3		121.9		126.8		122.5		135.3		126.0		142.1		180.6		137.8		180.9		170.4	1802
14-15	113		117.1		122.0		126.2		124.2		126.2		123.4		137.2		129.7		170.6		178.0		134.7		189.0	1791
15-16	113		115.6		120.4		123.9		128.5		123.6		127.1		125.1		141.2		155.7		168.2		174.0		140.7	1757
16-17	112		115.6		118.8		122.3		126.2		127.9		124.5		128.8		128.7		169.4		153.5		164.4		181.8	1774

TABLE 8-B COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12 AND ESTIMATED INFLUENCE OF THE HOUSING MARKET

MID RANGE

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
00-01	116		122		137		134		156		123		117		128		112		124		130		107		87	1593
01-02	119	0.97	113	1.03	126	1.01	138	0.99	133	0.99	154	1.01	124	1.06	124	1.02	131	1.19	133	0.98	122	0.90	117	1.09	117	1651
02-03	128	1.03	123	1.02	115	1.03	130	1.07	147	1.02	136	1.05	162	1.02	126	1.02	127	1.24	163	0.98	131	0.98	119	1.03	121	1728
03-04	101	1.09	140	1.05	129	1.01	116	1.01	131	1.01	148	1.00	136	1.01	163	1.00	126	1.23	156	0.99	162	0.93	122	1.01	120	1750
04-05	127	0.98	99	1.00	140	1.02	131	1.03	120	1.00	131	0.99	147	0.98	133	1.06	173	1.28	161	0.96	150	1.01	164	1.03	126	1802
05-06	121	1.03	131	1.04	103	1.01	142	0.99	130	0.96	115	0.98	129	1.01	148	1.04	138	1.06	184	1.01	162	1.07	160	1.05	173	1836
Average Ratio		1.023		1.028		1.016		1.018		0.995		1.008		1.013		1.029		1.200		0.986		0.977		1.045		
06-07	108.0		123.7		134.7		104.6		144.6		129.3		115.9		130.7		152.3		165.6		181.4		158.3		167.2	1816
07-08	119.1		111.6		128.3		137.9		107.7		145.2		131.7		118.8		135.9		182.9		163.3		177.3		165.4	1825
08-09	109.7		123.4		116.3		131.9		142.0		109.0		148.2		135.3		124.1		163.1		180.3		159.6		185.2	1828
09-00	113.6		113.7		128.4		119.6		135.9		143.1		111.6		152.0		141.1		148.9		160.8		176.2		166.7	1812
10-11	111.2		116.2		116.9		130.4		121.9		135.2		144.2		113.1		156.4		169.3		146.9		157.2		184.1	1803
11-12	123.2		113.7		119.5		118.7		132.8		121.2		136.2		146.1		116.4		187.8		167.0		143.5		164.2	1791
12-13	123.1		126.0		116.9		121.3		120.9		132.2		122.2		138.1		150.4		139.8		185.2		163.1		149.9	1789
13-14	122.5		125.9		129.5		118.7		123.5		120.3		133.2		123.8		142.1		180.6		137.8		180.9		170.4	1809
14-15	121.0		125.3		129.4		131.5		120.9		122.9		121.2		134.9		127.4		170.6		178.0		134.7		189.0	1807
15-16	122.0		123.7		128.8		131.4		134.0		120.3		123.9		122.9		138.9		152.9		168.2		174.0		140.7	1782
16-17	122.0		124.8		127.2		130.8		133.8		133.3		121.2		125.5		126.5		166.7		150.8		164.4		181.8	1809

TABLE 8-C COHORT SURVIVAL STATISTIC ENROLLMENT PROJECTIONS GRADES K-12 AND ESTIMATED INFLUENCE OF THE HOUSING MARKET

HIGH RANGE

YEAR	KNDG	R	1ST	R	2ND	R	3RD	R	4TH	R	5TH	R	6TH	R	7TH	R	8TH	R	9TH	R	10TH	R	11TH	R	12TH	TOTAL
00-01	116		122		137		134		156		123		117		128		112		124		130		107		87	1593
01-02	119	0.97	113	1.03	126	1.01	138	0.99	133	0.99	154	1.01	124	1.06	124	1.02	131	1.19	133	0.98	122	0.90	117	1.09	117	1651
02-03	128	1.03	123	1.02	115	1.03	130	1.07	147	1.02	136	1.05	162	1.02	126	1.02	127	1.24	163	0.98	131	0.98	119	1.03	121	1728
03-04	101	1.09	140	1.05	129	1.01	116	1.01	131	1.01	148	1.00	136	1.01	163	1.00	126	1.23	156	0.99	162	0.93	122	1.01	120	1750
04-05	127	0.98	99	1.00	140	1.02	131	1.03	120	1.00	131	0.99	147	0.98	133	1.06	173	1.28	161	0.96	150	1.01	164	1.03	126	1802
05-06	121	1.03	131	1.04	103	1.01	142	0.99	130	0.96	115	0.98	129	1.01	148	1.04	138	1.06	184	1.01	162	1.07	160	1.05	173	1836
Average Ratio		1.023		1.028		1.016		1.018		0.995		1.008		1.013		1.029		1.200		0.986		0.977		1.045		
06-07	122		123.7		134.7		104.6		144.6		129.3		115.9		130.7		152.3		165.6		181.4		158.3		167.2	1830
07-08	124.1		125.9		128.3		137.9		107.7		145.2		131.7		118.8		135.9		182.9		163.3		177.3		165.4	1844
08-09	126.7		128.5		131.0		131.9		142.0		109.0		148.2		135.3		124.1		163.1		180.3		159.6		185.2	1865
09-00	129.6		131.1		133.7		134.6		135.9		143.1		111.6		152.0		141.1		148.9		160.8		176.2		166.7	1865
10-11	130.2		132.6		134.8		135.8		137.1		135.2		144.2		113.1		156.4		169.3		146.9		157.2		184.1	1877
11-12	131.2		133.2		136.3		136.9		138.3		136.4		136.2		146.1		116.4		187.8		167.0		143.5		164.2	1873
12-13	132.1		134.2		136.9		138.4		139.4		137.6		137.4		138.1		150.4		139.8		185.2		163.1		149.9	1882
13-14	131.5		135.1		137.9		139.0		140.9		138.7		138.6		139.3		142.1		180.6		137.8		180.9		170.4	1913
14-15	131		134.5		138.9		140.1		141.6		140.2		139.8		140.5		143.3		170.6		178.0		134.7		189.0	1922
15-16	132		134.0		138.3		141.0		142.7		140.9		141.3		141.6		144.6		172.1		168.2		174.0		140.7	1911
16-17	134		135.0		137.7		140.4		143.6		142.0		141.9		143.2		145.8		173.5		169.7		164.4		181.8	1953

TABLE 9: BASE COHORT ENROLLMENT PROJECTIONS SUMMARY

	LOW RANGE PROJECTION				MID RANGE PROJECTION				HIGH RANGE PROJECTION			
YEAR	K-5	6-8	9-12	*TOTALS*	K-5	6-8	9-12	*TOTALS*	K-5	6-8	9-12	*TOTALS*
2006	*747*	*399*	*673*	**1818**	*745*	*399*	*673*	**1816**	*759*	*399*	*673*	**1830**
2007	*747*	*382*	*689*	**1818**	*743*	*382*	*689*	**1814**	*762*	*382*	*689*	**1833**
2008	*722*	*398*	*687*	**1806**	*716*	*398*	*687*	**1800**	*752*	*398*	*687*	**1837**
2009	*737*	*390*	*647*	**1774**	*728*	*390*	*647*	**1765**	*781*	*390*	*647*	**1818**
2010	*718*	*399*	*646*	**1763**	*705*	*399*	*646*	**1750**	*779*	*399*	*646*	**1824**
2011	*710*	*385*	*645*	**1740**	*702*	*385*	*645*	**1732**	*785*	*385*	*645*	**1815**
2012	*713*	*399*	*616*	**1728**	*715*	*397*	*616*	**1728**	*793*	*412*	*616*	**1821**
2013	*705*	*390*	*646*	**1741**	*717*	*385*	*646*	**1749**	*800*	*406*	*646*	**1852**
2014	*710*	*376*	*649*	**1735**	*732*	*370*	*649*	**1751**	*807*	*410*	*649*	**1866**
2015	*711*	*379*	*616*	**1706**	*746*	*371*	*613*	**1731**	*815*	*413*	*632*	**1860**
2016	*713*	*368*	*647*	**1728**	*762*	*359*	*641*	**1762**	*823*	*416*	*667*	**1907**

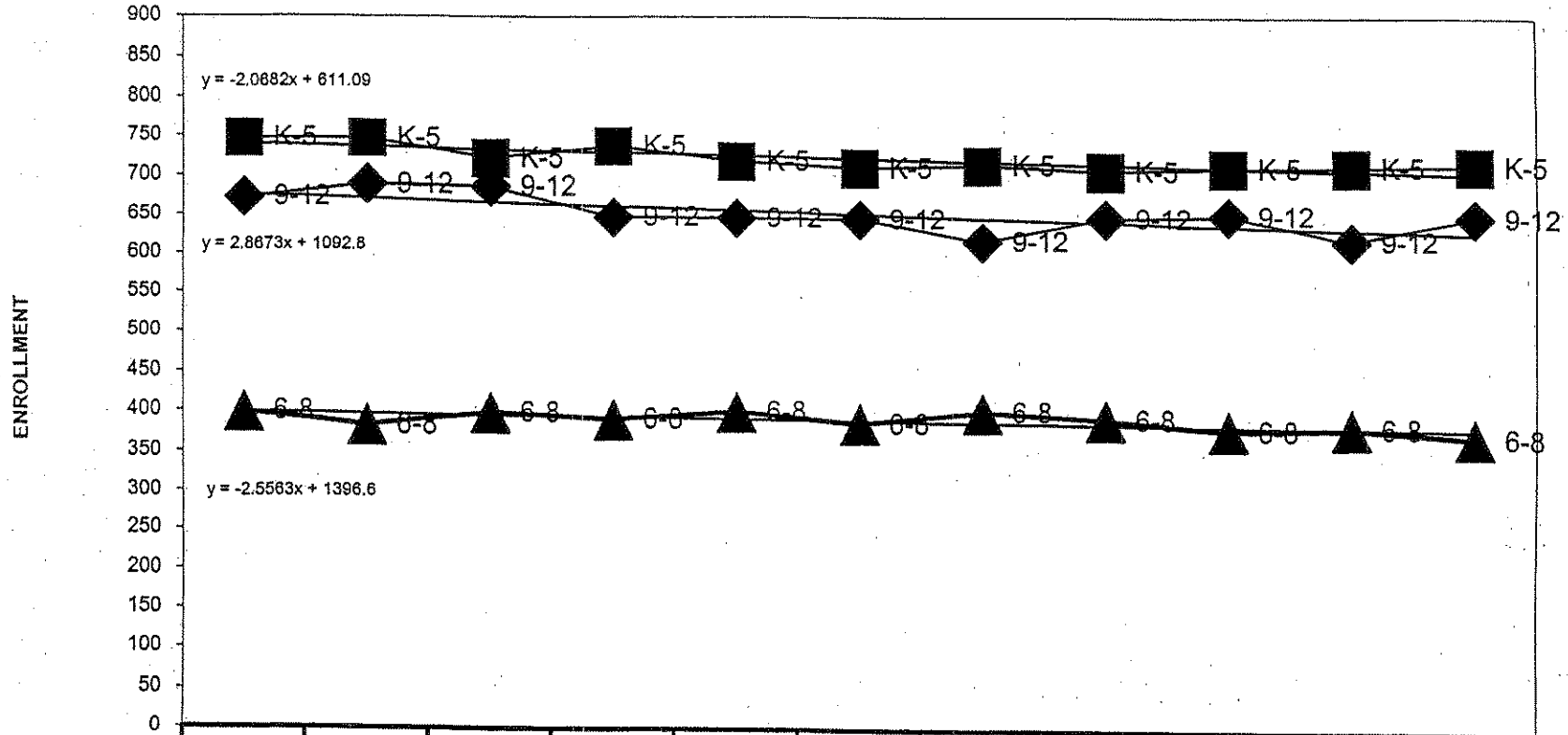
	LOW RANGE PROJECTION			MID RANGE PROJECTION			HIGH RANGE PROJECTION		
YEAR	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12
2006	*863*	*956*	**1818**	*861*	*956*	**1816**	*875*	*956*	**1830**
2007	*877*	*941*	**1818**	*873*	*941*	**1814**	*892*	*941*	**1833**
2008	*867*	*940*	**1806**	*861*	*940*	**1800**	*897*	*940*	**1837**
2009	*844*	*930*	**1774**	*835*	*930*	**1765**	*888*	*930*	**1818**
2010	*857*	*905*	**1763**	*845*	*905*	**1750**	*919*	*905*	**1824**
2011	*842*	*898*	**1740**	*834*	*898*	**1732**	*917*	*898*	**1815**
2012	*833*	*895*	**1728**	*832*	*895*	**1728**	*926*	*895*	**1821**
2013	*836*	*905*	**1741**	*846*	*903*	**1749**	*934*	*918*	**1852**
2014	*829*	*907*	**1735**	*849*	*902*	**1751**	*942*	*924*	**1866**
2015	*833*	*873*	**1706**	*865*	*866*	**1731**	*951*	*909*	**1860**
2016	*833*	*895*	**1728**	*879*	*883*	**1762**	*960*	*946*	**1907**

TABLE 10: SUMMARY OF ENROLLMENT PROJECTIONS INFLUENCED BY THE HOUSING MARKET

	LOW RANGE PROJECTION				MID RANGE PROJECTION				HIGH RANGE PROJECTION			
YEAR	K-5	6-8	9-12	*TOTALS*	K-5	6-8	9-12	*TOTALS*	K-5	6-8	9-12	*TOTALS*
2006	*747*	*399*	*673*	1818	*745*	*399*	*673*	1816	*759*	*399*	*673*	1830
2007	*754*	*386*	*689*	1829	*750*	*386*	*689*	1825	*769*	*386*	*689*	1844
2008	*738*	*408*	*688*	1834	*732*	*408*	*688*	1828	*769*	*408*	*688*	1865
2009	*764*	*405*	*653*	1821	*754*	*405*	*653*	1812	*808*	*405*	*653*	1865
2010	*744*	*414*	*657*	1816	*732*	*414*	*657*	1803	*806*	*414*	*657*	1877
2011	*737*	*399*	*662*	1798	*729*	*399*	*662*	1791	*812*	*399*	*662*	1873
2012	*739*	*413*	*638*	1790	*740*	*411*	*638*	1789	*819*	*426*	*638*	1882
2013	*729*	*403*	*670*	1802	*741*	*399*	*670*	1809	*823*	*420*	*670*	1913
2014	*729*	*390*	*672*	1791	*751*	*384*	*672*	1807	*826*	*424*	*672*	1922
2015	*725*	*393*	*639*	1757	*760*	*386*	*636*	1782	*829*	*428*	*655*	1911
2016	*723*	*382*	*669*	1774	*772*	*373*	*664*	1809	*833*	*431*	*689*	1953

	LOW RANGE PROJECTION			MID RANGE PROJECTION			HIGH RANGE PROJECTION		
YEAR	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12	K-6	7-12	TOTAL K-12
2006	*863*	*956*	1818	*861*	*956*	1816	*875*	*956*	1830
2007	*886*	*944*	1829	*882*	*944*	1825	*901*	*944*	1844
2008	*887*	*948*	1834	*880*	*948*	1828	*917*	*948*	1865
2009	*875*	*946*	1821	*866*	*946*	1812	*920*	*946*	1865
2010	*889*	*927*	1816	*876*	*927*	1803	*950*	*927*	1877
2011	*873*	*925*	1798	*865*	*925*	1791	*948*	*925*	1873
2012	*863*	*926*	1790	*863*	*926*	1789	*956*	*926*	1882
2013	*864*	*938*	1802	*874*	*936*	1809	*962*	*951*	1913
2014	*852*	*939*	1791	*872*	*935*	1807	*966*	*956*	1922
2015	*852*	*905*	1757	*884*	*898*	1782	*970*	*941*	1911
2016	*847*	*927*	1774	*893*	*916*	1809	*975*	*978*	1953

CHART TWO-A: 2006-2016 LOW RANGE
BASE COHORT PROJECTION
K-5, 6-8, 9-12



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5	747	747	722	737	718	710	713	705	710	711	713
6-8	399	382	398	390	399	385	399	390	376	379	368
9-12	673	689	687	647	646	645	616	646	649	616	647

CHART TWO-B: 2006-2016 LOW RANGE BASE COHORT PROJECTION GRADES K-6 AND 7-12

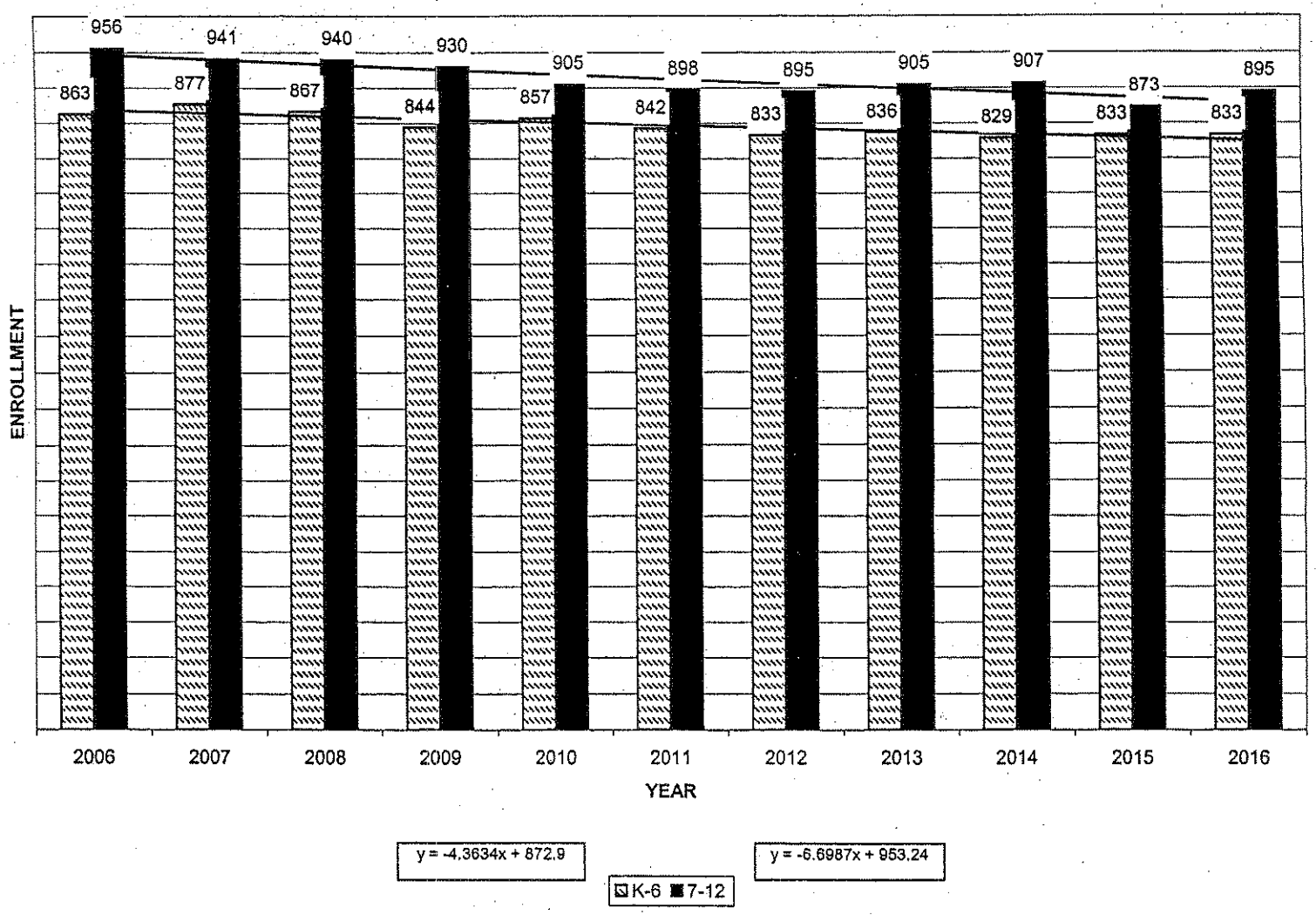
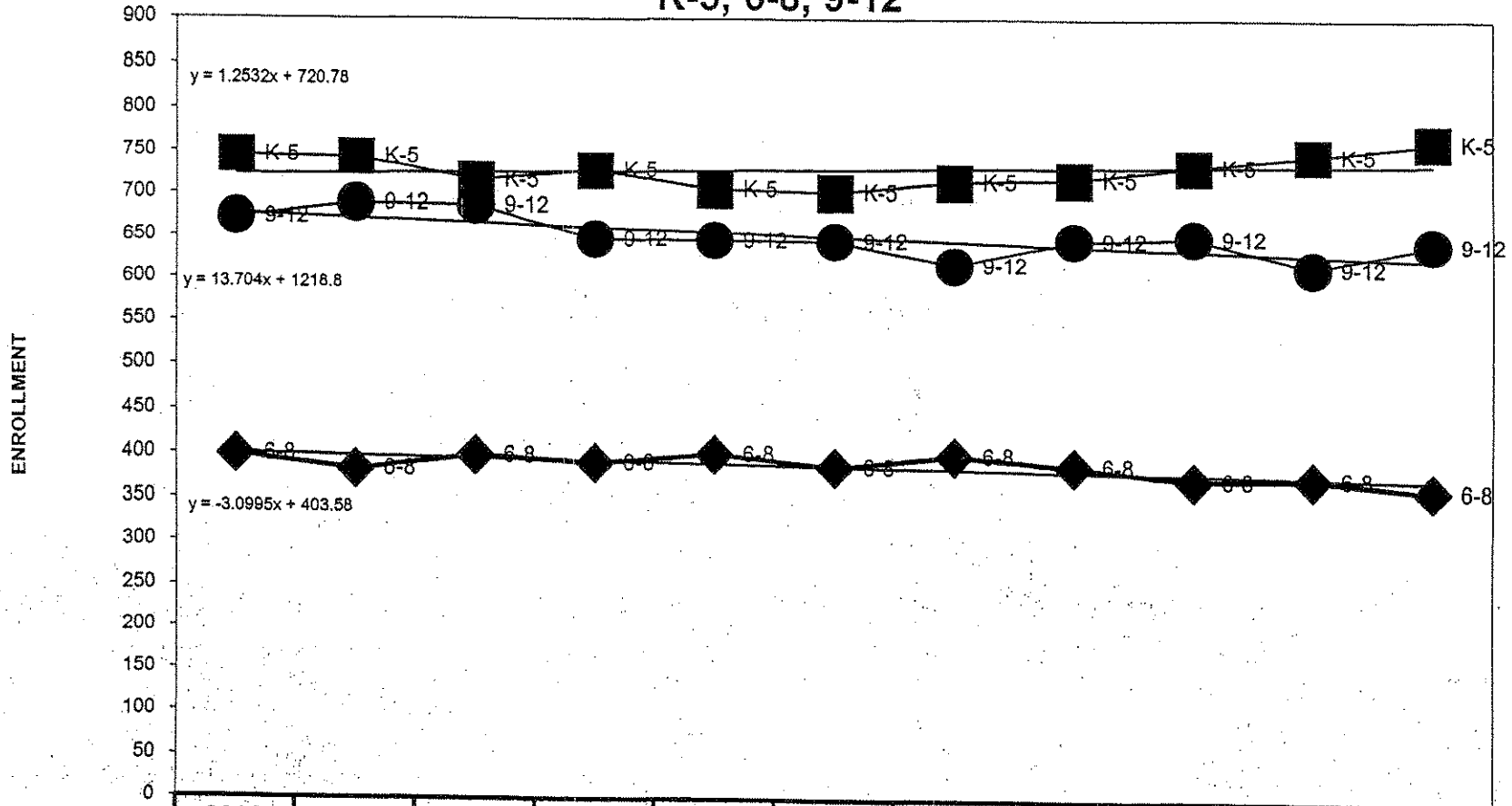


CHART THREE-A: 2006-2016 MID RANGE BASE COHORT PROJECTION

K-5, 6-8, 9-12



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5	745	743	716	728	705	702	715	717	732	746	762
6-8	399	382	398	390	399	385	397	385	370	371	359
9-12	673	689	687	647	646	645	616	646	649	613	641

CHART THREE-B: 2006-2016 MID RANGE BASE COHORT PROJECTION GRADES K-6 AND 7-12

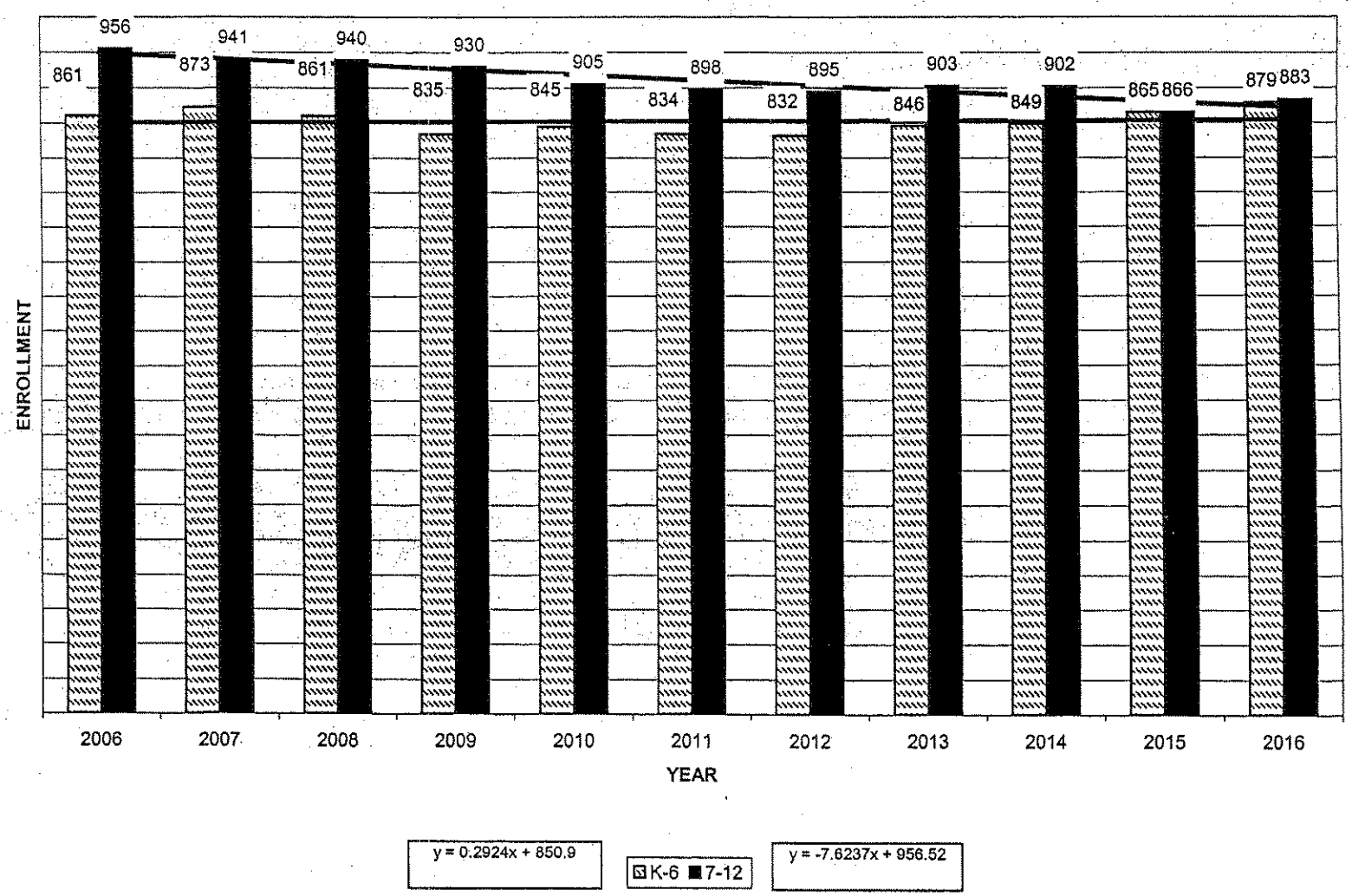
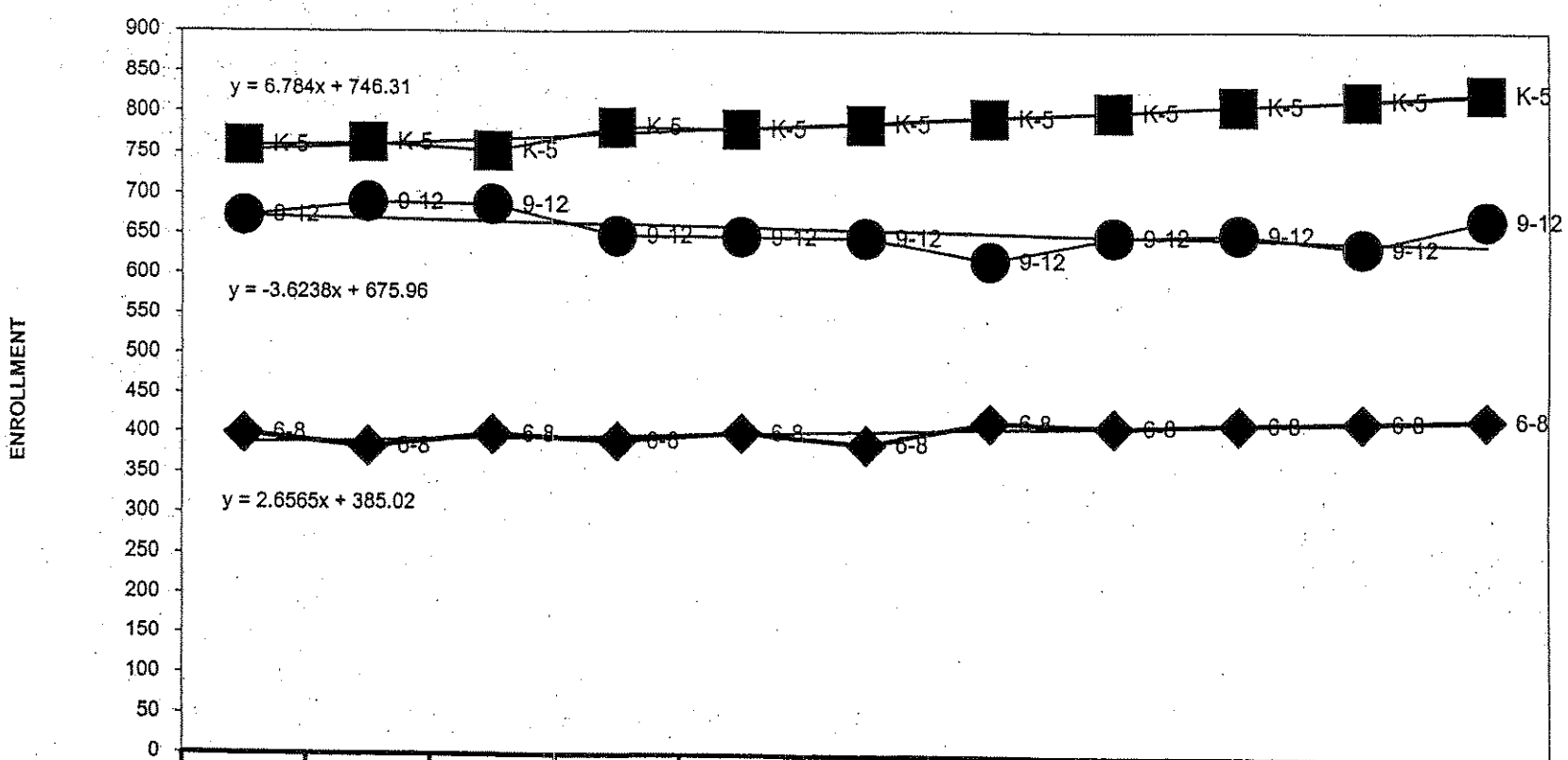


CHART FOUR-A: 2006-2016 HIGH RANGE
BASE COHORT PROJECTION
K-5, 6-8, 9-12



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5	759	762	752	781	779	785	793	800	807	815	823
6-8	399	382	398	390	399	385	412	406	410	413	416
9-12	673	689	687	647	646	645	616	646	649	632	667

CHART FOUR-B: 2006-2016 HIGH RANGE BASE COHORT PROJECTION GRADES K-6 AND 7-12

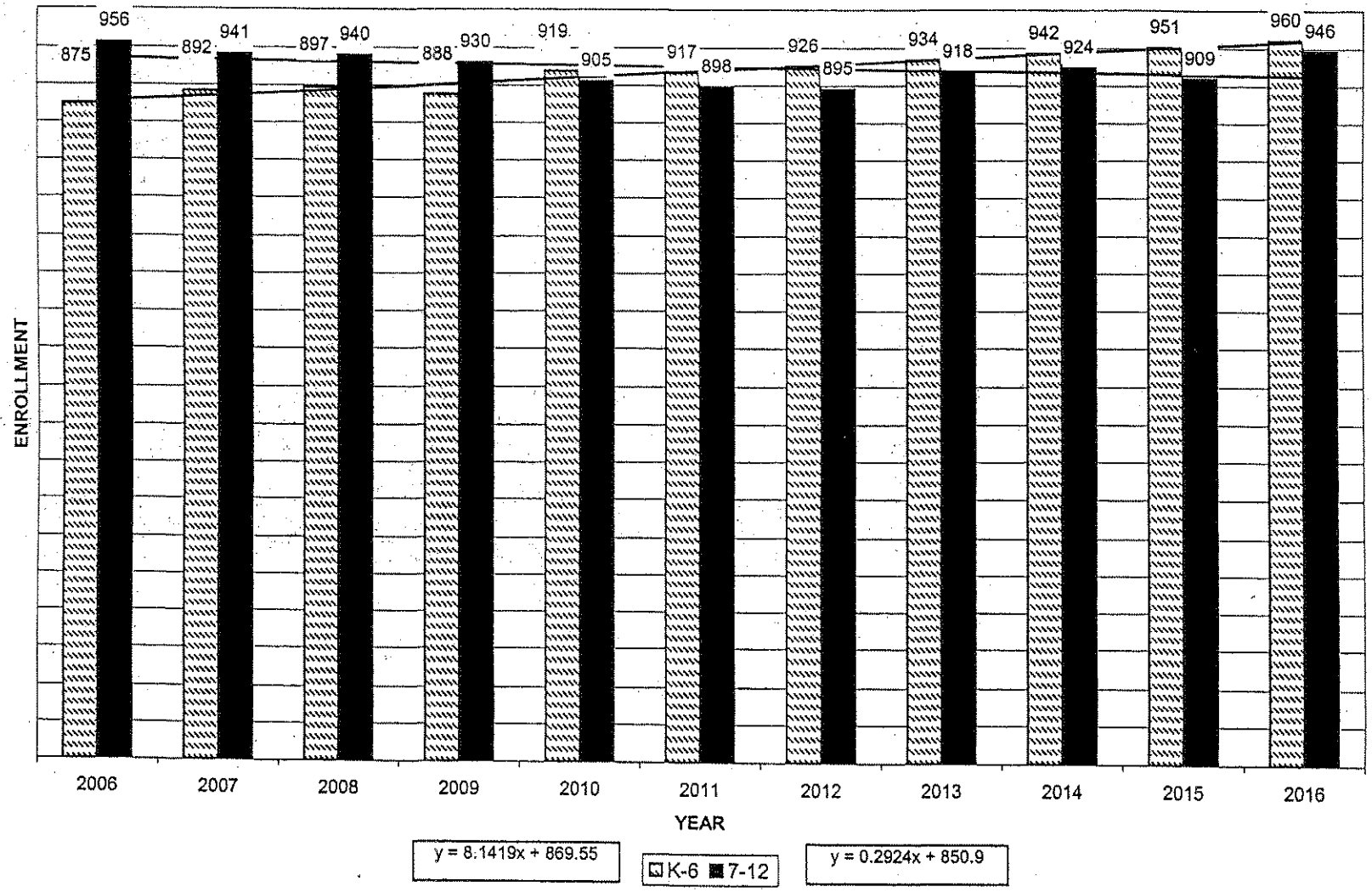
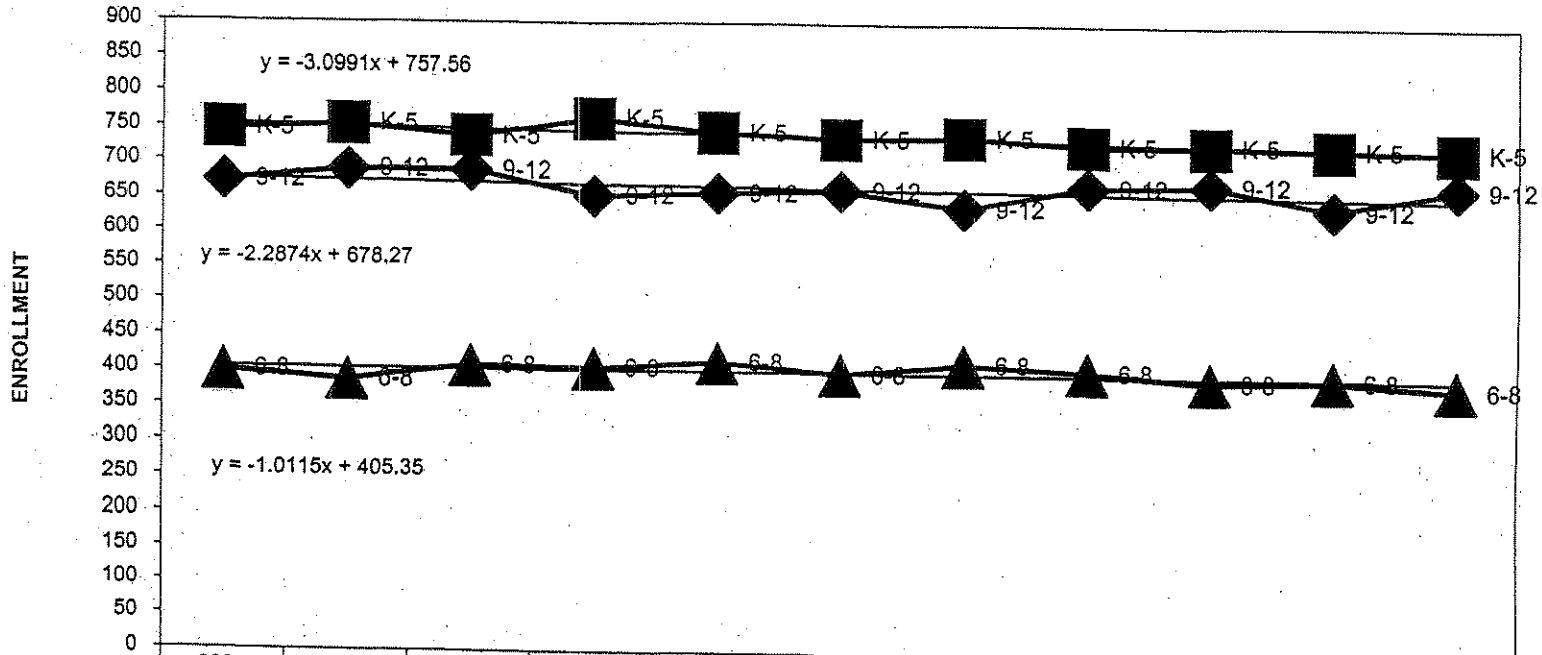


CHART FIVE-A: LOW RANGE PROJECTED K-5, 6-8, 9-12 ENROLLMENT INFLUENCED BY THE HOUSING MARKET 2006-2016



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5	747	754	738	764	744	737	739	729	729	725	723
6-8	399	386	408	405	414	399	413	403	390	393	382
9-12	673	689	688	653	657	662	638	670	672	639	669

CHART FIVE-B: LOW RANGE PROJECTED K-6 AND 7-12 ENROLLMENT INFLUENCED BY THE HOUSING MARKET 2006-2016

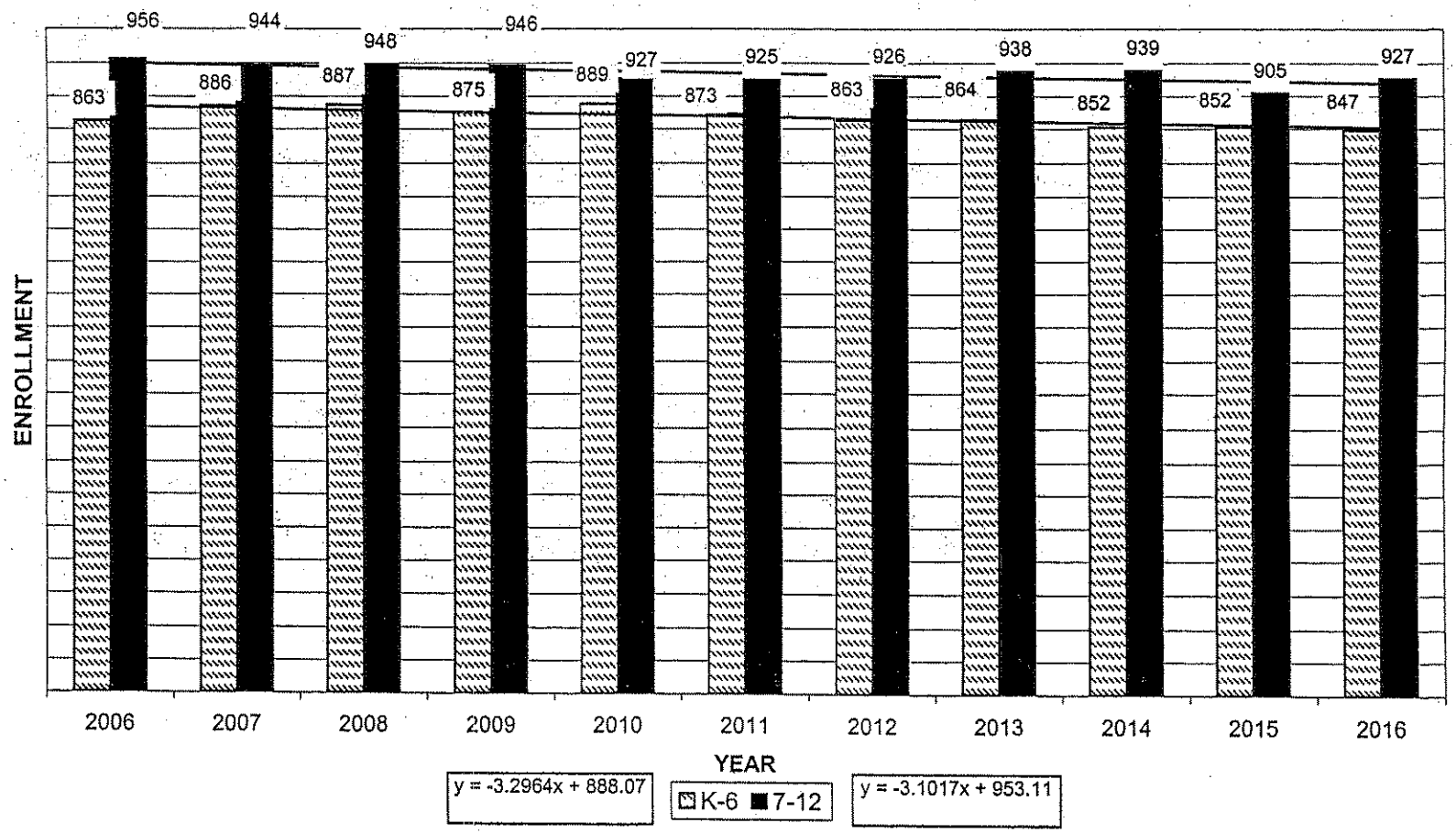
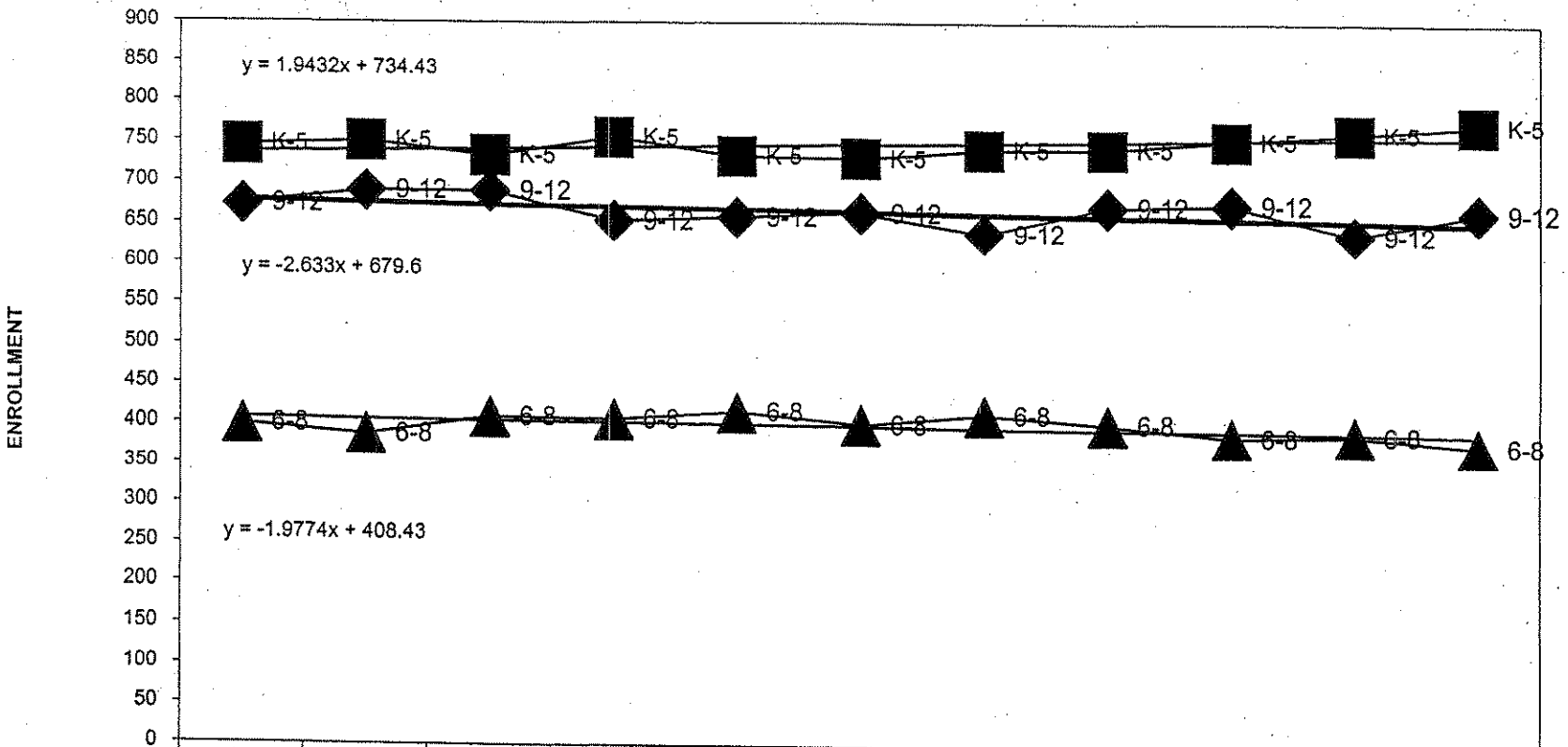


CHART SIX-A: MID RANGE PROJECTED K-5, 6-8, 9-12 ENROLLMENT INFLUENCED BY THE HOUSING MARKET 2006-2016



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5	745	750	732	754	732	729	740	741	751	760	772
6-8	399	386	408	405	414	399	411	399	384	386	373
9-12	673	689	688	653	657	662	638	670	672	636	664

CHART SIX-B: MID RANGE PROJECTED K-6 AND 7-12 ENROLLMENT INFLUENCED BY THE HOUSING MARKET 2006-2016

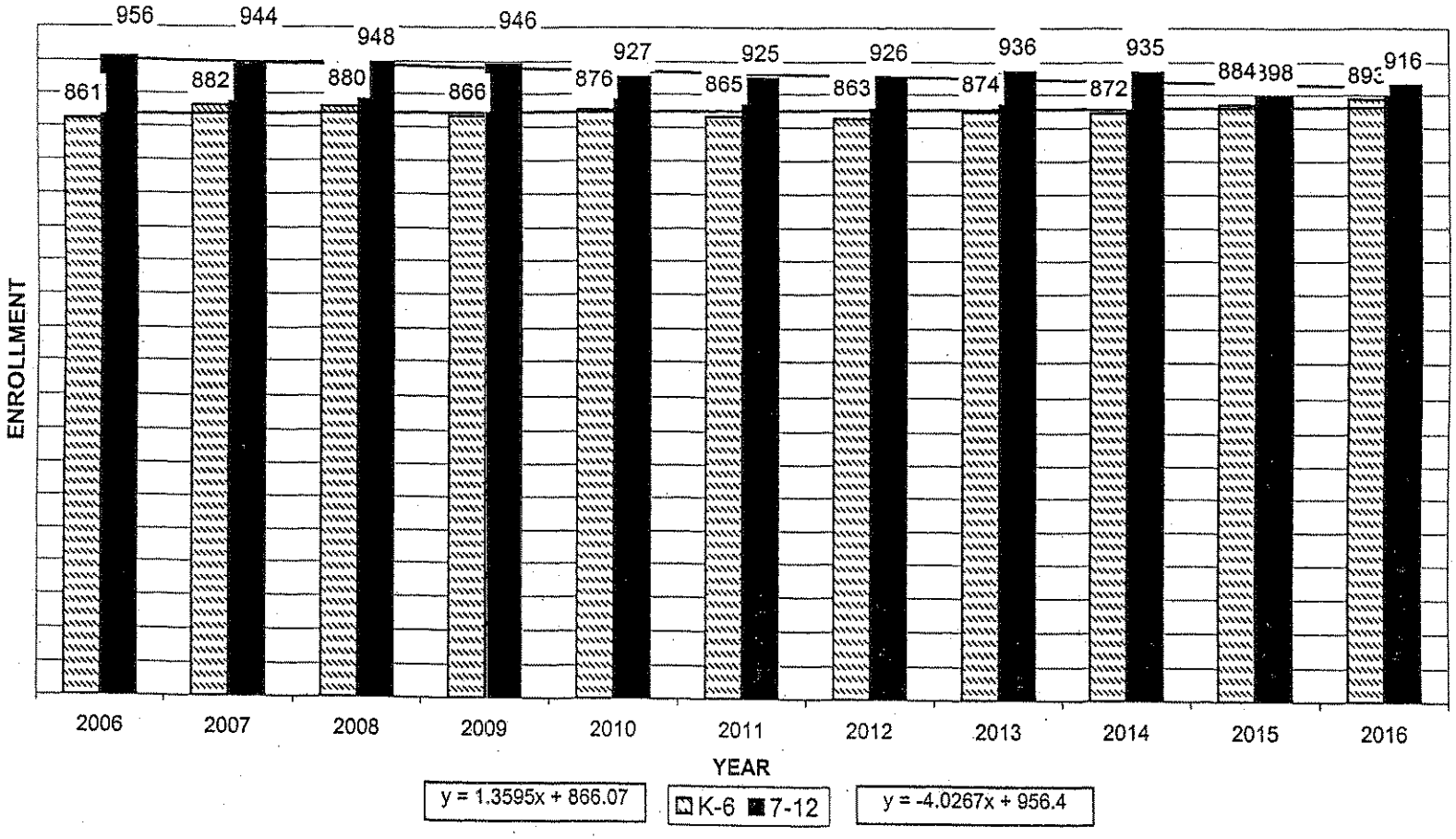
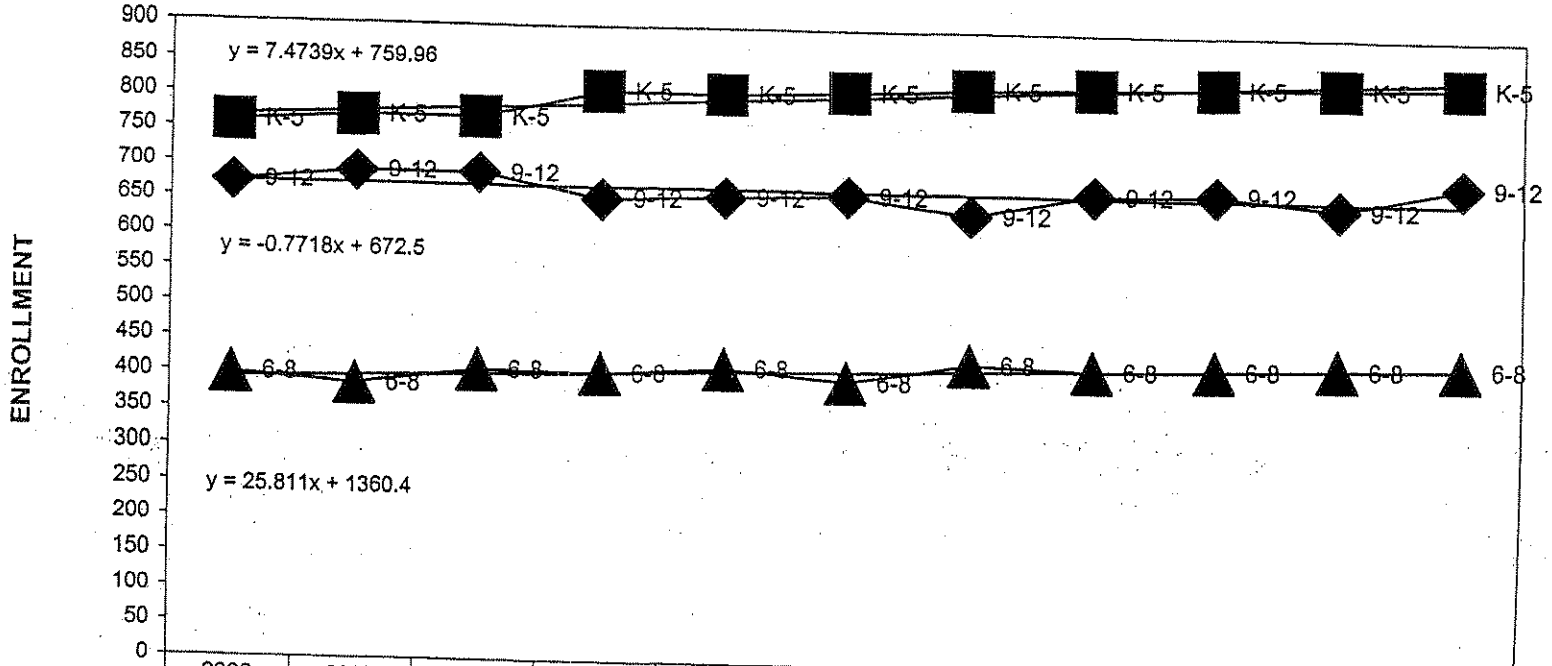


CHART SEVEN-A: HIGH RANGE PROJECTED K-5, 6-8, 9-12 ENROLLMENT INFLUENCED BY THE HOUSING MARKET 2006-2016



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5	759	769	769	808	806	812	819	823	826	829	833
6-8	399	386	408	405	414	399	426	420	424	428	431
9-12	673	689	688	653	657	662	638	670	672	655	689

CHART SEVEN-B: HIGH RANGE PROJECTED K-6 AND 7-12 ENROLLMENT INFLUENCED BY THE HOUSING MARKET 2006-2016

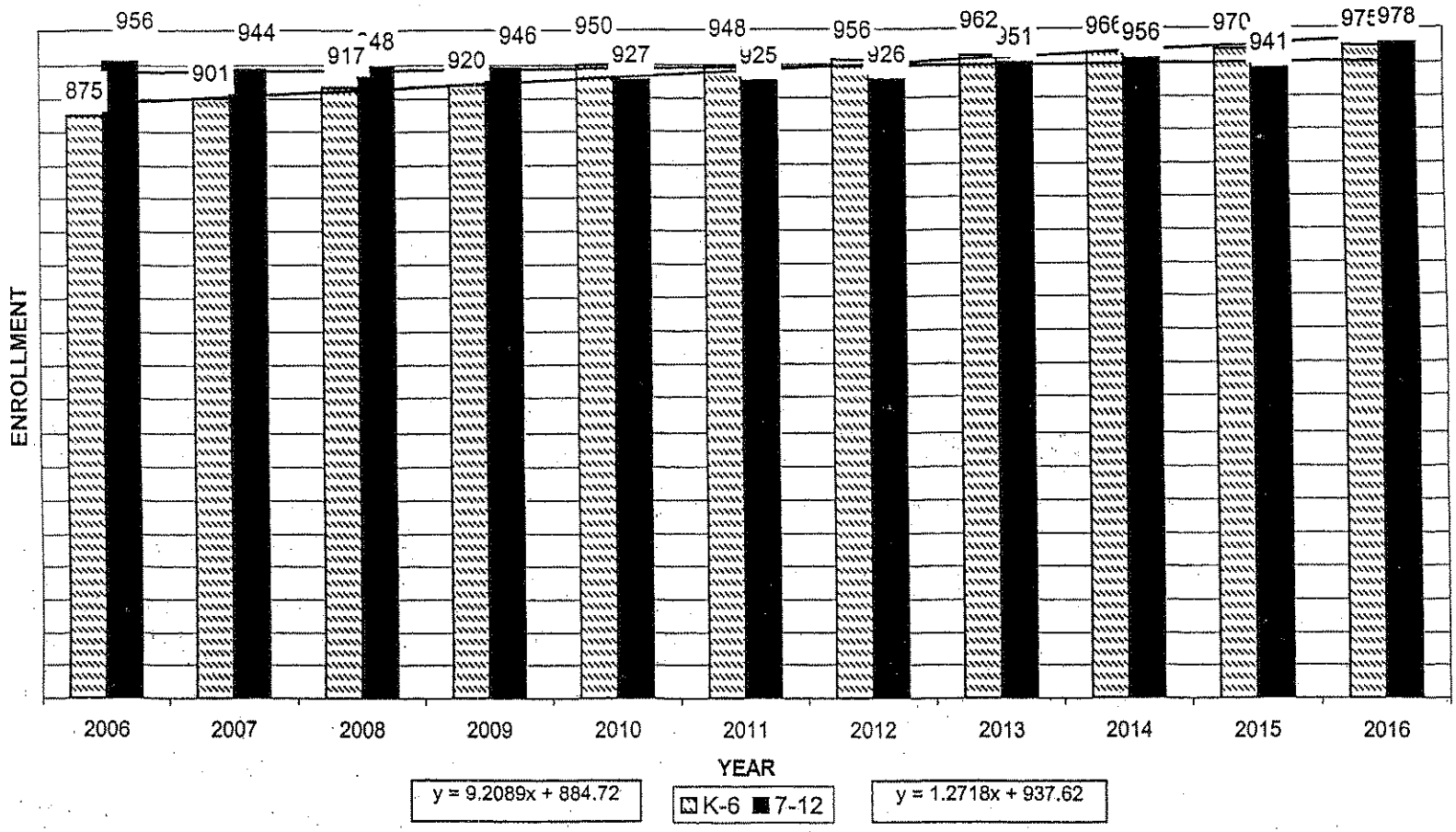
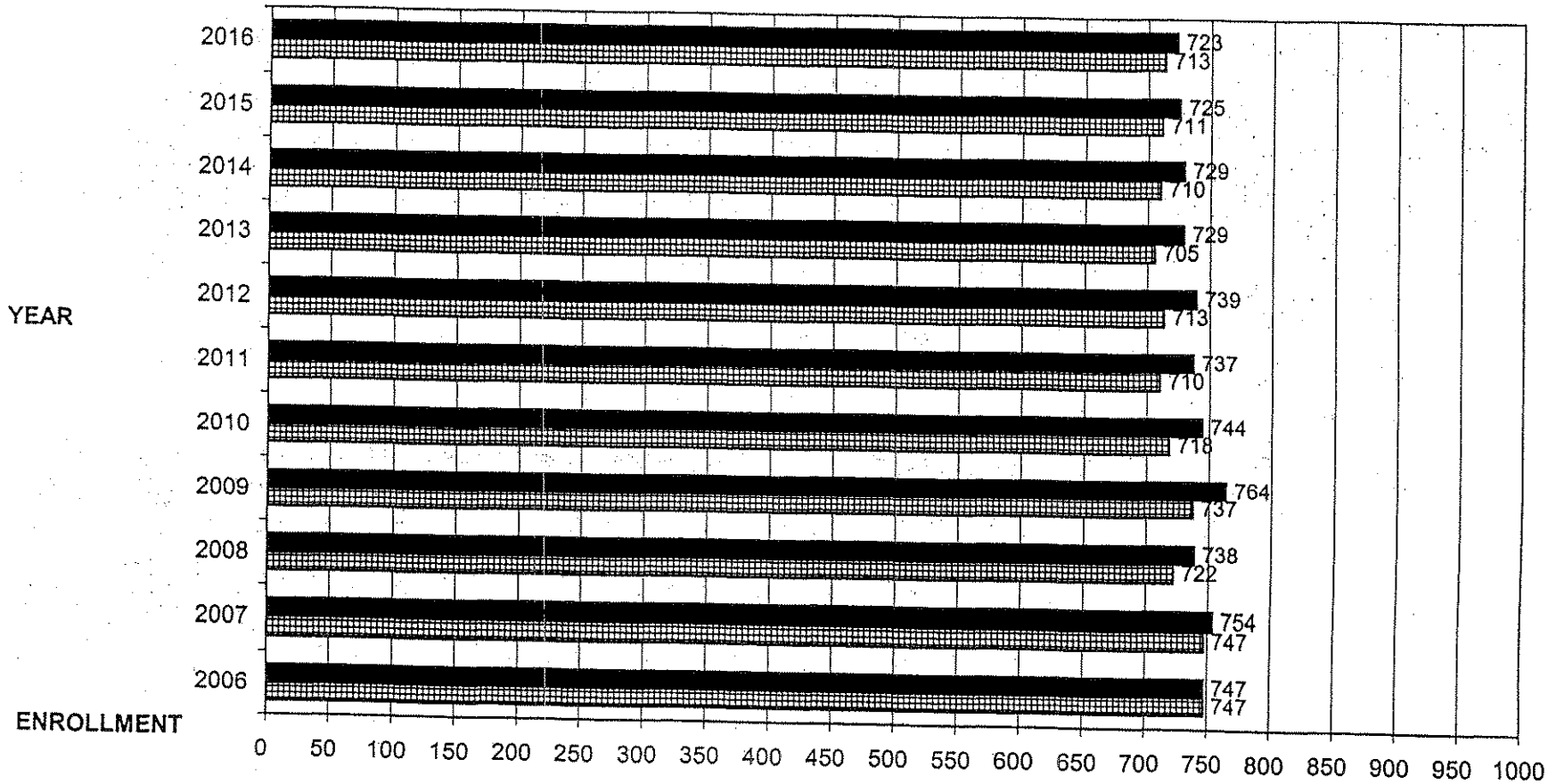
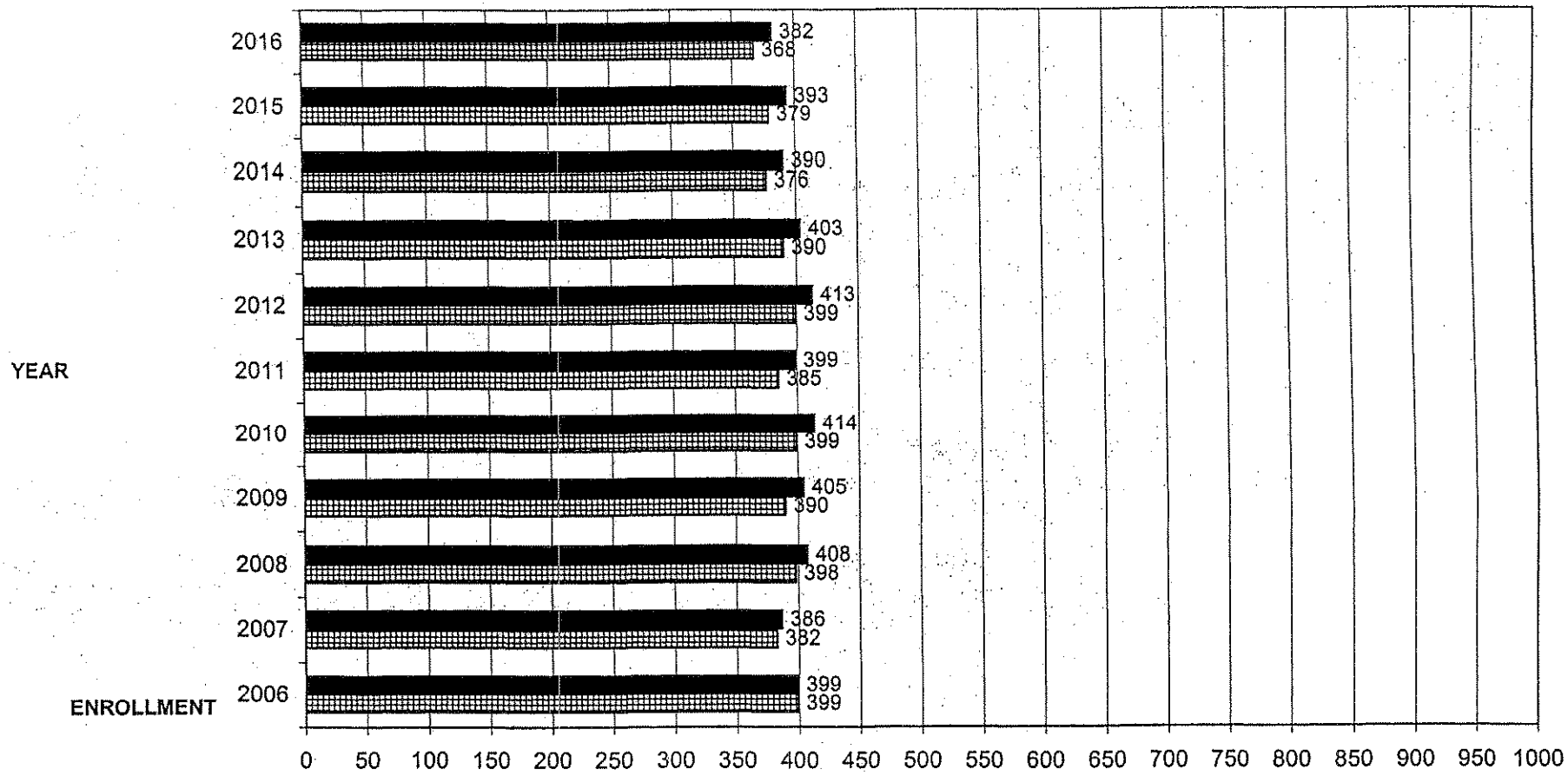


CHART 8-A: GRADES K-5 'LOW PROJECTION' CALCULATION SCENARIOS 2006-2016



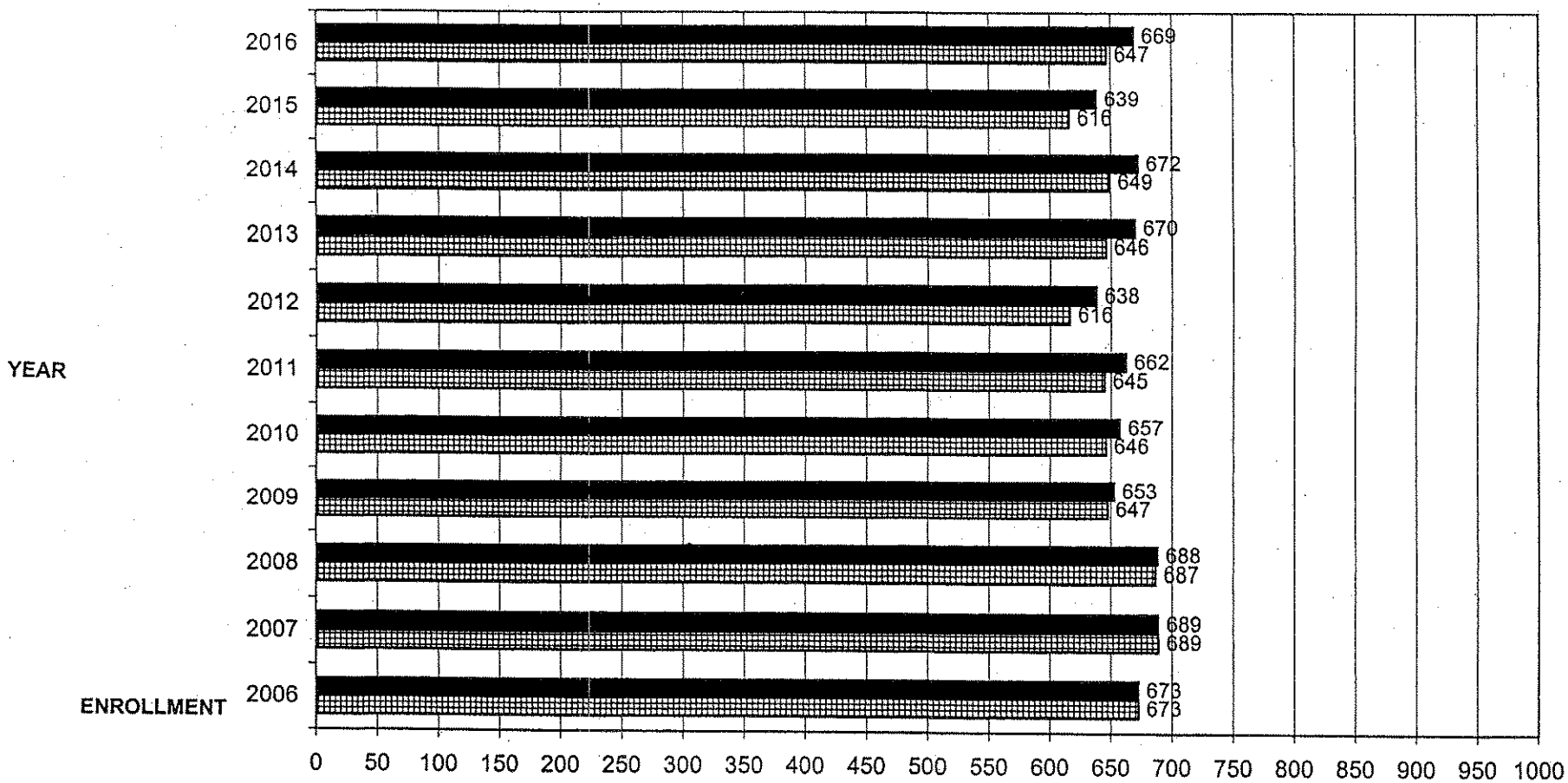
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5 HOUSING	747	754	738	764	744	737	739	729	729	725	723
K-5 BASE COHORT	747	747	722	737	718	710	713	705	710	711	713

CHART 8-B: GRADES 6-8 'LOW PROJECTION' CALCULATION SCENARIOS 2006-2016



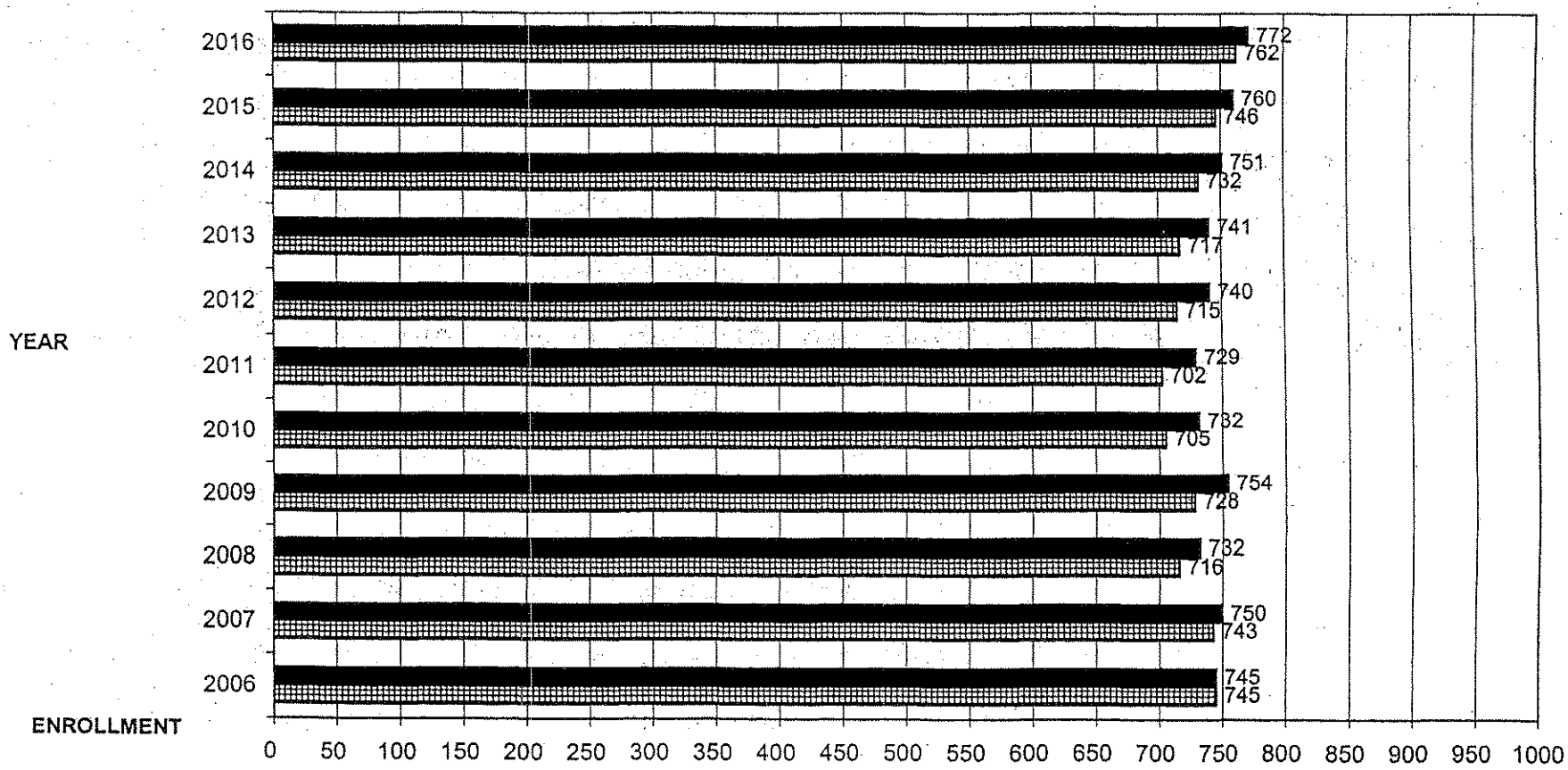
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
■ 6-8 HOUSING	399	386	408	405	414	399	413	403	390	393	382
▦ 6-8 BASE COHORT	399	382	398	390	399	385	399	390	376	379	368

CHART 8-C: GRADES 9-12 'LOW PROJECTION' CALCULATION SCENARIOS 2006-2016



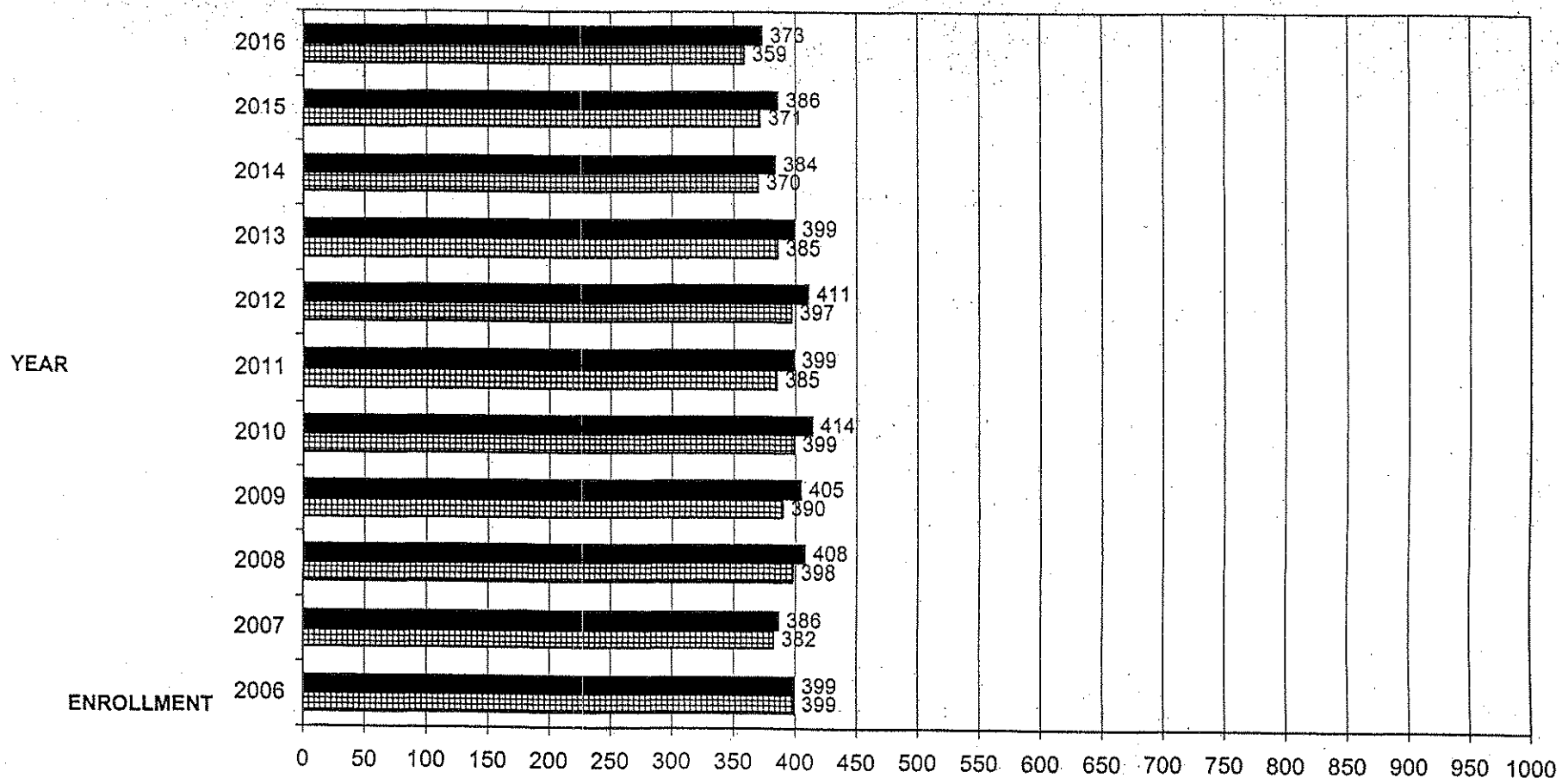
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9-12 HOUSING	673	689	688	653	657	662	638	670	672	639	669
9-12 BASE COHORT	673	689	687	647	646	645	616	646	649	616	647

CHART 9-A: GRADES K-5 'MID PROJECTION' CALCULATION SCENARIOS 2006-2016



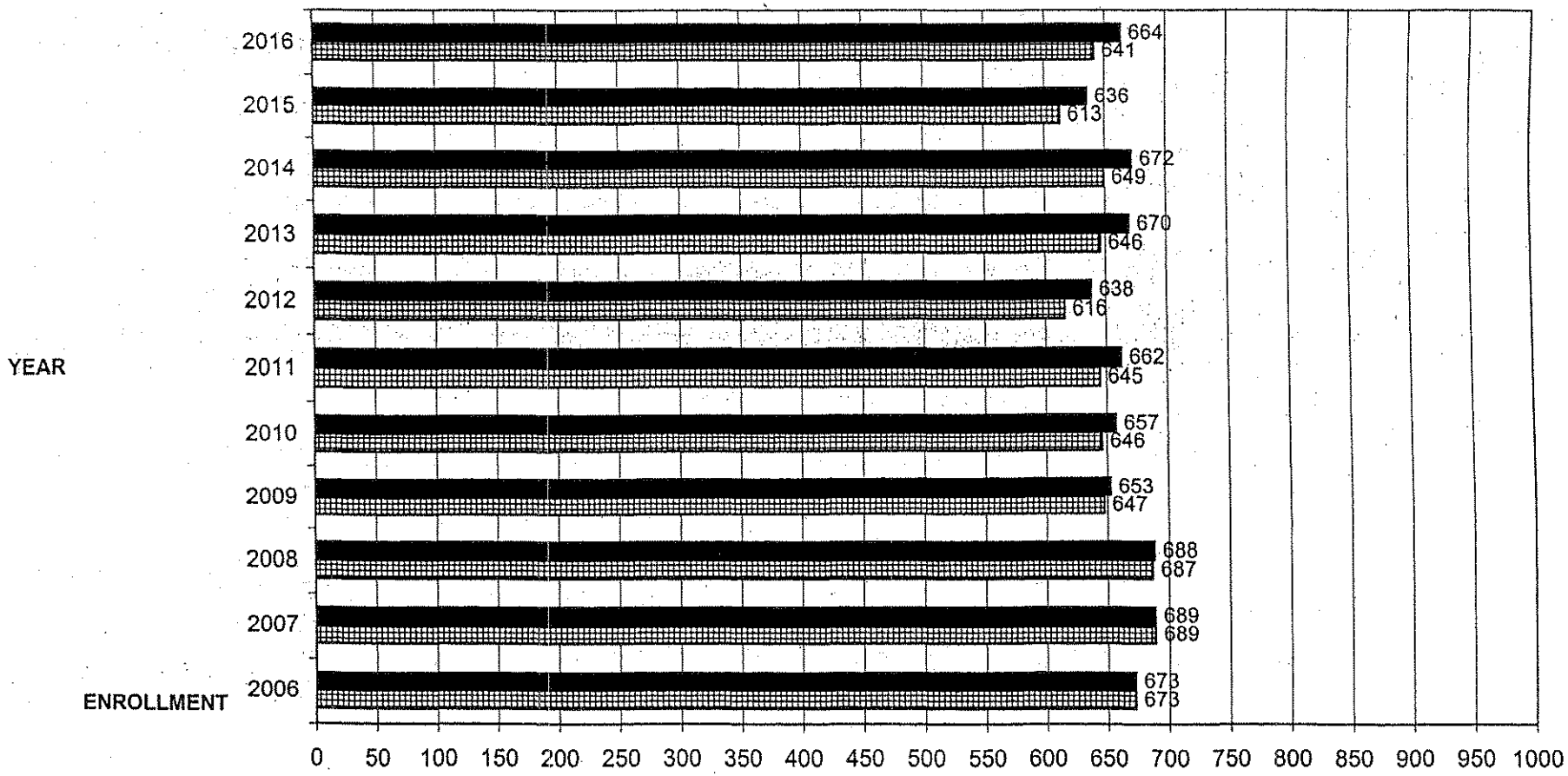
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
■ K-5 HOUSING	745	750	732	754	732	729	740	741	751	760	772
⊞ K-5 BASE COHORT	745	743	716	728	705	702	715	717	732	746	762

CHART 9-B: GRADES 6-8 'MID PROJECTION' CALCULATION SCENARIOS
2006-2016



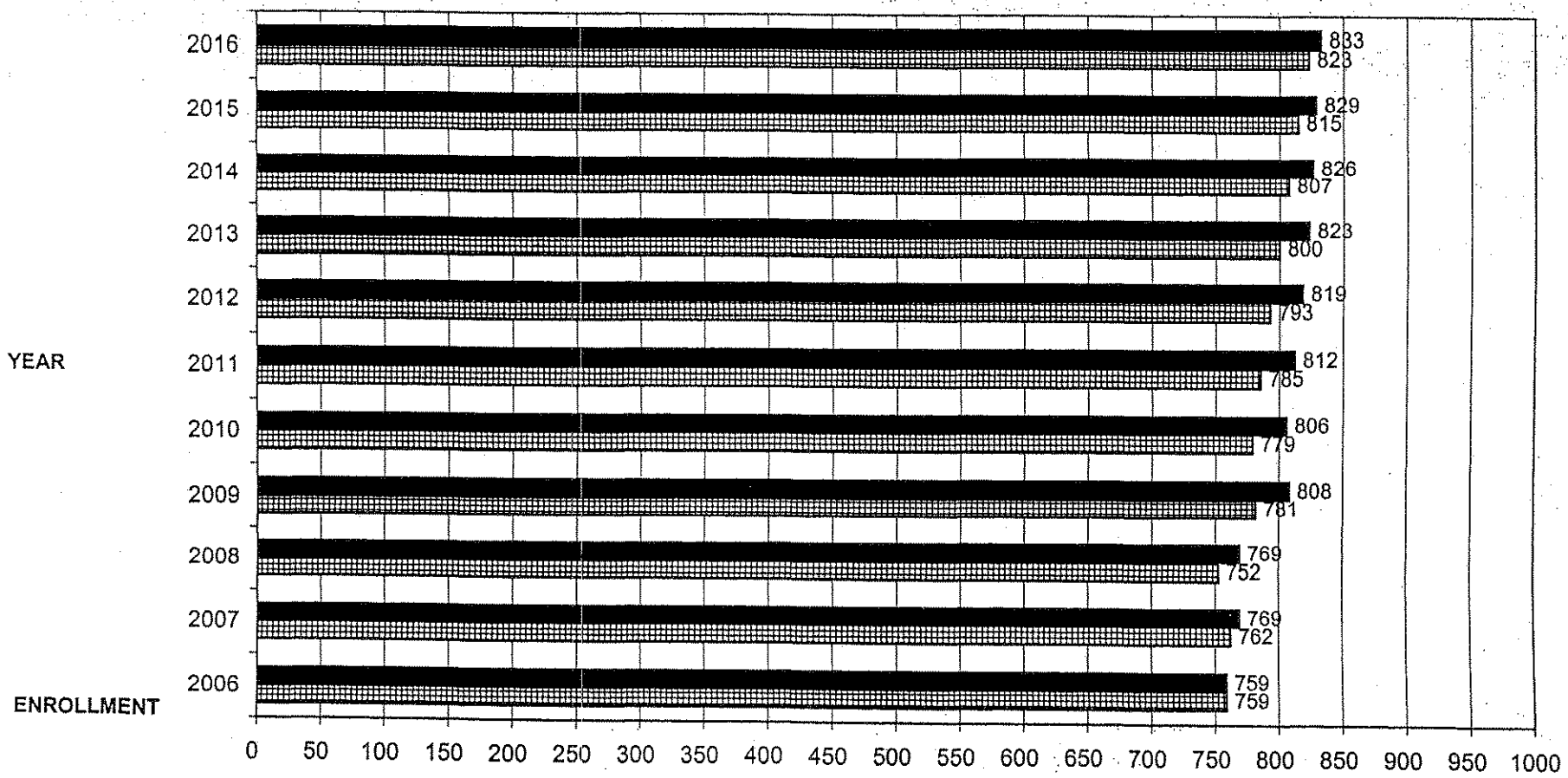
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
■ 6-8 HOUSING	399	386	408	405	414	399	411	399	384	386	373
▦ 6-8 BASE COHORT	399	382	398	390	399	385	397	385	370	371	359

CHART 9-C: GRADES 9-12 'MID PROJECTION' CALCULATION SCENARIOS 2006-2016



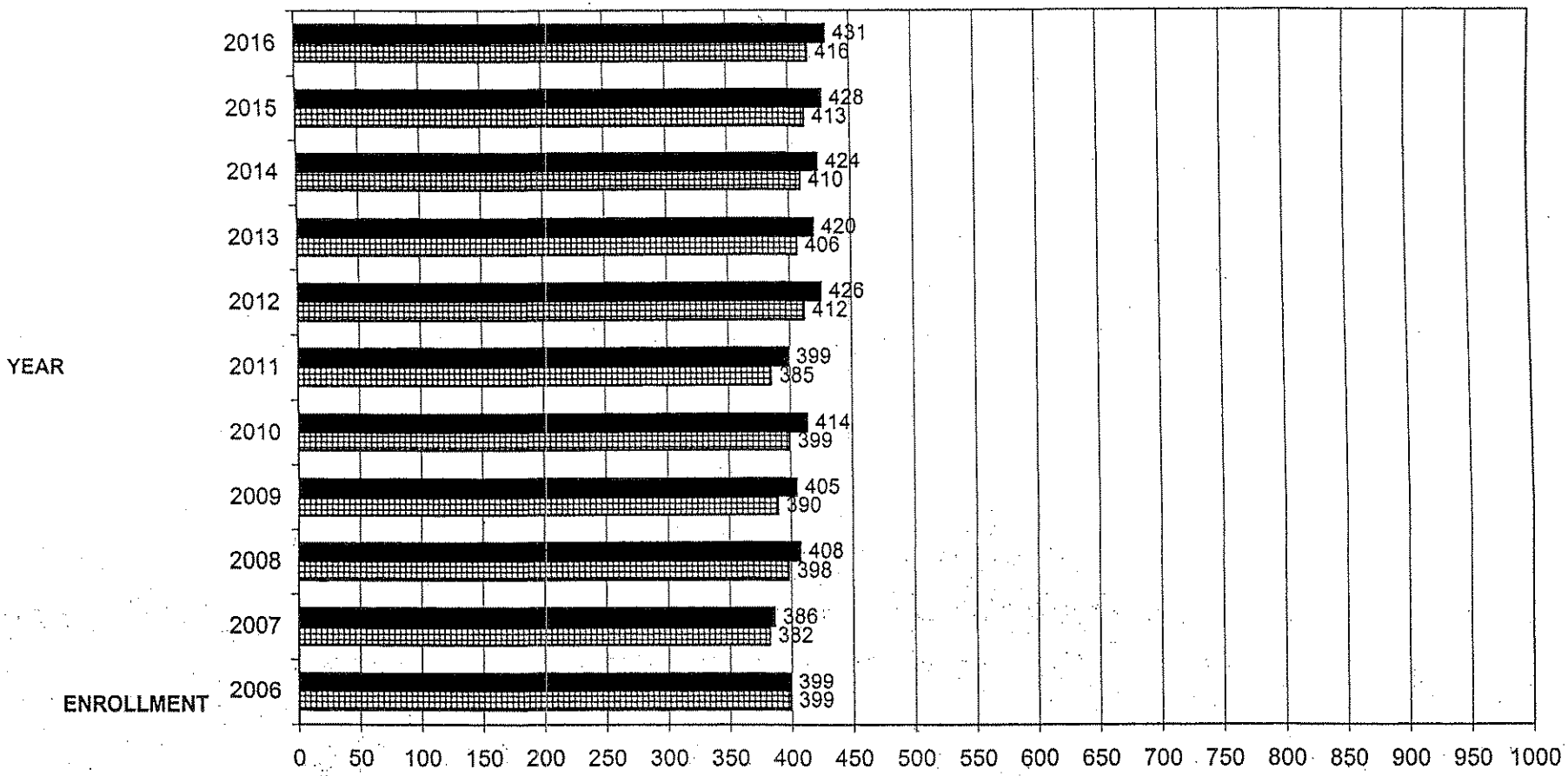
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9-12 HOUSING	673	689	688	653	657	662	638	670	672	636	664
9-12 BASE COHORT	673	689	687	647	646	645	616	646	649	613	641

CHART 10-A: GRADES K-5 'HIGH PROJECTION' CALCULATION SCENARIOS 2006-2016



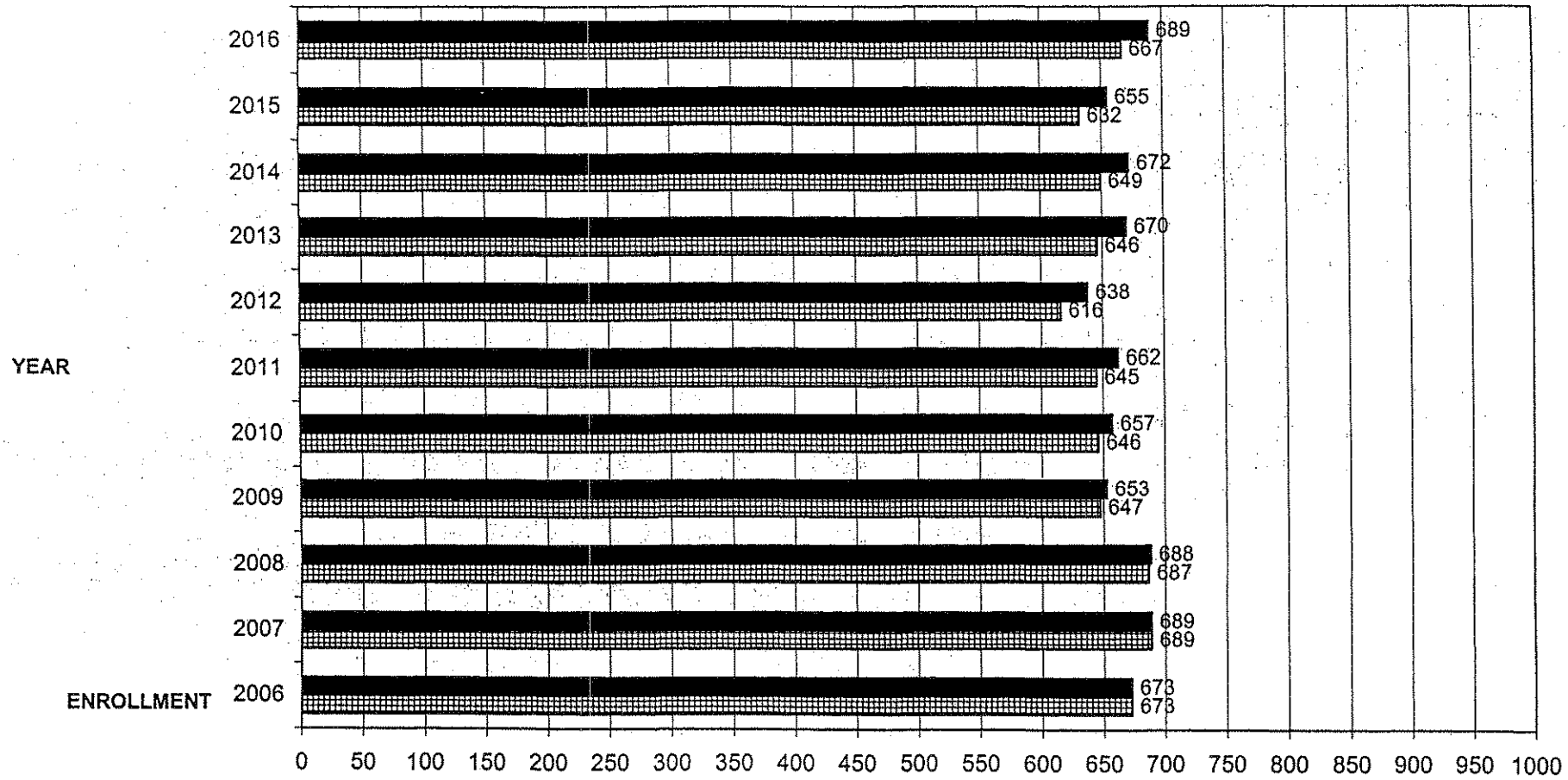
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K-5 HOUSING	759	769	769	808	806	812	819	823	826	829	833
K-5 BASE COHORT	759	762	752	781	779	785	793	800	807	815	823

CHART 10-B: GRADES 6-8 'HIGH PROJECTION' CALCULATION SCENARIOS 2006-2016



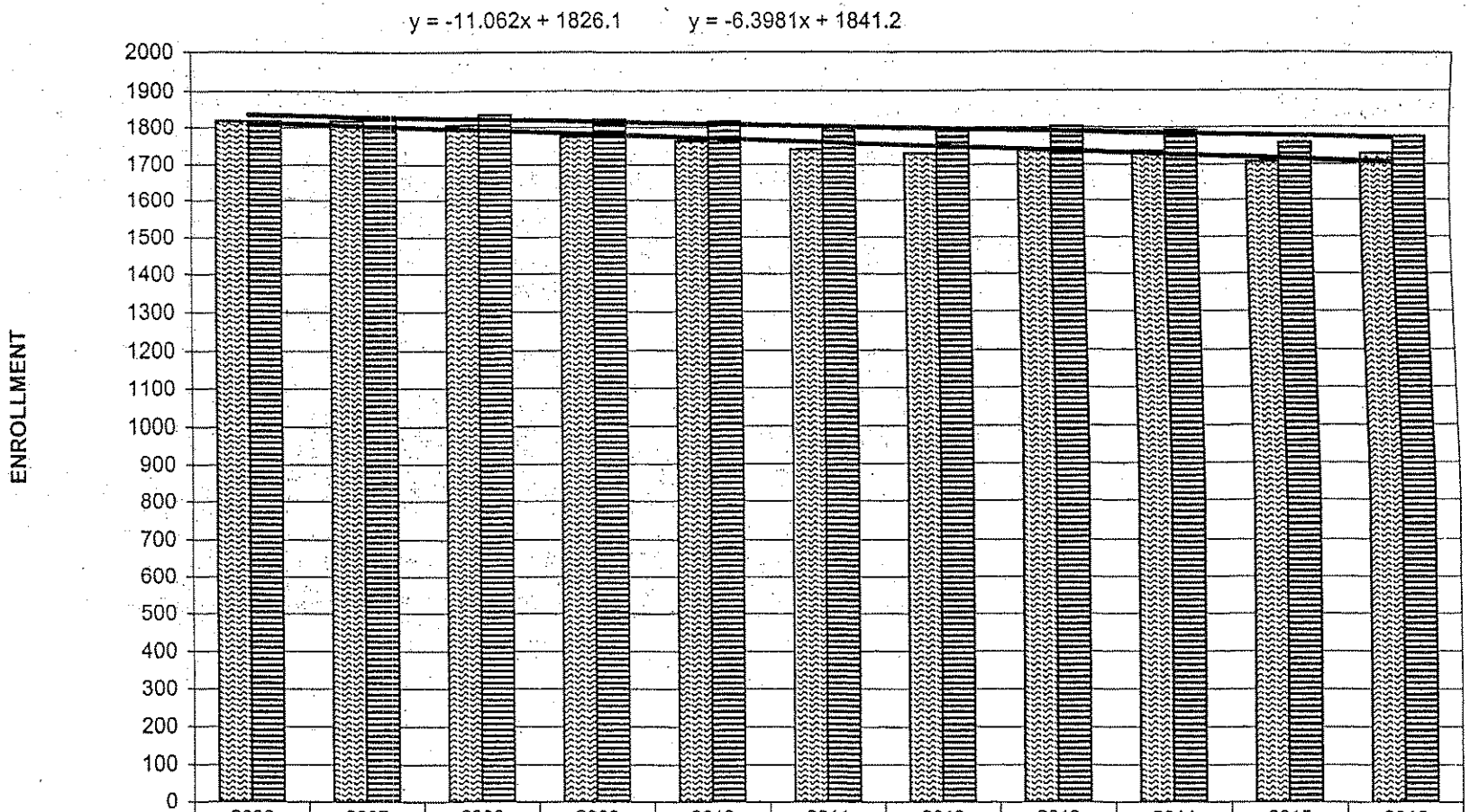
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
6-8 HOUSING	399	386	408	405	414	399	426	420	424	428	431
6-8 BASE COHORT	399	382	398	390	399	385	412	406	410	413	416

CHART 10-C: GRADES 9-12 'HIGH PROJECTION' CALCULATION SCENARIOS 2006-2016



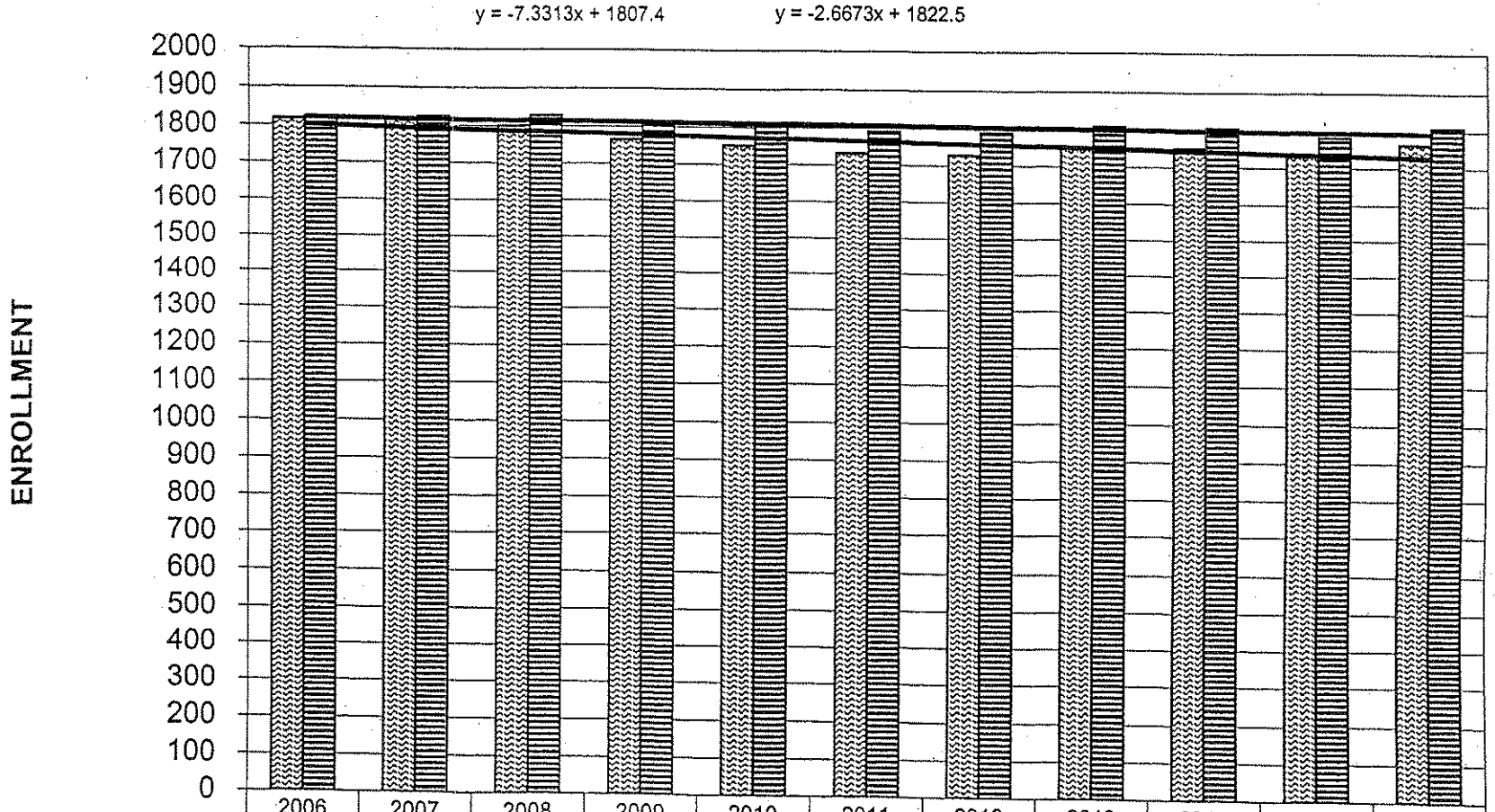
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9-12 HOUSING	673	689	688	653	657	662	638	670	672	655	689
9-12 BASE COHORT	673	689	687	647	646	645	616	646	649	632	667

CHART ELEVEN: SUMMARY OF LOW RANGE K-12 ENROLLMENT PROJECTIONS 2006-2016



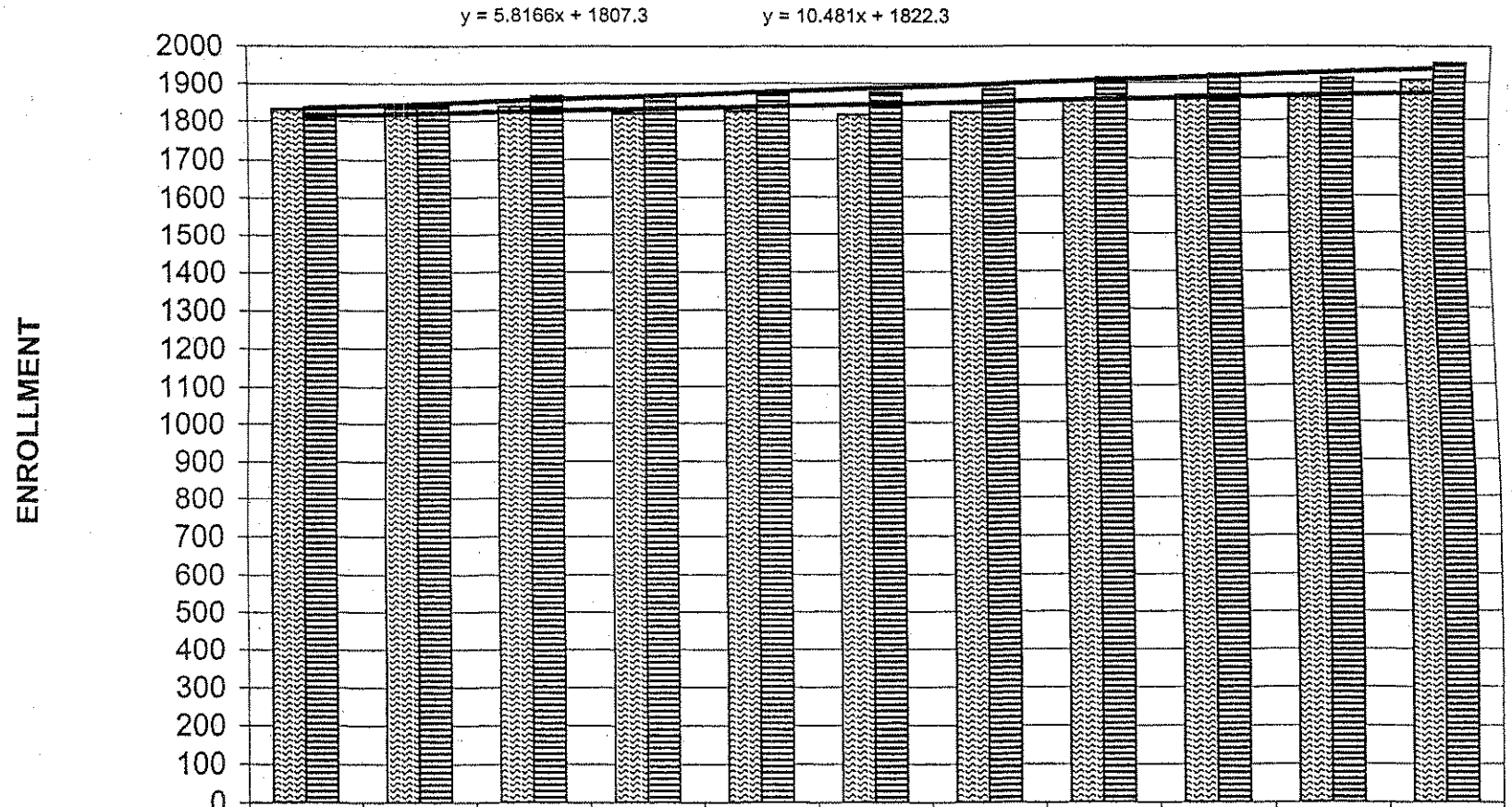
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
COHORT LOW RANGE	1818	1818	1806	1774	1763	1740	1728	1741	1735	1706	1728
COHORT LOW, PLUS HOUSING	1818	1829	1834	1821	1816	1798	1790	1802	1791	1757	1774

CHART TWELVE: SUMMARY OF MID RANGE K-12 ENROLLMENT PROJECTIONS 2006-2016



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
COHORT MID RANGE	1816	1814	1800	1765	1750	1732	1728	1749	1751	1731	1762
COHORT MID, PLUS HOUSING	1816	1825	1828	1812	1803	1791	1789	1809	1807	1782	1809

CHART THIRTEEN: SUMMARY OF HIGH RANGE K-12 ENROLLMENT PROJECTIONS 2006-2016



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
COHORT HIGH RANGE	1830	1833	1837	1818	1824	1815	1821	1852	1866	1860	1907
COHORT HIGH, PLUS HOUSING	1830	1844	1865	1865	1877	1873	1882	1913	1922	1911	1953

TAB 2: CENSUS PROFILES

- Briarcliff Manor Union Free School District
  Comparative Analysis Demographic Profiles: Briarcliff.-
  New York State-United States

- Village of Briarcliff Manor

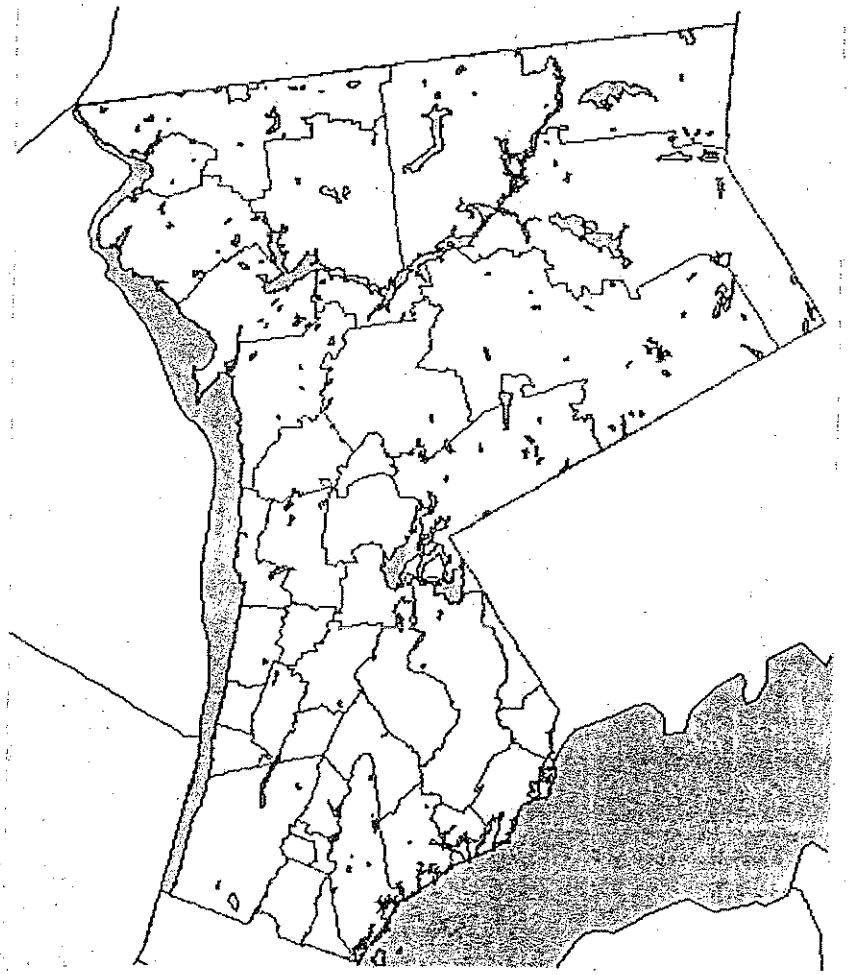
- Town of Ossining

- Town of Mount Pleasant

- Westchester County

Briarcliff Manor School District, NY

Comparative Analysis Demographic Profiles



Briarcliff Manor UFSD in context of Westchester County, NY school districts.

Profiles presented in this document are based on the Census 2000 School District Special Tabulation and were prepared with the Proximity SDViewer. See http://proximityone.com/sdviewerdp.htm for additional information.

Subject matter data presented in these school district demographic profiles have been developed by Proximity. Similarly structured demographic profiles were developed by the Census Bureau for larger cities, counties, states and other areas, but not school districts.

Four profiles are presented in this document organized in the following manner.

	Profile	Page
1	General Demographics (DP1)	3
2	Social Characteristics (DP2)	5
3	Economic Characteristics (DP3)	8
4	Housing Characteristics (DP4)	11

Technical documentation is available at http://www.census.gov/prod/cen2000/doc/ProfileTD.pdf.

More detailed data may be accessed via http://proximityone.com/sdd.htm.

See http://proximityone.com/sddmi.htm for more general information about school district demographics.

Proximity
PO Box 7511
Alexandria, VA 22307-7511

http://proximityone.com

February 2006

1 General Demographics (DP1)

General Demographics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Population By Gender Age						
Total population	7,302	100.00	18,976,457	100.00	281,421,906	100.00
Male	3,397	46.52	9,146,748	48.20	138,053,563	49.06
Female	3,905	53.48	9,829,709	51.80	143,368,343	50.94
Under 5 years	527	7.22	1,239,417	6.53	19,175,798	6.81
5 to 9 years	667	9.13	1,351,857	7.12	20,549,505	7.30
10 to 14 years	624	8.55	1,332,433	7.02	20,528,072	7.29
15 to 19 years	546	7.48	1,287,544	6.78	20,219,890	7.18
20 to 24 years	417	5.71	1,244,309	6.56	18,964,001	6.74
25 to 34 years	448	6.14	2,757,324	14.53	39,891,724	14.18
35 to 44 years	1,311	17.95	3,074,298	16.20	45,148,527	16.04
45 to 54 years	1,131	15.49	2,552,936	13.45	37,677,952	13.39
55 to 59 years	412	5.64	932,008	4.91	13,469,237	4.79
60 to 64 years	274	3.75	755,979	3.98	10,805,447	3.84
65 to 74 years	424	5.81	1,276,046	6.72	18,390,986	6.54
75 to 84 years	326	4.46	860,818	4.54	12,361,180	4.39
85 years and over	195	2.67	311,488	1.64	4,239,587	1.51
Median age (years)	39.40	...	35.90	...	35.30	...
18 years and over	5,202	71.24	14,286,350	75.28	209,128,094	74.31
Male	2,327	31.87	6,744,091	35.54	100,994,367	35.89
Female	2,875	39.37	7,542,259	39.75	108,133,727	38.42
21 years and over	4,806	65.82	13,505,172	71.17	196,899,193	69.97
62 years and over	1,115	15.27	2,884,520	15.20	41,256,029	14.66
65 years and over	945	12.94	2,448,352	12.90	34,991,753	12.43
Male	362	4.96	976,138	5.14	14,409,625	5.12
Female	583	7.98	1,472,214	7.76	20,582,128	7.31
Race						
One race	7,227	98.97	18,386,275	96.89	274,595,678	97.57
White	6,645	91.00	12,893,689	67.95	211,460,626	75.14
Black or African American	92	1.26	3,014,385	15.88	34,658,190	12.32
American Indian and Alaska Native	3	0.04	82,461	0.43	2,475,956	0.88
Asian	420	5.75	1,044,976	5.51	10,242,998	3.64
Native Hawaiian and Other Pacific Islander	3	0.04	8,818	0.05	398,835	0.14
Some other race	64	0.88	1,341,946	7.07	15,359,073	5.46
Two or more races	75	1.03	590,182	3.11	6,826,228	2.43
Race Alone Or Combo With Others						
White	6,708	91.87	13,275,834	69.96	216,930,975	77.08
Black or African American	105	1.44	3,234,165	17.04	36,419,434	12.94
American Indian and Alaska Native	12	0.16	171,581	0.90	4,119,301	1.46
Asian	453	6.20	1,169,200	6.16	11,898,828	4.23
Native Hawaiian and Other Pacific Islander	6	0.08	28,612	0.15	874,414	0.31
Some other race	106	1.45	1,721,699	9.07	18,521,486	6.58
Hispanic Or Latino And Race						
Total population	7,302	100.00	18,976,457	100.00	281,421,906	100.00
Hispanic or Latino (of any race)	202	2.77	2,867,583	15.11	35,305,818	12.55
Not Hispanic or Latino	7,100	97.23	16,108,874	84.89	246,116,088	87.45
White alone	6,517	89.25	11,760,981	61.98	194,552,774	69.13

General Demographics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Relationship						
Total population	7,302	100.00	18,976,457	100.00	281,421,906	100.00
In households	6,543	89.61	18,395,996	96.94	273,643,273	97.24
Householder	2,216	30.35	7,056,860	37.19	105,480,101	37.48
Spouse	1,697	23.24	3,289,514	17.33	54,493,232	19.36
Child	2,370	32.46	5,737,989	30.24	83,393,392	29.63
Own child under 18 years	2,059	28.20	4,155,866	21.90	64,494,637	22.92
Other relatives	136	1.86	1,270,513	6.70	15,684,318	5.57
Under 18 years	25	0.34	409,045	2.16	6,042,435	2.15
Nonrelatives	124	1.70	1,041,120	5.49	14,592,230	5.19
In group quarters	759	10.39	580,461	3.06	7,778,633	2.76
Institutionalized population	271	3.71	262,262	1.38	4,059,039	1.44
Noninstitutionalized population	488	6.68	318,199	1.68	3,719,594	1.32
Household By Type						
Total households	2,216	100.00	7,056,860	100.00	105,480,101	100.00
Family households (families)	1,854	83.66	4,639,387	65.74	71,787,347	68.06
With own children under 18 years	1,082	48.83	2,231,381	31.62	34,588,368	32.79
Married-couple family	1,697	76.58	3,289,514	46.61	54,493,232	51.66
With own children under 18 years	999	45.08	1,527,187	21.64	24,835,505	23.55
Female householder, no husband present	125	5.64	1,038,176	14.71	12,900,103	12.23
With own children under 18 years	74	3.34	573,384	8.13	7,561,874	7.17
Nonfamily households	362	16.34	2,417,473	34.26	33,692,754	31.94
Householder living alone	326	14.71	1,982,742	28.10	27,230,075	25.82
Householder 65 years and over	180	8.12	715,550	10.14	9,722,857	9.22
Households with individuals under 18 years	1,102	49.73	2,466,483	34.95	38,022,115	36.05
Households w/individuals 65 years and over	526	23.74	1,767,452	25.05	24,672,708	23.39
Average household size	3.00	...	2.61	...	2.59	...
Average family size	3.30	...	3.22	...	3.14	...
Housing Occupancy						
Total housing units	2,266	100.00	7,679,307	100.00	115,904,641	100.00
Occupied housing units	2,216	97.79	7,056,860	91.89	105,480,101	91.01
Vacant housing units	50	2.21	622,447	8.11	10,424,540	8.99
For seasonal, recreational, occasional use	17	0.75	235,043	3.06	3,578,718	3.09
Homeowner vacancy rate (percent)	0.70	...	1.60	...	1.70	...
Rental vacancy rate (percent)	3.60	...	4.60	...	6.80	...
Housing Tenure						
Occupied housing units	2,216	97.79	7,056,860	91.89	105,480,101	91.01
Owner-occupied housing units	1,974	87.11	3,739,166	48.69	69,815,753	60.24
Renter-occupied housing units	242	10.68	3,317,694	43.20	35,664,348	30.77
Avg household size of owner-occupied units	3.10	...	2.78	...	2.69	...
Avg household size of renter-occupied units	1.80	...	2.41	...	2.40	...

2 Social Characteristics (DP2)

Social Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Educational Attainment						
Population 25 years and over	4,425	100.00	12,542,536	100.00	182,211,639	100.00
Less than 9th grade	91	2.06	1,005,805	8.02	13,755,477	7.55
9th to 12th grade, no diploma	149	3.37	1,620,519	12.92	21,960,148	12.05
High school graduate (includes equivalency)	485	10.96	3,480,768	27.75	52,168,981	28.63
Some college, no degree	400	9.04	2,103,404	16.77	38,351,595	21.05
Associate degree	170	3.84	898,828	7.17	11,512,833	6.32
Bachelor's degree	1,490	33.67	1,954,242	15.58	28,317,792	15.54
Graduate or professional degree	1,640	37.06	1,478,970	11.79	16,144,813	8.86
Percent high school graduate or higher	94.60	...	79.10	...	80.40	...
Percent bachelor's degree or higher	70.70	...	27.40	...	24.40	...
Marital Status						
Population 15 years and over	5,355	100.00	15,055,876	100.00	221,148,671	100.00
Never married	1,245	23.25	4,777,896	31.73	59,913,370	27.09
Now married, except separated	3,500	65.36	7,535,841	50.05	120,231,273	54.37
Separated	24	0.45	484,640	3.22	4,769,220	2.16
Widowed	375	7.00	1,084,409	7.20	14,674,500	6.64
Female	285	5.32	887,299	5.89	11,975,325	5.42
Divorced	215	4.01	1,173,090	7.79	21,560,308	9.75
Female	160	2.99	709,220	4.71	12,305,294	5.56
Grandparents As Caregivers						
Grandparent living in hshld w/one+ own gc	55	...	412,000	...	5,771,671	...
Grandparent responsible for grandchildren	25	...	143,014	...	2,426,730	...
Veteran Status						
Civilian population 18 years and over	5,085	100.00	14,278,716	100.00	208,130,352	100.00
Civilian veterans	399	7.85	1,361,164	9.53	26,403,703	12.69
Disability Status (Civilian Noninstitutional)						
Population 5 to 20 years	1,955	27.63	4,197,977	22.12	64,689,357	22.99
With a disability	94	1.33	370,856	1.95	5,214,334	1.85
Population 21 to 64 years	3,630	51.31	10,932,732	57.61	159,131,544	56.55
With a disability	270	3.82	2,294,611	12.09	30,553,796	10.86
Percent employed	55.60	...	54.10	...	56.60	...
No disability	3,360	47.49	8,638,121	45.52	128,577,748	45.69
Percent employed	77.80	...	74.10	...	77.20	...
Population 65 years and over	745	10.53	2,333,555	12.30	33,346,626	11.85
With a disability	185	2.61	940,680	4.96	13,978,118	4.97
Residence 5 Years Earlier						
Population 5 years and over	6,585	100.00	17,749,110	100.00	262,375,152	100.00
Same house in 1995	4,045	61.43	10,961,493	61.76	142,027,478	54.13
Different house in the U.S. in 1995	2,405	36.52	6,066,869	34.18	112,851,828	43.01
Same county	1,535	23.31	3,876,450	21.84	65,435,013	24.94
Different county	870	13.21	2,190,419	12.34	47,416,815	18.07
Same state	555	8.43	1,463,942	8.25	25,327,355	9.65
Different state	315	4.78	726,477	4.09	22,089,460	8.42
Elsewhere in 1995	135	2.05	720,748	4.06	7,495,846	2.86

Social Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Nativity And Place Of Birth						
Total population	7,075	100.00	18,976,457	100.00	281,421,906	100.00
Native	6,250	88.34	15,108,324	79.62	250,314,017	88.95
Born in United States	6,205	87.70	14,589,263	76.88	246,786,466	87.69
State of residence	5,050	71.38	12,384,940	65.26	168,729,388	59.96
Different state	1,155	16.33	2,204,323	11.62	78,057,078	27.74
Born outside United States	45	0.64	519,061	2.74	3,527,551	1.25
Foreign born	825	11.66	3,868,133	20.38	31,107,889	11.05
Entered 1990 to March 2000	255	3.60	1,561,609	8.23	13,178,276	4.68
Naturalized citizen	435	6.15	1,783,744	9.40	12,542,626	4.46
Not a citizen	385	5.44	2,084,389	10.98	18,565,263	6.60
Region Of Birth Of Foreign Born						
Total (excluding born at sea)	825	100.00	3,868,094	100.00	31,107,573	100.00
Europe	425	51.52	879,307	22.73	4,915,557	15.80
Asia	285	34.55	916,597	23.70	8,226,254	26.44
Africa	30	3.64	116,936	3.02	881,300	2.83
Oceania	0	0.00	7,680	0.20	168,046	0.54
Latin America	85	10.30	1,891,612	48.90	16,086,974	51.71
Northern America	4	0.48	55,962	1.45	829,442	2.67
Language Spoken At Home						
Population 5 years and over	6,585	100.00	17,749,110	100.00	262,375,152	100.00
English only	5,530	83.98	12,786,189	72.04	215,423,557	82.11
Language other than English	1,050	15.95	4,962,921	27.96	46,951,595	17.89
Speak English less than "very well"	243	3.69	2,310,256	13.02	21,320,407	8.13
Spanish	205	3.11	2,416,126	13.61	28,101,052	10.71
Speak English less than "very well"	69	1.05	1,182,068	6.66	13,751,256	5.24
Other Indo-European languages	590	8.96	1,654,540	9.32	10,017,989	3.82
Speak English less than "very well"	120	1.82	663,874	3.74	3,390,301	1.29
Asian and Pacific Island languages	155	2.35	671,019	3.78	6,960,065	2.65
Speak English less than "very well"	30	0.46	395,159	2.23	3,590,024	1.37

Social Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Ancestry (Single Or Multiple)						
Total population	7,075	100.00	18,976,457	100.00	281,421,906	100.00
Total ancestries reported	7,470	105.58	20,381,381	107.40	287,304,886	102.09
Arab	40	0.57	121,925	0.64	1,202,871	0.43
Czech	29	0.41	76,820	0.40	1,703,930	0.61
Danish	24	0.34	38,587	0.20	1,430,897	0.51
Dutch	65	0.92	272,904	1.44	4,542,494	1.61
English	435	6.15	1,140,036	6.01	24,515,138	8.71
French (except Basque)	130	1.84	479,199	2.53	8,325,509	2.96
French Canadian	14	0.20	151,839	0.80	2,435,098	0.87
German	700	9.89	2,122,620	11.19	42,885,162	15.24
Greek	65	0.92	159,763	0.84	1,153,307	0.41
Hungarian	95	1.34	137,029	0.72	1,398,724	0.50
Irish	1,025	14.49	2,454,469	12.93	30,594,130	10.87
Italian	1,385	19.58	2,737,146	14.42	15,723,555	5.59
Lithuanian	19	0.27	49,083	0.26	659,992	0.23
Norwegian	50	0.71	90,524	0.48	4,477,725	1.59
Polish	440	6.22	986,141	5.20	8,977,444	3.19
Portuguese	0	0.00	43,839	0.23	1,177,112	0.42
Russian	630	8.90	460,261	2.43	2,652,214	0.94
Scotch-Irish	90	1.27	138,844	0.73	4,319,232	1.53
Scottish	155	2.19	212,275	1.12	4,890,581	1.74
Slovak	20	0.28	37,863	0.20	797,764	0.28
Subsaharan African	4	0.06	166,508	0.88	1,781,877	0.63
Swedish	80	1.13	133,788	0.71	3,998,310	1.42
Swiss	25	0.35	38,721	0.20	911,502	0.32
Ukrainian	50	0.71	148,700	0.78	892,922	0.32
United States or American	375	5.30	717,234	3.78	20,625,093	7.33
Welsh	14	0.20	85,356	0.45	1,753,794	0.62
West Indian (excluding Hispanic groups)	4	0.06	685,874	3.61	1,869,504	0.66
Other ancestries	1,494	21.12	6,494,033	34.22	91,609,005	32.55

3 Economic Characteristics (DP3)

Economic Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Employment Status						
Population 16 years and over	5,235	100.00	14,805,912	100.00	217,168,077	100.00
In labor force	3,315	63.32	9,046,805	61.10	138,820,935	63.92
Civilian labor force	3,315	63.32	9,023,096	60.94	137,668,798	63.39
Employed	3,100	59.22	8,382,988	56.62	129,721,512	59.73
Unemployed	220	4.20	640,108	4.32	7,947,286	3.66
Percent of civilian labor force	6.60	...	7.10	...	5.80	...
Armed Forces	0	0.00	23,709	0.16	1,152,137	0.53
Not in labor force	1,920	36.68	5,759,107	38.90	78,347,142	36.08
Females 16 years and over	2,890	55.21	7,810,436	52.75	112,185,795	51.66
In labor force	1,610	30.75	4,306,437	29.09	64,547,732	29.72
Civilian labor force	1,610	30.75	4,303,577	29.07	64,383,493	29.65
Employed	1,455	27.79	4,000,662	27.02	60,630,069	27.92
Own children under 6 years	630	12.03	1,405,240	9.49	21,833,613	10.05
All parents in family in labor force	330	6.30	764,721	5.16	12,787,501	5.89
Commuting To Work						
Workers 16 years and over	3,060	58.45	8,211,916	55.46	128,279,228	59.07
Car, truck, or van - drove alone	1,995	38.11	4,620,178	31.20	97,102,050	44.71
Car, truck, or van - carpooled	170	3.25	756,918	5.11	15,634,051	7.20
Public transportation (including taxicab)	580	11.08	2,006,194	13.55	6,067,703	2.79
Walked	105	2.01	511,721	3.46	3,758,982	1.73
Other means	15	0.29	69,036	0.47	1,532,219	0.71
Worked at home	200	3.82	247,869	1.67	4,184,223	1.93
Mean travel time to work (minutes)	35	...	32	...	26	...
Occupation						
Employed civilian population 16 years and over	3,100	59.22	8,382,988	56.62	129,721,512	59.73
Management, professional, related occupations	2,090	39.92	3,079,837	20.80	43,646,731	20.10
Service occupations	195	3.72	1,389,202	9.38	19,276,947	8.88
Sales and office occupations	655	12.51	2,272,500	15.35	34,621,390	15.94
Farming, fishing, forestry occupations	10	0.19	24,609	0.17	951,810	0.44
Construction, extraction, maintenance	74	1.41	633,091	4.28	12,256,138	5.64
Production, transportation, material moving	80	1.53	983,749	6.64	18,968,496	8.73
Industry						
Agriculture, forestry, fishing & hunting, mining	10	0.19	54,372	0.37	2,426,053	1.12
Construction	125	2.39	433,787	2.93	8,801,507	4.05
Manufacturing	175	3.34	839,425	5.67	18,286,005	8.42
Wholesale trade	120	2.29	283,375	1.91	4,666,757	2.15
Retail trade	160	3.06	877,430	5.93	15,221,716	7.01
Transportation and warehousing and utilities	30	0.57	460,485	3.11	6,740,102	3.10
Information	135	2.58	340,713	2.30	3,996,564	1.84
Finance, insurance, real estate, rental/leasing	505	9.65	736,687	4.98	8,934,972	4.11
Professional, scientific, management, admin	690	13.18	849,124	5.74	12,061,865	5.55
Educational, health and social services	880	16.81	2,039,182	13.77	25,843,029	11.90
Arts, entertainment, recreation, accommodation	95	1.81	611,280	4.13	10,210,295	4.70
Other services (except public administration)	75	1.43	423,756	2.86	6,320,632	2.91
Public administration	95	1.81	433,372	2.93	6,212,015	2.86

Economic Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Class Of Worker						
Private wage and salary workers	2,440	46.61	6,434,109	43.46	101,794,361	46.87
Government workers	400	7.64	1,426,893	9.64	18,923,353	8.71
Self-employed workers in own not inc.	260	4.97	501,068	3.38	8,603,761	3.96
Unpaid family workers	0	0.00	20,918	0.14	400,037	0.18
Income						
Households	2,175	100.00	7,060,595	100.00	105,539,122	100.00
Less than $10,000	90	4.14	809,507	11.47	10,067,027	9.54
$10,000 to $14,999	60	2.76	453,320	6.42	6,657,228	6.31
$15,000 to $24,999	70	3.22	822,611	11.65	13,536,965	12.83
$25,000 to $34,999	70	3.22	807,043	11.43	13,519,242	12.81
$35,000 to $49,999	110	5.06	1,047,001	14.83	17,446,272	16.53
$50,000 to $74,999	220	10.11	1,297,712	18.38	20,540,604	19.46
$75,000 to $99,999	195	8.97	746,384	10.57	10,799,245	10.23
$100,000 to $149,999	355	16.32	639,525	9.06	8,147,826	7.72
$150,000 to $199,999	345	15.86	202,640	2.87	2,322,038	2.20
$200,000 or more	655	30.11	234,852	3.33	2,502,675	2.37
Median household income (dollars)	131,929	...	43,393	...	41,994	...
With earnings	1,855	85.29	5,516,841	78.14	84,962,743	80.50
Mean earnings (dollars)	174,479	...	64,102	...	56,604	...
With Social Security income	500	22.99	1,837,421	26.02	27,084,417	25.66
Mean Social Security income (dollars)	13,670	...	11,667	...	11,320	...
With Supplemental Security Income	45	2.07	390,779	5.53	4,615,885	4.37
Mean Supplemental Security Income (dollars)	8,387	...	6,568	...	6,320	...
With public assistance income	10	0.46	344,175	4.87	3,629,732	3.44
Mean public assistance income (dollars)	8,100	...	3,699	...	3,032	...
With retirement income	285	13.10	1,196,637	16.95	17,659,058	16.73
Mean retirement income (dollars)	25,936	...	17,660	...	17,376	...
Families	1,810	83.22	4,673,485	66.19	72,261,780	68.47
Less than $10,000	15	0.69	359,778	5.10	4,155,386	3.94
$10,000 to $14,999	20	0.92	215,349	3.05	3,115,586	2.95
$15,000 to $24,999	25	1.15	462,739	6.55	7,757,397	7.35
$25,000 to $34,999	20	0.92	505,162	7.15	8,684,429	8.23
$35,000 to $49,999	100	4.60	705,855	10.00	12,377,108	11.73
$50,000 to $74,999	140	6.44	957,683	13.56	16,130,100	15.28
$75,000 to $99,999	180	8.28	594,059	8.41	9,009,327	8.54
$100,000 to $149,999	340	15.63	522,203	7.40	6,936,210	6.57
$150,000 to $199,999	320	14.71	164,443	2.33	1,983,673	1.88
$200,000 or more	645	29.66	186,214	2.64	2,112,564	2.00
Median family income (dollars)	157,858	...	51,691	...	50,046	...
Per capita income (dollars)	54,955	...	23,389	...	21,587	...
Median earnings (dollars):	100,001	...	40,236	...	37,057	...
Male full-time, year-round workers	100,001	...	40,236	...	37,057	...
Female full-time, year-round workers	60,910	...	31,099	...	27,194	...

Economic Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Number Below Poverty Level						
Families	15	100.00	535,935	100.00	6,620,945	100.00
With related children under 18 years	10	66.67	418,591	78.10	5,155,866	77.87
With related children under 5 years	0	0.00	198,252	36.99	2,562,263	38.70
Families with female householder, no husband	10	66.67	294,906	55.03	3,315,916	50.08
With related children under 18 years	10	66.67	257,263	48.00	2,940,459	44.41
With related children under 5 years	0	0.00	115,454	21.54	1,401,493	21.17
Individuals	130	100.00	2,692,202	100.00	33,899,812	100.00
18 years and over	110	84.62	1,776,492	65.99	22,152,954	65.35
65 years and over	50	38.46	264,336	9.82	3,287,774	9.70
Number For Whom Poverty Status Determined						
Families	1,810	100.00	4,673,485	100.00	72,261,780	100.00
With related children under 18 years	1,089	60.17	2,476,345	52.99	38,000,727	52.59
With related children under 5 years	425	23.48	981,715	21.01	15,076,246	20.86
Families with female householder, no husband	120	6.63	1,011,083	21.63	12,500,761	17.30
With related children under 18 years	65	3.59	663,399	14.19	8,575,028	11.87
With related children under 5 years	0	0.00	231,792	4.96	3,020,412	4.18
Individuals	6,305	100.00	18,449,899	100.00	273,882,232	100.00
18 years and over	4,315	68.44	13,868,788	75.17	202,956,971	74.10
65 years and over	745	11.82	2,333,549	12.65	33,346,548	12.18

4 Housing Characteristics (DP4)

Housing Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Units In Structure						
Total housing units	2,250	100.00	7,679,307	100.00	115,904,641	100.00
1 unit, detached	1,775	78.89	3,198,486	41.65	69,865,957	60.28
1 unit, attached	155	6.89	379,926	4.95	6,447,453	5.56
2 units	30	1.33	836,907	10.90	4,995,350	4.31
3 or 4 units	75	3.33	559,886	7.29	5,494,280	4.74
5 to 9 units	20	0.89	407,106	5.30	5,414,988	4.67
10 to 19 units	15	0.67	327,654	4.27	4,636,717	4.00
20 or more units	179	7.96	1,755,984	22.87	10,008,058	8.63
Mobile home	4	0.18	207,378	2.70	8,779,228	7.57
Boat, RV, van, etc.	0	0.00	5,980	0.08	262,610	0.23
Year Structure Built						
1999 to March 2000	40	1.78	67,821	0.88	2,755,075	2.38
1995 to 1998	170	7.56	198,312	2.58	8,478,975	7.32
1990 to 1994	105	4.67	259,063	3.37	8,467,008	7.31
1980 to 1989	355	15.78	594,390	7.74	18,326,847	15.81
1970 to 1979	305	13.56	866,120	11.28	21,438,863	18.50
1960 to 1969	280	12.44	1,120,598	14.59	15,911,903	13.73
1940 to 1959	605	26.89	2,174,766	28.32	23,145,917	19.97
1939 or earlier	395	17.56	2,398,237	31.23	17,380,053	15.00
Rooms						
1 room	35	1.56	322,859	4.20	2,551,061	2.20
2 rooms	35	1.56	524,796	6.83	5,578,182	4.81
3 rooms	150	6.67	1,134,126	14.77	11,405,588	9.84
4 rooms	125	5.56	1,295,062	16.86	18,514,383	15.97
5 rooms	140	6.22	1,229,033	16.00	24,214,071	20.89
6 rooms	295	13.11	1,164,784	15.17	21,385,794	18.45
7 rooms	355	15.78	810,832	10.56	13,981,917	12.06
8 rooms	455	20.22	589,153	7.67	9,343,740	8.06
9 or more rooms	660	29.33	608,662	7.93	8,929,905	7.70
Median (rooms)	8	0.33	5	0.00	5	0.00
Year Householder Moved Into Unit						
Occupied housing units	2,185	100.00	7,056,860	100.00	105,480,101	100.00
1999 to March 2000	305	13.96	1,056,606	14.97	21,041,090	19.95
1995 to 1998	510	23.34	1,844,967	26.14	30,479,848	28.90
1990 to 1994	400	18.31	1,134,011	16.07	16,948,257	16.07
1980 to 1989	465	21.28	1,215,576	17.23	16,429,173	15.58
1970 to 1979	310	14.19	882,141	12.50	10,399,015	9.86
1969 or earlier	195	8.92	923,559	13.09	10,182,718	9.65
Vehicles Available						
None	105	4.81	2,092,756	29.66	10,861,067	10.30
1	390	17.85	2,329,545	33.01	36,123,613	34.25
2	1,230	56.29	1,927,691	27.32	40,461,920	38.36
3 or more	449	20.55	706,868	10.02	18,033,501	17.10

Housing Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
House Heating Fuel						
Utility gas	1,110	50.80	3,651,779	51.75	54,027,880	51.22
Bottled, tank, or LP gas	20	0.92	237,949	3.37	6,880,185	6.52
Electricity	140	6.41	615,685	8.72	32,010,401	30.35
Fuel oil, kerosene, etc.	915	41.88	2,336,714	33.11	9,457,850	8.97
Coal or coke	0	0.00	9,563	0.14	142,876	0.14
Wood	0	0.00	82,613	1.17	1,769,781	1.68
Solar energy	0	0.00	2,539	0.04	47,069	0.04
Other fuel	4	0.18	73,671	1.04	412,553	0.39
No fuel used	0	0.00	46,347	0.66	731,506	0.69
Selected Characteristics						
Lacking complete plumbing facilities	4	0.18	58,418	0.83	670,986	0.64
Lacking complete kitchen facilities	0	0.00	55,851	0.79	715,535	0.68
No telephone service	4	0.18	132,704	1.88	2,570,705	2.44
Occupants Per Room						
Occupied housing units	2,185	100.00	7,056,860	100.00	105,480,101	100.00
1.00 or less	2,155	98.63	6,506,301	92.20	99,406,609	94.24
1.01 to 1.50	29	1.33	283,513	4.02	3,198,596	3.03
1.51 or more	0	0.00	267,046	3.78	2,874,896	2.73
Value						
Specified owner-occupied units	1,690	100.00	2,689,728	100.00	55,212,108	100.00
Less than $50,000	4	0.24	151,310	5.63	5,457,817	9.89
$50,000 to $99,999	0	0.00	714,774	26.57	16,778,971	30.39
$100,000 to $149,999	4	0.24	491,060	18.26	13,110,384	23.75
$150,000 to $199,999	14	0.83	468,384	17.41	8,075,904	14.63
$200,000 to $299,999	210	12.43	501,839	18.66	6,583,049	11.92
$300,000 to $499,999	645	38.17	252,136	9.37	3,584,108	6.49
$500,000 to $999,999	750	44.38	87,898	3.27	1,308,116	2.37
$1,000,000 or more	65	...	22,327	...	313,759	...
Median (dollars)	490,200	...	148,700	...	119,600	...
Mortgage Status and Selected Monthly Owner Costs						
With a mortgage	1,300	100.00	1,824,984	100.00	38,663,887	100.00
Less than $300	0	0.00	2,307	0.13	255,243	0.66
$300 to $499	0	0.00	35,291	1.93	2,149,992	5.56
$500 to $699	4	0.31	127,393	6.98	4,943,283	12.79
$700 to $999	4	0.31	347,548	19.04	9,612,512	24.86
$1,000 to $1,499	55	4.23	544,980	29.86	11,679,988	30.21
$1,500 to $1,999	110	8.46	390,485	21.40	5,555,203	14.37
$2,000 or more	1,125	86.54	376,980	20.66	4,467,666	11.56
Median (dollars)	3,143	...	1,357	...	1,088	...
Not mortgaged	390	30.00	864,744	47.38	16,548,221	42.80
Median (dollars)	4,002	...	457	...	295	...

Housing Characteristics	Briarcliff Manor Union Free School District		New York		United States	
	Value	Percent	Value	Percent	Value	Percent
Selected Monthly Owner Costs (as % of Household Income)						
Less than 15.0 percent	440	...	847,179	...	20,165,963	...
15.0 to 19.9 percent	375	...	460,991	...	9,661,469	...
20.0 to 24.9 percent	235	...	383,278	...	7,688,019	...
25.0 to 29.9 percent	125	...	270,107	...	5,210,523	...
30.0 to 34.9 percent	110	...	180,425	...	3,325,083	...
35.0 percent or more	405	...	528,389	...	8,719,648	...
Not computed	4	...	19,359	...	441,403	...
Gross Rent						
Specified renter-occupied units	250	100.00	3,301,784	100.00	35,199,502	100.00
Less than $200	8	3.20	180,305	5.46	1,844,181	5.24
$200 to $299	39	15.60	157,990	4.78	1,818,764	5.17
$300 to $499	12	4.80	517,885	15.69	7,739,515	21.99
$500 to $749	23	9.20	1,073,246	32.51	11,860,298	33.69
$750 to $999	30	12.00	699,725	21.19	6,045,173	17.17
$1,000 to $1,499	30	12.00	390,325	11.82	3,054,099	8.68
$1,500 or more	65	26.00	180,569	5.47	1,024,296	2.91
No cash rent	25	10.00	101,739	3.08	1,813,176	5.15
Median (dollars)	864	...	672	...	602	...
Gross Rent (as % of Household Income)						
Less than 15.0 percent	14	...	631,972	...	6,370,263	...
15.0 to 19.9 percent	60	...	423,635	...	5,037,981	...
20.0 to 24.9 percent	40	...	376,000	...	4,498,604	...
25.0 to 29.9 percent	25	...	322,751	...	3,666,233	...
30.0 to 34.9 percent	4	...	235,573	...	2,585,327	...
35.0 percent or more	75	...	1,103,248	...	10,383,959	...
Not computed	25	...	208,605	...	2,657,135	...

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Briarcliff Manor village, New York

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total population	**7,696**	**100.0**
SEX AND AGE		
Male	3,588	46.6
Female	4,108	53.4
Under 5 years	539	7.0
5 to 9 years	651	8.5
10 to 14 years	608	7.9
15 to 19 years	523	6.8
20 to 24 years	436	5.7
25 to 34 years	532	6.9
35 to 44 years	1,367	17.8
45 to 54 years	1,158	15.0
55 to 59 years	454	5.9
60 to 64 years	300	3.9
65 to 74 years	524	6.8
75 to 84 years	394	5.1
85 years and over	210	2.7
Median age (years)	39.5	(X)
18 years and over	5,634	73.2
Male	2,526	32.8
Female	3,108	40.4
21 years and over	5,242	68.1
62 years and over	1,316	17.1
65 years and over	1,128	14.7
Male	441	5.7
Female	687	8.9
RACE		
One race	7,615	98.9
White	6,983	90.7
Black or African American	133	1.7
American Indian and Alaska Native	4	0.1
Asian	419	5.4
Asian Indian	132	1.7
Chinese	129	1.7
Filipino	18	0.2
Japanese	52	0.7
Korean	45	0.6
Vietnamese	2	-
Other Asian [1]	41	0.5
Native Hawaiian and Other Pacific Islander	3	-
Native Hawaiian	2	-
Guamanian or Chamorro	1	-
Samoan	-	-
Other Pacific Islander [2]	-	-
Some other race	73	0.9
Two or more races	81	1.1
Race alone or in combination with one or more other races: [3]		
White	7,058	91.7
Black or African American	146	1.9
American Indian and Alaska Native	8	0.1
Asian	450	5.8
Native Hawaiian and Other Pacific Islander	7	0.1
Some other race	111	1.4

Subject	Number	Percent
HISPANIC OR LATINO AND RACE		
Total population	**7,696**	**100.0**
Hispanic or Latino (of any race)	241	3.1
Mexican	11	0.1
Puerto Rican	81	1.1
Cuban	40	0.5
Other Hispanic or Latino	109	1.4
Not Hispanic or Latino	7,455	96.9
White alone	6,825	88.7
RELATIONSHIP		
Total population	**7,696**	**100.0**
In households	6,913	89.8
Householder	2,435	31.6
Spouse	1,813	23.6
Child	2,373	30.8
Own child under 18 years	2,023	26.3
Other relatives	135	1.8
Under 18 years	22	0.3
Nonrelatives	157	2.0
Unmarried partner	46	0.6
In group quarters	783	10.2
Institutionalized population	271	3.5
Noninstitutionalized population	512	6.7
HOUSEHOLD BY TYPE		
Total households	**2,435**	**100.0**
Family households (families)	1,996	82.0
With own children under 18 years	1,073	44.1
Married-couple family	1,813	74.5
With own children under 18 years	986	40.5
Female householder, no husband present	145	6.0
With own children under 18 years	76	3.1
Nonfamily households	439	18.0
Householder living alone	385	15.8
Householder 65 years and over	218	9.0
Households with individuals under 18 years	1,094	44.9
Households with individuals 65 years and over	652	26.8
Average household size	2.84	(X)
Average family size	3.16	(X)
HOUSING OCCUPANCY		
Total housing units	**2,501**	**100.0**
Occupied housing units	2,435	97.4
Vacant housing units	66	2.6
For seasonal, recreational, or occasional use	23	0.9
Homeowner vacancy rate (percent)	0.7	(X)
Rental vacancy rate (percent)	3.2	(X)
HOUSING TENURE		
Occupied housing units	**2,435**	**100.0**
Owner-occupied housing units	2,130	87.5
Renter-occupied housing units	305	12.5
Average household size of owner-occupied units	2.98	(X)
Average household size of renter-occupied units	1.88	(X)

- Represents zero or rounds to zero. (X) Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Briarcliff Manor village, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
SCHOOL ENROLLMENT		
Population 3 years and over enrolled in school	**2,391**	**100.0**
Nursery school, preschool	265	11.1
Kindergarten	110	4.6
Elementary school (grades 1-8)	1,024	42.8
High school (grades 9-12)	306	12.8
College or graduate school	686	28.7
EDUCATIONAL ATTAINMENT		
Population 25 years and over	**4,917**	**100.0**
Less than 9th grade	135	2.7
9th to 12th grade, no diploma	127	2.6
High school graduate (includes equivalency)	497	10.1
Some college, no degree	465	9.5
Associate degree	142	2.9
Bachelor's degree	1,721	35.0
Graduate or professional degree	1,830	37.2
Percent high school graduate or higher	94.7	(X)
Percent bachelor's degree or higher	72.2	(X)
MARITAL STATUS		
Population 15 years and over	**5,836**	**100.0**
Never married	1,218	20.9
Now married, except separated	3,894	66.7
Separated	20	0.3
Widowed	426	7.3
Female	332	5.7
Divorced	278	4.8
Female	201	3.4
GRANDPARENTS AS CAREGIVERS		
Grandparent living in household with one or more own grandchildren under 18 years	**62**	**100.0**
Grandparent responsible for grandchildren	12	19.4
VETERAN STATUS		
Civilian population 18 years and over	**5,578**	**100.0**
Civilian veterans	506	9.1
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION		
Population 5 to 20 years	**1,941**	**100.0**
With a disability	75	3.9
Population 21 to 64 years	**3,957**	**100.0**
With a disability	234	5.9
Percent employed	53.4	(X)
No disability	3,723	94.1
Percent employed	75.7	(X)
Population 65 years and over	**918**	**100.0**
With a disability	212	23.1
RESIDENCE IN 1995		
Population 5 years and over	**7,069**	**100.0**
Same house in 1995	4,108	58.1
Different house in the U.S. in 1995	2,839	40.2
Same county	1,863	26.4
Different county	976	13.8
Same state	636	9.0
Different state	340	4.8
Elsewhere in 1995	122	1.7

Subject	Number	Percent
NATIVITY AND PLACE OF BIRTH		
Total population	**7,622**	**100.0**
Native	6,695	87.8
Born in United States	6,643	87.2
State of residence	5,383	70.6
Different state	1,260	16.5
Born outside United States	52	0.7
Foreign born	927	12.2
Entered 1990 to March 2000	246	3.2
Naturalized citizen	546	7.2
Not a citizen	381	5.0
REGION OF BIRTH OF FOREIGN BORN		
Total (excluding born at sea)	**927**	**100.0**
Europe	415	44.8
Asia	345	37.2
Africa	25	2.7
Oceania	-	-
Latin America	129	13.9
Northern America	13	1.4
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	**7,069**	**100.0**
English only	5,978	84.6
Language other than English	1,091	15.4
Speak English less than "very well"	260	3.7
Spanish	235	3.3
Speak English less than "very well"	71	1.0
Other Indo-European languages	578	8.2
Speak English less than "very well"	136	1.9
Asian and Pacific Island languages	203	2.9
Speak English less than "very well"	41	0.6
ANCESTRY (single or multiple)		
Total population	**7,622**	**100.0**
Total ancestries reported	*7,988*	*104.8*
Arab	23	0.3
Czech[1]	38	0.5
Danish	37	0.5
Dutch	86	1.1
English	423	5.5
French (except Basque)[1]	127	1.7
French Canadian[1]	16	0.2
German	717	9.4
Greek	55	0.7
Hungarian	119	1.6
Irish[1]	1,146	15.0
Italian	1,326	17.4
Lithuanian	19	0.2
Norwegian	59	0.8
Polish	513	6.7
Portuguese	51	0.7
Russian	652	8.6
Scotch-Irish	75	1.0
Scottish	146	1.9
Slovak	11	0.1
Subsaharan African	7	0.1
Swedish	111	1.5
Swiss	20	0.3
Ukrainian	74	1.0
United States or American	452	5.9
Welsh	22	0.3
West Indian (excluding Hispanic groups)	26	0.3
Other ancestries	1,637	21.5

-Represents zero or rounds to zero. (X) Not applicable.

[1]The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Briarcliff Manor village, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
EMPLOYMENT STATUS		
Population 16 years and over	**5,736**	**100.0**
In labor force	3,587	62.5
Civilian labor force	3,587	62.5
Employed	3,340	58.2
Unemployed	247	4.3
Percent of civilian labor force	6.9	(X)
Armed Forces	-	-
Not in labor force	2,149	37.5
Females 16 years and over	**3,187**	**100.0**
In labor force	1,722	54.0
Civilian labor force	1,722	54.0
Employed	1,544	48.4
Own children under 6 years	**683**	**100.0**
All parents in family in labor force	359	52.6
COMMUTING TO WORK		
Workers 16 years and over	**3,299**	**100.0**
Car, truck, or van - - drove alone	2,055	62.3
Car, truck, or van - - carpooled	197	6.0
Public transportation (including taxicab)	709	21.5
Walked	104	3.2
Other means	20	0.6
Worked at home	214	6.5
Mean travel time to work (minutes)[1]	37.1	(X)
Employed civilian population 16 years and over	**3,340**	**100.0**
OCCUPATION		
Management, professional, and related occupations	2,272	68.0
Service occupations	184	5.5
Sales and office occupations	725	21.7
Farming, fishing, and forestry occupations	8	0.2
Construction, extraction, and maintenance occupations	78	2.3
Production, transportation, and material moving occupations	73	2.2
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	8	0.2
Construction	124	3.7
Manufacturing	206	6.2
Wholesale trade	141	4.2
Retail trade	192	5.7
Transportation and warehousing, and utilities	40	1.2
Information	199	6.0
Finance, insurance, real estate, and rental and leasing	590	17.7
Professional, scientific, management, administrative, and waste management services	716	21.4
Educational, health and social services	832	24.9
Arts, entertainment, recreation, accommodation and food services	116	3.5
Other services (except public administration)	89	2.7
Public administration	87	2.6
CLASS OF WORKER		
Private wage and salary workers	2,642	79.1
Government workers	410	12.3
Self-employed workers in own not incorporated business	288	8.6
Unpaid family workers	-	-

Subject	Number	Percent
INCOME IN 1999		
Households	**2,425**	**100.0**
Less than $10,000	89	3.7
$10,000 to $14,999	56	2.3
$15,000 to $24,999	97	4.0
$25,000 to $34,999	72	3.0
$35,000 to $49,999	92	3.8
$50,000 to $74,999	267	11.0
$75,000 to $99,999	241	9.9
$100,000 to $149,999	417	17.2
$150,000 to $199,999	368	15.2
$200,000 or more	726	29.9
Median household income (dollars)	133,272	(X)
With earnings	2,059	84.9
Mean earnings (dollars)[1]	173,546	(X)
With Social Security income	625	25.8
Mean Social Security income (dollars)[1]	14,579	(X)
With Supplemental Security Income	38	1.6
Mean Supplemental Security Income (dollars)[1]	7,133	(X)
With public assistance income	11	0.5
Mean public assistance income (dollars)[1]	7,364	(X)
With retirement income	341	14.1
Mean retirement income (dollars)[1]	25,842	(X)
Families	**1,998**	**100.0**
Less than $10,000	16	0.8
$10,000 to $14,999	15	0.8
$15,000 to $24,999	37	1.9
$25,000 to $34,999	27	1.4
$35,000 to $49,999	74	3.7
$50,000 to $74,999	183	9.2
$75,000 to $99,999	204	10.2
$100,000 to $149,999	379	19.0
$150,000 to $199,999	354	17.7
$200,000 or more	709	35.5
Median family income (dollars)	157,607	(X)
Per capita income (dollars)[1]	58,646	(X)
Median earnings (dollars):		
Male full-time, year-round workers	100,000+	(X)
Female full-time, year-round workers	61,208	(X)

Subject	Number below poverty level	Percent below poverty level
POVERTY STATUS IN 1999		
Families	**16**	**0.8**
With related children under 18 years	8	0.7
With related children under 5 years	-	-
Families with female householder, no husband present	-	-
With related children under 18 years	-	-
With related children under 5 years	-	-
Individuals	**172**	**2.5**
18 years and over	149	3.1
65 years and over	46	5.0
Related children under 18 years	23	1.1
Related children 5 to 17 years	23	1.5
Unrelated individuals 15 years and over	119	20.7

-Represents zero or rounds to zero. (X) Not applicable.

[1]If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Briarcliff Manor village, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total housing units	**2,496**	**100.0**
UNITS IN STRUCTURE		
1-unit, detached	1,919	76.9
1-unit, attached	209	8.4
2 units	17	0.7
3 or 4 units	83	3.3
5 to 9 units	30	1.2
10 to 19 units	40	1.6
20 or more units	193	7.7
Mobile home	5	0.2
Boat, RV, van, etc	-	-
YEAR STRUCTURE BUILT		
1999 to March 2000	51	2.0
1995 to 1998	163	6.5
1990 to 1994	91	3.6
1980 to 1989	330	13.2
1970 to 1979	255	10.2
1960 to 1969	415	16.6
1940 to 1959	819	32.8
1939 or earlier	372	14.9
ROOMS		
1 room	41	1.6
2 rooms	34	1.4
3 rooms	132	5.3
4 rooms	150	6.0
5 rooms	174	7.0
6 rooms	336	13.5
7 rooms	459	18.4
8 rooms	474	19.0
9 or more rooms	696	27.9
Median (rooms)	7.3	(X)
Occupied housing units	**2,426**	**100.0**
YEAR HOUSEHOLDER MOVED INTO UNIT		
1999 to March 2000	344	14.2
1995 to 1998	624	25.7
1990 to 1994	404	16.7
1980 to 1989	446	18.4
1970 to 1979	353	14.6
1969 or earlier	255	10.5
VEHICLES AVAILABLE		
None	126	5.2
1	463	19.1
2	1,363	56.2
3 or more	474	19.5
HOUSE HEATING FUEL		
Utility gas	1,456	60.0
Bottled, tank, or LP gas	23	0.9
Electricity	133	5.5
Fuel oil, kerosene, etc	809	33.3
Coal or coke	-	-
Wood	-	-
Solar energy	-	-
Other fuel	5	0.2
No fuel used	-	-
SELECTED CHARACTERISTICS		
Lacking complete plumbing facilities	-	-
Lacking complete kitchen facilities	-	-
No telephone service	6	0.2

Subject	Number	Percent
OCCUPANTS PER ROOM		
Occupied housing units	**2,426**	**100.0**
1.00 or less	2,395	98.7
1.01 to 1.50	31	1.3
1.51 or more	-	-
Specified owner-occupied units	**1,894**	**100.0**
VALUE		
Less than $50,000	7	0.4
$50,000 to $99,999	5	0.3
$100,000 to $149,999	5	0.3
$150,000 to $199,999	6	0.3
$200,000 to $299,999	236	12.5
$300,000 to $499,999	905	47.8
$500,000 to $999,999	650	34.3
$1,000,000 or more	80	4.2
Median (dollars)	450,700	(X)
MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS		
With a mortgage	1,408	74.3
Less than $300	-	-
$300 to $499	-	-
$500 to $699	-	-
$700 to $999	6	0.3
$1,000 to $1,499	87	4.6
$1,500 to $1,999	113	6.0
$2,000 or more	1,202	63.5
Median (dollars)	2,510	(X)
Not mortgaged	486	25.7
Median (dollars)	725	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	529	27.9
15.0 to 19.9 percent	416	22.0
20.0 to 24.9 percent	279	14.7
25.0 to 29.9 percent	153	8.1
30.0 to 34.9 percent	98	5.2
35.0 percent or more	411	21.7
Not computed	8	0.4
Specified renter-occupied units	**303**	**100.0**
GROSS RENT		
Less than $200	14	4.6
$200 to $299	42	13.9
$300 to $499	20	6.6
$500 to $749	25	8.3
$750 to $999	26	8.6
$1,000 to $1,499	60	19.8
$1,500 or more	86	28.4
No cash rent	30	9.9
Median (dollars)	1,068	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	27	8.9
15.0 to 19.9 percent	58	19.1
20.0 to 24.9 percent	59	19.5
25.0 to 29.9 percent	38	12.5
30.0 to 34.9 percent	7	2.3
35.0 percent or more	84	27.7
Not computed	30	9.9

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Ossining town, Westchester County, New York

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total population	**36,534**	**100.0**
SEX AND AGE		
Male	18,808	51.5
Female	17,726	48.5
Under 5 years	2,288	6.3
5 to 9 years	2,331	6.4
10 to 14 years	2,163	5.9
15 to 19 years	1,924	5.3
20 to 24 years	2,111	5.8
25 to 34 years	5,739	15.7
35 to 44 years	6,852	18.8
45 to 54 years	5,133	14.0
55 to 59 years	1,849	5.1
60 to 64 years	1,378	3.8
65 to 74 years	2,385	6.5
75 to 84 years	1,558	4.3
85 years and over	823	2.3
Median age (years)	37.4	(X)
18 years and over	28,582	78.2
Male	14,669	40.2
Female	13,913	38.1
21 years and over	27,456	75.2
62 years and over	5,562	15.2
65 years and over	4,766	13.0
Male	1,848	5.1
Female	2,918	8.0
RACE		
One race	35,361	96.8
White	25,667	70.3
Black or African American	5,217	14.3
American Indian and Alaska Native	127	0.3
Asian	1,660	4.5
Asian Indian	612	1.7
Chinese	425	1.2
Filipino	194	0.5
Japanese	124	0.3
Korean	122	0.3
Vietnamese	46	0.1
Other Asian [1]	137	0.4
Native Hawaiian and Other Pacific Islander	7	-
Native Hawaiian	2	-
Guamanian or Chamorro	3	-
Samoan	-	-
Other Pacific Islander [2]	2	-
Some other race	2,683	7.3
Two or more races	1,173	3.2
Race alone or in combination with one or more other races: [3]		
White	26,614	72.8
Black or African American	5,501	15.1
American Indian and Alaska Native	263	0.7
Asian	1,869	5.1
Native Hawaiian and Other Pacific Islander	46	0.1
Some other race	3,474	9.5

Subject	Number	Percent
HISPANIC OR LATINO AND RACE		
Total population	**36,534**	**100.0**
Hispanic or Latino (of any race)	7,282	19.9
Mexican	210	0.6
Puerto Rican	1,393	3.8
Cuban	184	0.5
Other Hispanic or Latino	5,495	15.0
Not Hispanic or Latino	29,252	80.1
White alone	22,032	60.3
RELATIONSHIP		
Total population	**36,534**	**100.0**
In households	32,569	89.1
Householder	12,355	33.8
Spouse	6,721	18.4
Child	9,450	25.9
Own child under 18 years	7,296	20.0
Other relatives	2,099	5.7
Under 18 years	504	1.4
Nonrelatives	1,944	5.3
Unmarried partner	568	1.6
In group quarters	3,965	10.9
Institutionalized population	3,213	8.8
Noninstitutionalized population	752	2.1
HOUSEHOLD BY TYPE		
Total households	**12,355**	**100.0**
Family households (families)	8,543	69.1
With own children under 18 years	4,092	33.1
Married-couple family	6,721	54.4
With own children under 18 years	3,226	26.1
Female householder, no husband present	1,326	10.7
With own children under 18 years	678	5.5
Nonfamily households	3,812	30.9
Householder living alone	3,153	25.5
Householder 65 years and over	1,108	9.0
Households with individuals under 18 years	4,391	35.5
Households with individuals 65 years and over	2,894	23.4
Average household size	2.64	(X)
Average family size	3.14	(X)
HOUSING OCCUPANCY		
Total housing units	**12,733**	**100.0**
Occupied housing units	12,355	97.0
Vacant housing units	378	3.0
For seasonal, recreational, or occasional use	59	0.5
Homeowner vacancy rate (percent)	1.1	(X)
Rental vacancy rate (percent)	3.1	(X)
HOUSING TENURE		
Occupied housing units	**12,355**	**100.0**
Owner-occupied housing units	7,882	63.8
Renter-occupied housing units	4,473	36.2
Average household size of owner-occupied units	2.69	(X)
Average household size of renter-occupied units	2.54	(X)

- Represents zero or rounds to zero. (X) Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Ossining town, Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
SCHOOL ENROLLMENT		
Population 3 years and over enrolled in school	**8,542**	**100.0**
Nursery school, preschool	761	8.9
Kindergarten	491	5.7
Elementary school (grades 1-8)	3,700	43.3
High school (grades 9-12)	1,693	19.8
College or graduate school	1,897	22.2
EDUCATIONAL ATTAINMENT		
Population 25 years and over	**25,784**	**100.0**
Less than 9th grade	2,578	10.0
9th to 12th grade, no diploma	3,063	11.9
High school graduate (includes equivalency)	4,936	19.1
Some college, no degree	3,295	12.8
Associate degree	1,260	4.9
Bachelor's degree	5,506	21.4
Graduate or professional degree	5,146	20.0
Percent high school graduate or higher	78.1	(X)
Percent bachelor's degree or higher	41.3	(X)
MARITAL STATUS		
Population 15 years and over	**29,795**	**100.0**
Never married	9,260	31.1
Now married, except separated	16,100	54.0
Separated	713	2.4
Widowed	1,796	6.0
Female	1,445	4.8
Divorced	1,926	6.5
Female	1,258	4.2
GRANDPARENTS AS CAREGIVERS		
Grandparent living in household with one or more own grandchildren under 18 years	**565**	**100.0**
Grandparent responsible for grandchildren	123	21.8
VETERAN STATUS		
Civilian population 18 years and over	**28,609**	**100.0**
Civilian veterans	2,511	8.8
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION		
Population 5 to 20 years	**6,806**	**100.0**
With a disability	406	6.0
Population 21 to 64 years	**20,383**	**100.0**
With a disability	2,905	14.3
Percent employed	64.7	(X)
No disability	17,478	85.7
Percent employed	78.1	(X)
Population 65 years and over	**3,947**	**100.0**
With a disability	1,175	29.8
RESIDENCE IN 1995		
Population 5 years and over	**34,249**	**100.0**
Same house in 1995	19,153	55.9
Different house in the U.S. in 1995	12,914	37.7
Same county	8,604	25.1
Different county	4,310	12.6
Same state	2,958	8.6
Different state	1,352	3.9
Elsewhere in 1995	2,182	6.4

Subject	Number	Percent
NATIVITY AND PLACE OF BIRTH		
Total population	**36,534**	**100.0**
Native	27,700	75.8
Born in United States	26,970	73.8
State of residence	22,060	60.4
Different state	4,910	13.4
Born outside United States	730	2.0
Foreign born	8,834	24.2
Entered 1990 to March 2000	4,205	11.5
Naturalized citizen	2,862	7.8
Not a citizen	5,972	16.3
REGION OF BIRTH OF FOREIGN BORN		
Total (excluding born at sea)	**8,834**	**100.0**
Europe	2,137	24.2
Asia	1,354	15.3
Africa	165	1.9
Oceania	22	0.2
Latin America	5,055	57.2
Northern America	101	1.1
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	**34,249**	**100.0**
English only	23,954	69.9
Language other than English	10,295	30.1
Speak English less than "very well"	5,102	14.9
Spanish	6,096	17.8
Speak English less than "very well"	3,848	11.2
Other Indo-European languages	3,044	8.9
Speak English less than "very well"	820	2.4
Asian and Pacific Island languages	892	2.6
Speak English less than "very well"	388	1.1
ANCESTRY (single or multiple)		
Total population	**36,534**	**100.0**
Total ancestries reported	*37,184*	*101.8*
Arab	94	0.3
Czech[1]	163	0.4
Danish	49	0.1
Dutch	384	1.1
English	1,786	4.9
French (except Basque)[1]	490	1.3
French Canadian[1]	184	0.5
German	2,944	8.1
Greek	183	0.5
Hungarian	373	1.0
Irish[1]	4,372	12.0
Italian	5,903	16.2
Lithuanian	56	0.2
Norwegian	196	0.5
Polish	1,202	3.3
Portuguese	615	1.7
Russian	1,505	4.1
Scotch-Irish	210	0.6
Scottish	547	1.5
Slovak	76	0.2
Subsaharan African	255	0.7
Swedish	387	1.1
Swiss	72	0.2
Ukrainian	231	0.6
United States or American	1,073	2.9
Welsh	46	0.1
West Indian (excluding Hispanic groups)	713	2.0
Other ancestries	13,075	35.8

-Represents zero or rounds to zero. (X) Not applicable.

[1]The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Ossining town, Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
EMPLOYMENT STATUS		
Population 16 years and over	**29,409**	**100.0**
In labor force	17,805	60.5
Civilian labor force	17,805	60.5
Employed	17,085	58.1
Unemployed	720	2.4
Percent of civilian labor force	4.0	(X)
Armed Forces	-	-
Not in labor force	11,604	39.5
Females 16 years and over	**14,449**	**100.0**
In labor force	8,534	59.1
Civilian labor force	8,534	59.1
Employed	8,171	56.6
Own children under 6 years	**2,650**	**100.0**
All parents in family in labor force	1,521	57.4
COMMUTING TO WORK		
Workers 16 years and over	**16,777**	**100.0**
Car, truck, or van - - drove alone	10,672	63.6
Car, truck, or van - - carpooled	1,903	11.3
Public transportation (including taxicab)	2,836	16.9
Walked	461	2.7
Other means	217	1.3
Worked at home	688	4.1
Mean travel time to work (minutes)[1]	33.9	(X)
Employed civilian population 16 years and over	**17,085**	**100.0**
OCCUPATION		
Management, professional, and related occupations	7,885	46.2
Service occupations	2,949	17.3
Sales and office occupations	3,680	21.5
Farming, fishing, and forestry occupations	19	0.1
Construction, extraction, and maintenance occupations	1,393	8.2
Production, transportation, and material moving occupations	1,159	6.8
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	24	0.1
Construction	1,233	7.2
Manufacturing	1,012	5.9
Wholesale trade	548	3.2
Retail trade	1,344	7.9
Transportation and warehousing, and utilities	460	2.7
Information	943	5.5
Finance, insurance, real estate, and rental and leasing	1,843	10.8
Professional, scientific, management, administrative, and waste management services	2,662	15.6
Educational, health and social services	4,140	24.2
Arts, entertainment, recreation, accommodation and food services	1,033	6.0
Other services (except public administration)	1,114	6.5
Public administration	729	4.3
CLASS OF WORKER		
Private wage and salary workers	13,322	78.0
Government workers	2,227	13.0
Self-employed workers in own not incorporated business	1,480	8.7
Unpaid family workers	56	0.3

Subject	Number	Percent
INCOME IN 1999		
Households	**12,357**	**100.0**
Less than $10,000	708	5.7
$10,000 to $14,999	476	3.9
$15,000 to $24,999	963	7.8
$25,000 to $34,999	1,029	8.3
$35,000 to $49,999	1,490	12.1
$50,000 to $74,999	2,099	17.0
$75,000 to $99,999	1,484	12.0
$100,000 to $149,999	1,877	15.2
$150,000 to $199,999	931	7.5
$200,000 or more	1,300	10.5
Median household income (dollars)	65,485	(X)
With earnings	10,382	84.0
Mean earnings (dollars)[1]	97,668	(X)
With Social Security income	2,941	23.8
Mean Social Security income (dollars)[1]	13,246	(X)
With Supplemental Security Income	306	2.5
Mean Supplemental Security Income (dollars)[1]	6,521	(X)
With public assistance income	213	1.7
Mean public assistance income (dollars)[1]	3,647	(X)
With retirement income	1,809	14.6
Mean retirement income (dollars)[1]	18,601	(X)
Families	**8,611**	**100.0**
Less than $10,000	285	3.3
$10,000 to $14,999	168	2.0
$15,000 to $24,999	531	6.2
$25,000 to $34,999	630	7.3
$35,000 to $49,999	918	10.7
$50,000 to $74,999	1,410	16.4
$75,000 to $99,999	1,135	13.2
$100,000 to $149,999	1,540	17.9
$150,000 to $199,999	823	9.6
$200,000 or more	1,171	13.6
Median family income (dollars)	81,943	(X)
Per capita income (dollars)[1]	34,195	(X)
Median earnings (dollars):		
Male full-time, year-round workers	51,286	(X)
Female full-time, year-round workers	40,618	(X)

Subject	Number below poverty level	Percent below poverty level
POVERTY STATUS IN 1999		
Families	**433**	**5.0**
With related children under 18 years	319	7.0
With related children under 5 years	142	7.0
Families with female householder, no husband present	**245**	**19.1**
With related children under 18 years	215	27.2
With related children under 5 years	99	42.9
Individuals	**2,771**	**8.4**
18 years and over	2,099	8.4
65 years and over	362	9.2
Related children under 18 years	649	8.3
Related children 5 to 17 years	478	8.6
Unrelated individuals 15 years and over	1,404	23.5

-Represents zero or rounds to zero. (X) Not applicable.

[1]If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Ossining town, Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total housing units	**12,733**	**100.0**
UNITS IN STRUCTURE		
1-unit, detached	5,766	45.3
1-unit, attached	1,472	11.6
2 units	1,037	8.1
3 or 4 units	1,547	12.1
5 to 9 units	626	4.9
10 to 19 units	717	5.6
20 or more units	1,562	12.3
Mobile home	6	-
Boat, RV, van, etc	-	-
YEAR STRUCTURE BUILT		
1999 to March 2000	109	0.9
1995 to 1998	416	3.3
1990 to 1994	258	2.0
1980 to 1989	1,731	13.6
1970 to 1979	1,482	11.6
1960 to 1969	1,977	15.5
1940 to 1959	3,422	26.9
1939 or earlier	3,338	26.2
ROOMS		
1 room	437	3.4
2 rooms	737	5.8
3 rooms	1,415	11.1
4 rooms	1,801	14.1
5 rooms	1,981	15.6
6 rooms	1,808	14.2
7 rooms	1,737	13.6
8 rooms	1,329	10.4
9 or more rooms	1,488	11.7
Median (rooms)	5.5	(X)
Occupied housing units	**12,355**	**100.0**
YEAR HOUSEHOLDER MOVED INTO UNIT		
1999 to March 2000	2,317	18.8
1995 to 1998	3,648	29.5
1990 to 1994	1,885	15.3
1980 to 1989	2,060	16.7
1970 to 1979	1,346	10.9
1969 or earlier	1,099	8.9
VEHICLES AVAILABLE		
None	1,237	10.0
1	4,398	35.6
2	5,078	41.1
3 or more	1,642	13.3
HOUSE HEATING FUEL		
Utility gas	5,557	45.0
Bottled, tank, or LP gas	200	1.6
Electricity	993	8.0
Fuel oil, kerosene, etc	5,432	44.0
Coal or coke	46	0.4
Wood	-	-
Solar energy	-	-
Other fuel	74	0.6
No fuel used	53	0.4
SELECTED CHARACTERISTICS		
Lacking complete plumbing facilities	65	0.5
Lacking complete kitchen facilities	167	1.4
No telephone service	131	1.1

Subject	Number	Percent
OCCUPANTS PER ROOM		
Occupied housing units	**12,355**	**100.0**
1.00 or less	11,439	92.6
1.01 to 1.50	503	4.1
1.51 or more	413	3.3
Specified owner-occupied units	**6,232**	**100.0**
VALUE		
Less than $50,000	29	0.5
$50,000 to $99,999	150	2.4
$100,000 to $149,999	335	5.4
$150,000 to $199,999	1,048	16.8
$200,000 to $299,999	2,197	35.3
$300,000 to $499,999	1,698	27.2
$500,000 to $999,999	695	11.2
$1,000,000 or more	80	1.3
Median (dollars)	264,200	(X)
MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS		
With a mortgage	4,559	73.2
Less than $300	7	0.1
$300 to $499	9	0.1
$500 to $699	45	0.7
$700 to $999	67	1.1
$1,000 to $1,499	610	9.8
$1,500 to $1,999	948	15.2
$2,000 or more	2,873	46.1
Median (dollars)	1,879	(X)
Not mortgaged	1,673	26.8
Median (dollars)	654	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	1,568	25.2
15.0 to 19.9 percent	1,041	16.7
20.0 to 24.9 percent	1,020	16.4
25.0 to 29.9 percent	599	9.6
30.0 to 34.9 percent	386	6.2
35.0 percent or more	1,593	25.6
Not computed	25	0.4
Specified renter-occupied units	**4,458**	**100.0**
GROSS RENT		
Less than $200	209	4.7
$200 to $299	182	4.1
$300 to $499	310	7.0
$500 to $749	711	15.9
$750 to $999	1,553	34.8
$1,000 to $1,499	1,068	24.0
$1,500 or more	304	6.8
No cash rent	121	2.7
Median (dollars)	861	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	805	18.1
15.0 to 19.9 percent	686	15.4
20.0 to 24.9 percent	578	13.0
25.0 to 29.9 percent	511	11.5
30.0 to 34.9 percent	305	6.8
35.0 percent or more	1,328	29.8
Not computed	245	5.5

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Mount Pleasant town, Westchester County, New York

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total population	**43,221**	**100.0**
SEX AND AGE		
Male	21,933	50.7
Female	21,288	49.3
Under 5 years	2,978	6.9
5 to 9 years	3,055	7.1
10 to 14 years	3,194	7.4
15 to 19 years	3,131	7.2
20 to 24 years	2,436	5.6
25 to 34 years	5,648	13.1
35 to 44 years	7,628	17.6
45 to 54 years	6,124	14.2
55 to 59 years	2,015	4.7
60 to 64 years	1,650	3.8
65 to 74 years	2,915	6.7
75 to 84 years	1,736	4.0
85 years and over	711	1.6
Median age (years)	36.5	(X)
18 years and over	32,002	74.0
Male	16,009	37.0
Female	15,993	37.0
21 years and over	30,377	70.3
62 years and over	6,302	14.6
65 years and over	5,362	12.4
Male	2,278	5.3
Female	3,084	7.1
RACE		
One race	42,307	97.9
White	36,415	84.3
Black or African American	2,191	5.1
American Indian and Alaska Native	104	0.2
Asian	1,411	3.3
Asian Indian	404	0.9
Chinese	423	1.0
Filipino	105	0.2
Japanese	136	0.3
Korean	207	0.5
Vietnamese	29	0.1
Other Asian [1]	107	0.2
Native Hawaiian and Other Pacific Islander	18	-
Native Hawaiian	6	-
Guamanian or Chamorro	10	-
Samoan	1	-
Other Pacific Islander [2]	1	-
Some other race	2,168	5.0
Two or more races	914	2.1
Race alone or in combination with one or more other races: [3]		
White	37,183	86.0
Black or African American	2,360	5.5
American Indian and Alaska Native	220	0.5
Asian	1,629	3.8
Native Hawaiian and Other Pacific Islander	62	0.1
Some other race	2,754	6.4

Subject	Number	Percent
HISPANIC OR LATINO AND RACE		
Total population	**43,221**	**100.0**
Hispanic or Latino (of any race)	6,057	14.0
Mexican	256	0.6
Puerto Rican	850	2.0
Cuban	257	0.6
Other Hispanic or Latino	4,694	10.9
Not Hispanic or Latino	37,164	86.0
White alone	33,380	77.2
RELATIONSHIP		
Total population	**43,221**	**100.0**
In households	39,765	92.0
Householder	13,737	31.8
Spouse	8,928	20.7
Child	13,137	30.4
Own child under 18 years	9,843	22.8
Other relatives	2,142	5.0
Under 18 years	497	1.1
Nonrelatives	1,821	4.2
Unmarried partner	410	0.9
In group quarters	3,456	8.0
Institutionalized population	2,590	6.0
Noninstitutionalized population	866	2.0
HOUSEHOLD BY TYPE		
Total households	**13,737**	**100.0**
Family households (families)	10,528	76.6
With own children under 18 years	5,259	38.3
Married-couple family	8,928	65.0
With own children under 18 years	4,597	33.5
Female householder, no husband present	1,151	8.4
With own children under 18 years	524	3.8
Nonfamily households	3,209	23.4
Householder living alone	2,528	18.4
Householder 65 years and over	1,024	7.5
Households with individuals under 18 years	5,564	40.5
Households with individuals 65 years and over	3,533	25.7
Average household size	2.89	(X)
Average family size	3.30	(X)
HOUSING OCCUPANCY		
Total housing units	**13,985**	**100.0**
Occupied housing units	13,737	98.2
Vacant housing units	248	1.8
For seasonal, recreational, or occasional use	55	0.4
Homeowner vacancy rate (percent)	0.4	(X)
Rental vacancy rate (percent)	2.2	(X)
HOUSING TENURE		
Occupied housing units	**13,737**	**100.0**
Owner-occupied housing units	9,894	72.0
Renter-occupied housing units	3,843	28.0
Average household size of owner-occupied units	3.00	(X)
Average household size of renter-occupied units	2.62	(X)

- Represents zero or rounds to zero. (X) Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Mount Pleasant town, Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
SCHOOL ENROLLMENT		
Population 3 years and over enrolled in school	**12,809**	**100.0**
Nursery school, preschool	1,059	8.3
Kindergarten	542	4.2
Elementary school (grades 1-8)	5,151	40.2
High school (grades 9-12)	2,750	21.5
College or graduate school	3,307	25.8
EDUCATIONAL ATTAINMENT		
Population 25 years and over	**28,501**	**100.0**
Less than 9th grade	1,921	6.7
9th to 12th grade, no diploma	2,423	8.5
High school graduate (includes equivalency)	6,081	21.3
Some college, no degree	3,883	13.6
Associate degree	1,672	5.9
Bachelor's degree	6,633	23.3
Graduate or professional degree	5,888	20.7
Percent high school graduate or higher	84.8	(X)
Percent bachelor's degree or higher	43.9	(X)
MARITAL STATUS		
Population 15 years and over	**33,822**	**100.0**
Never married	9,554	28.2
Now married, except separated	20,005	59.1
Separated	528	1.6
Widowed	2,106	6.2
Female	1,657	4.9
Divorced	1,629	4.8
Female	986	2.9
GRANDPARENTS AS CAREGIVERS		
Grandparent living in household with one or more own grandchildren under 18 years	**678**	**100.0**
Grandparent responsible for grandchildren	130	19.2
VETERAN STATUS		
Civilian population 18 years and over	**31,913**	**100.0**
Civilian veterans	3,074	9.6
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION		
Population 5 to 20 years	**8,949**	**100.0**
With a disability	605	6.8
Population 21 to 64 years	**24,059**	**100.0**
With a disability	3,183	13.2
Percent employed	64.0	(X)
No disability	20,876	86.8
Percent employed	77.4	(X)
Population 65 years and over	**4,703**	**100.0**
With a disability	1,367	29.1
RESIDENCE IN 1995		
Population 5 years and over	**40,220**	**100.0**
Same house in 1995	24,970	62.1
Different house in the U.S. in 1995	13,460	33.5
Same county	8,192	20.4
Different county	5,268	13.1
Same state	3,662	9.1
Different state	1,606	4.0
Elsewhere in 1995	1,790	4.5

Subject	Number	Percent
NATIVITY AND PLACE OF BIRTH		
Total population	**43,221**	**100.0**
Native	35,381	81.9
Born in United States	34,988	81.0
State of residence	29,790	68.9
Different state	5,198	12.0
Born outside United States	393	0.9
Foreign born	7,840	18.1
Entered 1990 to March 2000	2,702	6.3
Naturalized citizen	3,556	8.2
Not a citizen	4,284	9.9
REGION OF BIRTH OF FOREIGN BORN		
Total (excluding born at sea)	**7,840**	**100.0**
Europe	2,539	32.4
Asia	1,091	13.9
Africa	180	2.3
Oceania	16	0.2
Latin America	3,898	49.7
Northern America	116	1.5
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	**40,220**	**100.0**
English only	30,150	75.0
Language other than English	10,070	25.0
Speak English less than "very well"	4,437	11.0
Spanish	5,342	13.3
Speak English less than "very well"	2,883	7.2
Other Indo-European languages	3,619	9.0
Speak English less than "very well"	1,150	2.9
Asian and Pacific Island languages	674	1.7
Speak English less than "very well"	289	0.7
ANCESTRY (*single or multiple*)		
Total population	**43,221**	**100.0**
Total ancestries reported	*47,748*	*110.5*
Arab	370	0.9
Czech[1]	255	0.6
Danish	68	0.2
Dutch	450	1.0
English	2,339	5.4
French (except Basque)[1]	895	2.1
French Canadian[1]	221	0.5
German	4,388	10.2
Greek	338	0.8
Hungarian	432	1.0
Irish[1]	8,024	18.6
Italian	12,467	28.8
Lithuanian	114	0.3
Norwegian	267	0.6
Polish	1,422	3.3
Portuguese	479	1.1
Russian	1,090	2.5
Scotch-Irish	399	0.9
Scottish	601	1.4
Slovak	225	0.5
Subsaharan African	105	0.2
Swedish	352	0.8
Swiss	157	0.4
Ukrainian	202	0.5
United States or American	1,149	2.7
Welsh	140	0.3
West Indian (excluding Hispanic groups)	230	0.5
Other ancestries	10,569	24.5

-Represents zero or rounds to zero. (X) Not applicable.

[1]The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Mount Pleasant town, Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
EMPLOYMENT STATUS		
Population 16 years and over	**33,207**	**100.0**
In labor force	20,420	61.5
Civilian labor force	20,420	61.5
Employed	19,761	59.5
Unemployed	659	2.0
Percent of civilian labor force	3.2	(X)
Armed Forces	-	-
Not in labor force	12,787	38.5
Females 16 years and over	**16,823**	**100.0**
In labor force	9,288	55.2
Civilian labor force	9,288	55.2
Employed	9,003	53.5
Own children under 6 years	**3,460**	**100.0**
All parents in family in labor force	1,899	54.9
COMMUTING TO WORK		
Workers 16 years and over	**19,482**	**100.0**
Car, truck, or van - - drove alone	13,307	68.3
Car, truck, or van - - carpooled	1,735	8.9
Public transportation (including taxicab)	2,930	15.0
Walked	740	3.8
Other means	91	0.5
Worked at home	679	3.5
Mean travel time to work (minutes)[1]	29.9	(X)
Employed civilian population 16 years and over	**19,761**	**100.0**
OCCUPATION		
Management, professional, and related occupations	9,342	47.3
Service occupations	2,610	13.2
Sales and office occupations	4,811	24.3
Farming, fishing, and forestry occupations	27	0.1
Construction, extraction, and maintenance occupations	1,720	8.7
Production, transportation, and material moving occupations	1,251	6.3
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	58	0.3
Construction	1,567	7.9
Manufacturing	1,502	7.6
Wholesale trade	854	4.3
Retail trade	1,438	7.3
Transportation and warehousing, and utilities	663	3.4
Information	1,105	5.6
Finance, insurance, real estate, and rental and leasing	1,917	9.7
Professional, scientific, management, administrative, and waste management services	2,748	13.9
Educational, health and social services	4,956	25.1
Arts, entertainment, recreation, accommodation and food services	1,379	7.0
Other services (except public administration)	844	4.3
Public administration	730	3.7
CLASS OF WORKER		
Private wage and salary workers	15,623	79.1
Government workers	2,648	13.4
Self-employed workers in own not incorporated business	1,476	7.5
Unpaid family workers	14	0.1

Subject	Number	Percent
INCOME IN 1999		
Households	**13,799**	**100.0**
Less than $10,000	475	3.4
$10,000 to $14,999	346	2.5
$15,000 to $24,999	944	6.8
$25,000 to $34,999	999	7.2
$35,000 to $49,999	1,478	10.7
$50,000 to $74,999	2,198	15.9
$75,000 to $99,999	1,809	13.1
$100,000 to $149,999	2,684	19.5
$150,000 to $199,999	1,135	8.2
$200,000 or more	1,731	12.5
Median household income (dollars)	81,072	(X)
With earnings	11,645	84.4
Mean earnings (dollars)[1]	108,756	(X)
With Social Security income	3,462	25.1
Mean Social Security income (dollars)[1]	13,958	(X)
With Supplemental Security Income	334	2.4
Mean Supplemental Security Income (dollars)[1]	6,427	(X)
With public assistance income	87	0.6
Mean public assistance income (dollars)[1]	3,443	(X)
With retirement income	2,497	18.1
Mean retirement income (dollars)[1]	23,267	(X)
Families	**10,645**	**100.0**
Less than $10,000	130	1.2
$10,000 to $14,999	155	1.5
$15,000 to $24,999	511	4.8
$25,000 to $34,999	595	5.6
$35,000 to $49,999	1,019	9.6
$50,000 to $74,999	1,609	15.1
$75,000 to $99,999	1,514	14.2
$100,000 to $149,999	2,447	23.0
$150,000 to $199,999	1,050	9.9
$200,000 or more	1,615	15.2
Median family income (dollars)	96,403	(X)
Per capita income (dollars)[1]	35,468	(X)
Median earnings (dollars):		
Male full-time, year-round workers	60,761	(X)
Female full-time, year-round workers	41,023	(X)

Subject	Number below poverty level	Percent below poverty level
POVERTY STATUS IN 1999		
Families	**273**	**2.6**
With related children under 18 years	216	3.8
With related children under 5 years	123	4.9
Families with female householder, no husband present	**126**	**11.4**
With related children under 18 years	108	17.5
With related children under 5 years	46	22.4
Individuals	**1,971**	**4.9**
18 years and over	1,448	4.9
65 years and over	163	3.5
Related children under 18 years	436	4.2
Related children 5 to 17 years	324	4.4
Unrelated individuals 15 years and over	1,048	21.6

-Represents zero or rounds to zero. (X) Not applicable.

[1]If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Mount Pleasant town, Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total housing units	**13,985**	**100.0**
UNITS IN STRUCTURE		
1-unit, detached	9,327	66.7
1-unit, attached	449	3.2
2 units	1,222	8.7
3 or 4 units	1,091	7.8
5 to 9 units	781	5.6
10 to 19 units	332	2.4
20 or more units	765	5.5
Mobile home	11	0.1
Boat, RV, van, etc	7	0.1
YEAR STRUCTURE BUILT		
1999 to March 2000	62	0.4
1995 to 1998	347	2.5
1990 to 1994	481	3.4
1980 to 1989	1,011	7.2
1970 to 1979	1,373	9.8
1960 to 1969	1,690	12.1
1940 to 1959	4,545	32.5
1939 or earlier	4,476	32.0
ROOMS		
1 room	154	1.1
2 rooms	423	3.0
3 rooms	1,054	7.5
4 rooms	1,597	11.4
5 rooms	1,787	12.8
6 rooms	2,389	17.1
7 rooms	2,190	15.7
8 rooms	2,092	15.0
9 or more rooms	2,299	16.4
Median (rooms)	6.3	(X)
Occupied housing units	**13,737**	**100.0**
YEAR HOUSEHOLDER MOVED INTO UNIT		
1999 to March 2000	1,546	11.3
1995 to 1998	3,629	26.4
1990 to 1994	2,084	15.2
1980 to 1989	2,632	19.2
1970 to 1979	1,754	12.8
1969 or earlier	2,092	15.2
VEHICLES AVAILABLE		
None	1,019	7.4
1	3,862	28.1
2	6,099	44.4
3 or more	2,757	20.1
HOUSE HEATING FUEL		
Utility gas	5,359	39.0
Bottled, tank, or LP gas	199	1.4
Electricity	686	5.0
Fuel oil, kerosene, etc	7,408	53.9
Coal or coke	-	-
Wood	23	0.2
Solar energy	-	-
Other fuel	41	0.3
No fuel used	21	0.2
SELECTED CHARACTERISTICS		
Lacking complete plumbing facilities	54	0.4
Lacking complete kitchen facilities	50	0.4
No telephone service	88	0.6

Subject	Number	Percent
OCCUPANTS PER ROOM		
Occupied housing units	**13,737**	**100.0**
1.00 or less	13,158	95.8
1.01 to 1.50	343	2.5
1.51 or more	236	1.7
Specified owner-occupied units	**8,672**	**100.0**
VALUE		
Less than $50,000	59	0.7
$50,000 to $99,999	37	0.4
$100,000 to $149,999	113	1.3
$150,000 to $199,999	291	3.4
$200,000 to $299,999	2,458	28.3
$300,000 to $499,999	4,007	46.2
$500,000 to $999,999	1,571	18.1
$1,000,000 or more	136	1.6
Median (dollars)	349,800	(X)
MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS		
With a mortgage	6,064	69.9
Less than $300	11	0.1
$300 to $499	6	0.1
$500 to $699	34	0.4
$700 to $999	98	1.1
$1,000 to $1,499	515	5.9
$1,500 to $1,999	1,192	13.7
$2,000 or more	4,208	48.5
Median (dollars)	1,957	(X)
Not mortgaged	2,608	30.1
Median (dollars)	631	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	2,214	25.5
15.0 to 19.9 percent	1,340	15.5
20.0 to 24.9 percent	1,397	16.1
25.0 to 29.9 percent	971	11.2
30.0 to 34.9 percent	750	8.6
35.0 percent or more	1,960	22.6
Not computed	40	0.5
Specified renter-occupied units	**3,833**	**100.0**
GROSS RENT		
Less than $200	59	1.5
$200 to $299	46	1.2
$300 to $499	211	5.5
$500 to $749	776	20.2
$750 to $999	977	25.5
$1,000 to $1,499	1,117	29.1
$1,500 or more	450	11.7
No cash rent	197	5.1
Median (dollars)	943	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	782	20.4
15.0 to 19.9 percent	608	15.9
20.0 to 24.9 percent	407	10.6
25.0 to 29.9 percent	468	12.2
30.0 to 34.9 percent	325	8.5
35.0 percent or more	933	24.3
Not computed	310	8.1

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Westchester County, New York

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total population	**923,459**	**100.0**
SEX AND AGE		
Male	441,722	47.8
Female	481,737	52.2
Under 5 years	64,242	7.0
5 to 9 years	67,993	7.4
10 to 14 years	63,757	6.9
15 to 19 years	54,363	5.9
20 to 24 years	46,962	5.1
25 to 34 years	123,467	13.4
35 to 44 years	157,033	17.0
45 to 54 years	129,998	14.1
55 to 59 years	48,310	5.2
60 to 64 years	38,370	4.2
65 to 74 years	66,785	7.2
75 to 84 years	44,520	4.8
85 years and over	17,659	1.9
Median age (years)	37.6	(X)
18 years and over	692,662	75.0
Male	322,844	35.0
Female	369,818	40.0
21 years and over	663,942	71.9
62 years and over	150,974	16.3
65 years and over	128,964	14.0
Male	51,655	5.6
Female	77,309	8.4
RACE		
One race	895,298	97.0
White	658,858	71.3
Black or African American	131,132	14.2
American Indian and Alaska Native	2,343	0.3
Asian	41,367	4.5
Asian Indian	14,107	1.5
Chinese	7,850	0.9
Filipino	4,882	0.5
Japanese	6,731	0.7
Korean	4,457	0.5
Vietnamese	339	-
Other Asian [1]	3,001	0.3
Native Hawaiian and Other Pacific Islander	371	-
Native Hawaiian	64	-
Guamanian or Chamorro	122	-
Samoan	39	-
Other Pacific Islander [2]	146	-
Some other race	61,227	6.6
Two or more races	28,161	3.0
Race alone or in combination with one or more other races: [3]		
White	679,366	73.6
Black or African American	140,362	15.2
American Indian and Alaska Native	5,671	0.6
Asian	46,687	5.1
Native Hawaiian and Other Pacific Islander	1,379	0.1
Some other race	79,939	8.7

Subject	Number	Percent
HISPANIC OR LATINO AND RACE		
Total population	**923,459**	**100.0**
Hispanic or Latino (of any race)	144,124	15.6
Mexican	25,611	2.8
Puerto Rican	34,898	3.8
Cuban	4,498	0.5
Other Hispanic or Latino	79,117	8.6
Not Hispanic or Latino	779,335	84.4
White alone	591,776	64.1
RELATIONSHIP		
Total population	**923,459**	**100.0**
In households	899,806	97.4
Householder	337,142	36.5
Spouse	181,690	19.7
Child	283,112	30.7
Own child under 18 years	210,412	22.8
Other relatives	55,905	6.1
Under 18 years	15,138	1.6
Nonrelatives	41,957	4.5
Unmarried partner	13,328	1.4
In group quarters	23,653	2.6
Institutionalized population	13,656	1.5
Noninstitutionalized population	9,997	1.1
HOUSEHOLD BY TYPE		
Total households	**337,142**	**100.0**
Family households (families)	235,201	69.8
With own children under 18 years	114,677	34.0
Married-couple family	181,690	53.9
With own children under 18 years	88,975	26.4
Female householder, no husband present	41,145	12.2
With own children under 18 years	21,174	6.3
Nonfamily households	101,941	30.2
Householder living alone	86,596	25.7
Householder 65 years and over	34,571	10.3
Households with individuals under 18 years	123,294	36.6
Households with individuals 65 years and over	90,478	26.8
Average household size	2.67	(X)
Average family size	3.21	(X)
HOUSING OCCUPANCY		
Total housing units	**349,445**	**100.0**
Occupied housing units	337,142	96.5
Vacant housing units	12,303	3.5
For seasonal, recreational, or occasional use	2,711	0.8
Homeowner vacancy rate (percent)	0.9	(X)
Rental vacancy rate (percent)	3.0	(X)
HOUSING TENURE		
Occupied housing units	**337,142**	**100.0**
Owner-occupied housing units	202,673	60.1
Renter-occupied housing units	134,469	39.9
Average household size of owner-occupied units	2.80	(X)
Average household size of renter-occupied units	2.47	(X)

- Represents zero or rounds to zero. (X) Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
SCHOOL ENROLLMENT		
Population 3 years and over enrolled in school	**244,926**	**100.0**
Nursery school, preschool	21,311	8.7
Kindergarten	14,291	5.8
Elementary school (grades 1-8)	106,777	43.6
High school (grades 9-12)	49,700	20.3
College or graduate school	52,847	21.6
EDUCATIONAL ATTAINMENT		
Population 25 years and over	**628,941**	**100.0**
Less than 9th grade	43,762	7.0
9th to 12th grade, no diploma	59,694	9.5
High school graduate (includes equivalency)	138,814	22.1
Some college, no degree	95,004	15.1
Associate degree	34,743	5.5
Bachelor's degree	132,557	21.1
Graduate or professional degree	124,367	19.8
Percent high school graduate or higher	83.6	(X)
Percent bachelor's degree or higher	40.9	(X)
MARITAL STATUS		
Population 15 years and over	**727,758**	**100.0**
Never married	203,645	28.0
Now married, except separated	404,365	55.6
Separated	17,592	2.4
Widowed	52,913	7.3
Female	43,641	6.0
Divorced	49,243	6.8
Female	31,099	4.3
GRANDPARENTS AS CAREGIVERS		
Grandparent living in household with one or more own grandchildren under 18 years	**16,278**	**100.0**
Grandparent responsible for grandchildren	4,709	28.9
VETERAN STATUS		
Civilian population 18 years and over	**693,467**	**100.0**
Civilian veterans	63,492	9.2
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION		
Population 5 to 20 years	**191,617**	**100.0**
With a disability	14,046	7.3
Population 21 to 64 years	**532,087**	**100.0**
With a disability	91,923	17.3
Percent employed	62.3	(X)
No disability	440,164	82.7
Percent employed	76.5	(X)
Population 65 years and over	**122,401**	**100.0**
With a disability	41,097	33.6
RESIDENCE IN 1995		
Population 5 years and over	**859,662**	**100.0**
Same house in 1995	526,489	61.2
Different house in the U.S. in 1995	293,464	34.1
Same county	183,572	21.4
Different county	109,892	12.8
Same state	76,578	8.9
Different state	33,314	3.9
Elsewhere in 1995	39,709	4.6

Subject	Number	Percent
NATIVITY AND PLACE OF BIRTH		
Total population	**923,459**	**100.0**
Native	718,030	77.8
Born in United States	699,943	75.8
State of residence	584,946	63.3
Different state	114,997	12.5
Born outside United States	18,087	2.0
Foreign born	205,429	22.2
Entered 1990 to March 2000	79,184	8.6
Naturalized citizen	85,546	9.3
Not a citizen	119,883	13.0
REGION OF BIRTH OF FOREIGN BORN		
Total (excluding born at sea)	**205,429**	**100.0**
Europe	56,422	27.5
Asia	36,601	17.8
Africa	5,381	2.6
Oceania	631	0.3
Latin America	103,564	50.4
Northern America	2,830	1.4
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	**859,662**	**100.0**
English only	615,323	71.6
Language other than English	244,339	28.4
Speak English less than "very well"	106,056	12.3
Spanish	123,616	14.4
Speak English less than "very well"	63,724	7.4
Other Indo-European languages	84,695	9.9
Speak English less than "very well"	27,907	3.2
Asian and Pacific Island languages	26,176	3.0
Speak English less than "very well"	12,058	1.4
ANCESTRY (single or multiple)		
Total population	**923,459**	**100.0**
Total ancestries reported	*996,626*	*107.9*
Arab	5,990	0.6
Czech[1]	4,813	0.5
Danish	1,948	0.2
Dutch	6,839	0.7
English	40,619	4.4
French (except Basque)[1]	13,472	1.5
French Canadian[1]	3,662	0.4
German	69,867	7.6
Greek	7,155	0.8
Hungarian	9,403	1.0
Irish[1]	127,456	13.8
Italian	192,226	20.8
Lithuanian	2,477	0.3
Norwegian	4,101	0.4
Polish	35,655	3.9
Portuguese	8,542	0.9
Russian	34,297	3.7
Scotch-Irish	6,161	0.7
Scottish	9,708	1.1
Slovak	3,048	0.3
Subsaharan African	6,905	0.7
Swedish	5,964	0.6
Swiss	2,545	0.3
Ukrainian	5,704	0.6
United States or American	32,480	3.5
Welsh	2,315	0.3
West Indian (excluding Hispanic groups)	29,656	3.2
Other ancestries	323,618	35.0

-Represents zero or rounds to zero. (X) Not applicable.

[1]The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
EMPLOYMENT STATUS		
Population 16 years and over	**716,252**	**100.0**
In labor force	452,517	63.2
Civilian labor force	452,417	63.2
Employed	432,600	60.4
Unemployed	19,817	2.8
Percent of civilian labor force	4.4	(X)
Armed Forces	100	-
Not in labor force	263,735	36.8
Females 16 years and over	**382,194**	**100.0**
In labor force	213,866	56.0
Civilian labor force	213,849	56.0
Employed	204,099	53.4
Own children under 6 years	**74,657**	**100.0**
All parents in family in labor force	38,317	51.3
COMMUTING TO WORK		
Workers 16 years and over	**425,052**	**100.0**
Car, truck, or van - - drove alone	261,742	61.6
Car, truck, or van - - carpooled	40,384	9.5
Public transportation (including taxicab)	86,735	20.4
Walked	17,180	4.0
Other means	2,706	0.6
Worked at home	16,305	3.8
Mean travel time to work (minutes)[1]	32.7	(X)
Employed civilian population 16 years and over	**432,600**	**100.0**
OCCUPATION		
Management, professional, and related occupations	197,251	45.6
Service occupations	61,725	14.3
Sales and office occupations	113,320	26.2
Farming, fishing, and forestry occupations	324	0.1
Construction, extraction, and maintenance occupations	31,221	7.2
Production, transportation, and material moving occupations	28,759	6.6
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	775	0.2
Construction	25,910	6.0
Manufacturing	27,837	6.4
Wholesale trade	14,960	3.5
Retail trade	39,903	9.2
Transportation and warehousing, and utilities	17,468	4.0
Information	23,031	5.3
Finance, insurance, real estate, and rental and leasing	48,597	11.2
Professional, scientific, management, administrative, and waste management services	60,059	13.9
Educational, health and social services	108,408	25.1
Arts, entertainment, recreation, accommodation and food services	25,514	5.9
Other services (except public administration)	22,648	5.2
Public administration	17,490	4.0
CLASS OF WORKER		
Private wage and salary workers	338,264	78.2
Government workers	61,403	14.2
Self-employed workers in own not incorporated business	31,937	7.4
Unpaid family workers	996	0.2

Subject	Number	Percent
INCOME IN 1999		
Households	**337,486**	**100.0**
Less than $10,000	24,492	7.3
$10,000 to $14,999	14,518	4.3
$15,000 to $24,999	27,654	8.2
$25,000 to $34,999	28,000	8.3
$35,000 to $49,999	39,970	11.8
$50,000 to $74,999	56,607	16.8
$75,000 to $99,999	41,497	12.3
$100,000 to $149,999	48,193	14.3
$150,000 to $199,999	21,507	6.4
$200,000 or more	35,048	10.4
Median household income (dollars)	63,582	(X)
With earnings	275,213	81.5
Mean earnings (dollars)[1]	100,776	(X)
With Social Security income	90,540	26.8
Mean Social Security income (dollars)[1]	13,292	(X)
With Supplemental Security Income	11,378	3.4
Mean Supplemental Security Income (dollars)[1]	6,802	(X)
With public assistance income	9,274	2.7
Mean public assistance income (dollars)[1]	4,165	(X)
With retirement income	57,901	17.2
Mean retirement income (dollars)[1]	21,487	(X)
Families	**237,010**	**100.0**
Less than $10,000	10,051	4.2
$10,000 to $14,999	5,898	2.5
$15,000 to $24,999	14,651	6.2
$25,000 to $34,999	16,615	7.0
$35,000 to $49,999	25,316	10.7
$50,000 to $74,999	38,897	16.4
$75,000 to $99,999	32,559	13.7
$100,000 to $149,999	41,259	17.4
$150,000 to $199,999	19,516	8.2
$200,000 or more	32,248	13.6
Median family income (dollars)	79,881	(X)
Per capita income (dollars)[1]	36,726	(X)
Median earnings (dollars):		
Male full-time, year-round workers	53,136	(X)
Female full-time, year-round workers	39,966	(X)

Subject	Number below poverty level	Percent below poverty level
POVERTY STATUS IN 1999		
Families	**15,173**	**6.4**
With related children under 18 years	11,716	9.4
With related children under 5 years	5,805	11.3
Families with female householder, no husband present	**8,014**	**20.1**
With related children under 18 years	6,983	28.8
With related children under 5 years	3,236	40.3
Individuals	**78,967**	**8.8**
18 years and over	53,550	7.9
65 years and over	9,260	7.6
Related children under 18 years	24,648	11.0
Related children 5 to 17 years	17,290	10.7
Unrelated individuals 15 years and over	26,884	19.1

-Represents zero or rounds to zero. (X) Not applicable.

[1]If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Westchester County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total housing units	**349,445**	**100.0**
UNITS IN STRUCTURE		
1-unit, detached	156,704	44.8
1-unit, attached	18,644	5.3
2 units	30,867	8.8
3 or 4 units	30,907	8.8
5 to 9 units	19,759	5.7
10 to 19 units	14,692	4.2
20 or more units	77,666	22.2
Mobile home	152	-
Boat, RV, van, etc	54	-
YEAR STRUCTURE BUILT		
1999 to March 2000	2,288	0.7
1995 to 1998	7,542	2.2
1990 to 1994	9,104	2.6
1980 to 1989	26,075	7.5
1970 to 1979	35,354	10.1
1960 to 1969	52,364	15.0
1940 to 1959	109,118	31.2
1939 or earlier	107,600	30.8
ROOMS		
1 room	9,610	2.8
2 rooms	18,395	5.3
3 rooms	52,734	15.1
4 rooms	57,529	16.5
5 rooms	46,366	13.3
6 rooms	43,625	12.5
7 rooms	37,985	10.9
8 rooms	35,005	10.0
9 or more rooms	48,196	13.8
Median (rooms)	5.3	(X)
Occupied housing units	**337,142**	**100.0**
YEAR HOUSEHOLDER MOVED INTO UNIT		
1999 to March 2000	46,942	13.9
1995 to 1998	92,545	27.4
1990 to 1994	53,021	15.7
1980 to 1989	58,598	17.4
1970 to 1979	42,741	12.7
1969 or earlier	43,295	12.8
VEHICLES AVAILABLE		
None	51,205	15.2
1	120,585	35.8
2	120,158	35.6
3 or more	45,194	13.4
HOUSE HEATING FUEL		
Utility gas	140,518	41.7
Bottled, tank, or LP gas	6,298	1.9
Electricity	27,770	8.2
Fuel oil, kerosene, etc	158,438	47.0
Coal or coke	302	0.1
Wood	263	0.1
Solar energy	46	-
Other fuel	2,114	0.6
No fuel used	1,393	0.4
SELECTED CHARACTERISTICS		
Lacking complete plumbing facilities	2,178	0.6
Lacking complete kitchen facilities	2,022	0.6
No telephone service	4,094	1.2

Subject	Number	Percent
OCCUPANTS PER ROOM		
Occupied housing units	**337,142**	**100.0**
1.00 or less	316,724	93.9
1.01 to 1.50	10,849	3.2
1.51 or more	9,569	2.8
Specified owner-occupied units	**148,232**	**100.0**
VALUE		
Less than $50,000	547	0.4
$50,000 to $99,999	1,558	1.1
$100,000 to $149,999	5,208	3.5
$150,000 to $199,999	16,064	10.8
$200,000 to $299,999	43,052	29.0
$300,000 to $499,999	46,842	31.6
$500,000 to $999,999	27,290	18.4
$1,000,000 or more	7,671	5.2
Median (dollars)	325,800	(X)
MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS		
With a mortgage	102,480	69.1
Less than $300	39	-
$300 to $499	125	0.1
$500 to $699	564	0.4
$700 to $999	2,630	1.8
$1,000 to $1,499	12,253	8.3
$1,500 to $1,999	20,098	13.6
$2,000 or more	66,771	45.0
Median (dollars)	1,936	(X)
Not mortgaged	45,752	30.9
Median (dollars)	651	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	42,523	28.7
15.0 to 19.9 percent	23,668	16.0
20.0 to 24.9 percent	20,631	13.9
25.0 to 29.9 percent	15,259	10.3
30.0 to 34.9 percent	10,507	7.1
35.0 percent or more	34,854	23.5
Not computed	790	0.5
Specified renter-occupied units	**134,039**	**100.0**
GROSS RENT		
Less than $200	4,659	3.5
$200 to $299	4,409	3.3
$300 to $499	10,584	7.9
$500 to $749	30,960	23.1
$750 to $999	38,387	28.6
$1,000 to $1,499	30,620	22.8
$1,500 or more	10,459	7.8
No cash rent	3,961	3.0
Median (dollars)	839	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15.0 percent	25,216	18.8
15.0 to 19.9 percent	19,022	14.2
20.0 to 24.9 percent	15,541	11.6
25.0 to 29.9 percent	13,687	10.2
30.0 to 34.9 percent	10,705	8.0
35.0 percent or more	42,429	31.7
Not computed	7,439	5.5

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Appendix L

Rutgers University Residential Demographic Multipliers (New York),
June 2006;

Rutgers University, Center for Urban Policy Research

Residential Demographic Multipliers

—

Estimates of the Occupants of New Housing

(Residents, School-Age Children, Public School-Age Children)
by State, Housing Type, Housing Size, and Housing Price

For

New York
New Jersey
Connecticut

Rutgers University, Center for Urban Policy Research

Residential Demographic Multipliers

—

Estimates of the Occupants of New Housing

(Residents, School-Age Children, Public School-Age Children)
by State, Housing Type, Housing Size, and Housing Price

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June 2006

DESCRIPTION, DEFINITION, AND ORGANIZATION OF RESIDENTIAL DEMOGRAPHIC MULTIPLIERS

The national, state, and District of Columbia residential demographic multipliers are derived from the 2000 U.S. Census 5-Percent Public Use Microdata Sample (PUMS). The demographic multipliers include the following data fields and organization:

1. ***Household Size (HS)***: Total persons per housing unit.

2. ***Age distribution of the household members*** organized into the following age categories: 0–4, 5–13, 14–17, 18–24, 25–44, 45–64, 65–74, 75+.

3. ***Total school-age children (SAC)*** or number of persons in the household of school age, defined as those 5 to 17 years old. (The SAC is the same as the combined number of household members in the 5–13 and 14–17 age categories.)

4. ***Total public school-age children (PSAC),*** or the SAC who attend public schools.

5. ***The SAC and PSAC by grade group*** organized as follows: kindergarten (K)–grade 2, grades 3–6, grades 7–9, grades 10–12, and grade 9 by itself. The above data permit the analyst to tabulate the SAC and PSAC by differing school levels (e.g., K–6, 7–12, and 9–12).

The demographic fields shown above are differentiated by ***housing type, housing size, housing price, and housing tenure***—four variables that have been found by Rutgers University to be associated with statistically significant differences in the HS, SAC, and PSAC. The multipliers are calculated for ***new housing,*** here defined as units enumerated in the 2000 census and built from 1990-2000.

The housing or structure types include the following: ***single-family detached; single-family attached,*** sometimes referred to as townhouses or townhomes; ***larger (5-or-more-unit) multifamily buildings,*** such as garden apartments or stacked flats; ***smaller multifamily structures (2 to 4 units),*** such as a starter two-family home; and ***mobile homes.*** As the 2000 census, the source for the residential multipliers, does not have information on the stories in a housing structure (this was last available in the 1980 census), multiplier presentations cannot disaggregate multifamily housing into garden, mid-rise, and high-rise categories.

Housing-unit size is measured by the number of bedrooms, and data are presented for housing units ranging from ***1 to 5 bedrooms.*** There is an association between housing type and number of bedrooms, and the demographic multiplier tables present the common configurations for each housing type. For instance, demographic data are shown for 1- through 3-bedroom multifamily units and not for 4- to 5-bedroom units of this type because multifamily housing tends to be built with fewer rather than more bedrooms. The opposite is the case for single-family detached homes; in this instance, data are presented for 2- to 5-bedroom units as opposed to 1-bedroom units because detached housing is typically built with more rather than fewer bedrooms.

Housing is additionally classified by tenure: ***ownership*** or ***rental.*** According to the census, "A housing unit is owner-occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. . . . All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied."

There is a further differentiation of the demographic profiles by housing value or rent. The census definitions for "value" and "rent" are shown on the Definitions page; with regard to the latter, the current study indicates the "gross rent" (rent with utilities) rather than the "contract rent."

Values and gross rents reported in the 2000 census are updated to 2005 using a residential price inflation index available from the Federal Housing Finance Board. A separate price index is applied for the nation, for each of the 50 states, and for the District of Columbia.

The demographic profiles by 2005 housing values and gross rents are organized following a four-tiered classification: all ***value or rent housing,*** and then housing arrayed by ***terciles (thirds) of value or rent*** (units at the 1st–33rd percentile of value or rent; units at the 33rd through 66th percentile of value or rent; and units at the 67th–100th percentile of value or rent.)

DEFINITIONS OF DATA CONTAINED IN THE U.S. CENSUS OF POPULATION AND HOUSING PUBLIC USE MICRODATA SAMPLE (PUMS) 2000 AND OTHER MULTIPLIER TERMS

TERMS	*DEFINITION/COMMENT*
Bedrooms (BR)	The number of rooms that would be listed as bedrooms if the house, apartment, or mobile home were listed on the market for sale or rent even if these rooms are currently used for other purposes.
Housing Categories (Structure Type)	***Single-family, detached.*** This is a 1-unit structure detached from any other house; that is, with open space on all four sides. Such structures are considered detached if they have an adjoining shed or garage.
	Single-family attached. This is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.
	2-4 units. These are units in structures containing 2, 3, or 4 housing units.
	5+ units. These are units in structures containing 5 or more housing units.
	Mobile home. Both occupied and vacant mobile homes to which no permanent rooms have been added are counted in this category. Mobile homes used only for business purposes or for extra sleeping space, and mobile homes for sale on a dealer's lot, at the factory, or in storage, are not counted in the housing inventory. In 1990, the category was "mobile home or trailer."
Household Size	The total number of persons in a ***housing unit.***
Housing Tenure (Ownership or Rental)	A ***housing unit*** is owner-occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied.
Housing Unit	A ***housing unit*** may be a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy as separate living quarters).
Housing Value (Rent)	Housing value is the census respondent's estimate of how much the property would sell for if it were for sale. In the current study, the value of a rented unit in a 1- to 4-unit structure is estimated to be 100 times the monthly ***gross rent,*** and all such units are included with owner-occupied units in calculating the multipliers. The housing value and rents indicated by the 2000 census were updated to 2005 using a residential price inflation index (available from the Federal Housing Finance Board) for the nation, for each state, and for the District of Columbia. Housing value or rent is categorized into a four-tier classification: all value (or rent) housing, and then housing units arrayed by terciles (thirds) of value (or rent).
Housing Rent (Contract Rent)	Contract rent is the monthly rent agreed to or contracted for, regardless of any furnishings, utilities, fees, meals, or services that may be included.
Housing Rent (Gross Rent)	Gross rent is the ***contract rent*** plus the estimated average monthly cost of utilities (electric, gas, water and sewer) and fuels (oil, coal, kerosene, wood, and the like) if these are paid by the renter (or paid for the renter by someone else). In the current study, the monthly gross rents are indicated in the demographic table.
Insufficient Sample	This notation in a table means that fewer than 600 weighted observations were counted for a housing type/bedroom/value combination or for an entire housing type/bedroom combination.
Public School-Age Children (PSAC)	The ***school-age children*** attending public school.
Residential Demographic Multipliers	Multipliers show the population associated with different ***housing categories*** as well as housing differentiated by ***housing value***, housing size (***bedrooms***), and ***housing tenure.***
School-Age Children (SAC)	The household members of elementary and secondary school age, defined here as those 5 through 17 years of age.

NEW YORK (1--1) ALL PERSONS IN UNIT: TOTAL PERSONS AND PERSONS BY AGE

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PERSONS	AGE 0-4	5-13	14-17	18-24	25-44	45-64	65-74	75+
Single-Family Detached, 2 BR									
All Values	2.31	0.16	0.23	0.06	0.10	0.80	0.64	0.20	0.12
Less than $106,000	2.25	0.15	0.26	0.09	0.12	0.82	0.56	0.16	0.09
$106,000 to $164,500	2.31	0.15	0.23	0.05	0.09	0.79	0.67	0.19	0.14
More than $164,500	2.37	0.17	0.20	0.04	0.08	0.77	0.71	0.25	0.14
Single-Family Detached, 3 BR									
All Values	3.06	0.31	0.55	0.16	0.12	1.21	0.56	0.11	0.05
Less than $135,000	3.09	0.27	0.65	0.20	0.15	1.21	0.47	0.09	0.06
$135,000 to $194,500	3.11	0.36	0.55	0.16	0.11	1.28	0.50	0.11	0.05
More than $194,500	2.95	0.28	0.45	0.13	0.11	1.10	0.72	0.12	0.04
Single-Family Detached, 4 BR									
All Values	3.76	0.42	0.91	0.26	0.15	1.35	0.58	0.07	0.03
Less than $224,500	3.87	0.38	0.95	0.34	0.19	1.40	0.50	0.07	0.03
$224,500 to $329,500	3.74	0.43	0.91	0.24	0.12	1.39	0.56	0.06	0.03
More than $329,500	3.67	0.43	0.86	0.19	0.14	1.26	0.68	0.08	0.04
Single-Family Detached, 5 BR									
All Values	4.52	0.47	1.16	0.42	0.24	1.36	0.70	0.11	0.06
Less than $329,500	4.84	0.46	1.18	0.56	0.34	1.47	0.60	0.15	0.07
$329,500 to $748,500	4.43	0.47	1.13	0.38	0.20	1.35	0.72	0.10	0.07
More than $748,500	4.23	0.51	1.19	0.29	0.15	1.18	0.85	0.05	0.03
Single-Family Attached, 2 BR									
All Values	2.16	0.16	0.16	0.06	0.13	0.73	0.57	0.23	0.13
Less than $135,000	2.10	0.17	0.19	0.07	0.11	0.81	0.48	0.18	0.10
$135,000 to $194,500	2.23	0.17	0.18	0.06	0.16	0.75	0.56	0.22	0.13
More than $194,500	2.09	0.13	0.10	0.03	0.07	0.58	0.70	0.30	0.17
Single-Family Attached, 3 BR									
All Values	3.08	0.28	0.44	0.18	0.24	1.01	0.69	0.16	0.07
Less than $164,500	3.10	0.26	0.60	0.21	0.27	0.96	0.59	0.14	0.08
$164,500 to $269,500	3.17	0.30	0.45	0.19	0.25	1.06	0.70	0.15	0.07
More than $269,500	2.83	0.28	0.26	0.12	0.22	0.95	0.76	0.18	0.05
Single-Family Attached, 4 BR									
All Values	3.83	0.26	0.88	0.31	0.34	1.11	0.71	0.14	0.09
Less than $224,500	4.09	0.15	1.15	0.39	0.60	1.09	0.61	0.07	0.03
$224,500 to $329,500	3.89	0.28	0.78	0.34	0.28	1.09	0.73	0.23	0.15
More than $329,500		Insufficient Sample							
5+ Units–Own, 1 BR									
All Values	1.86	0.08	0.15	0.02	0.12	0.84	0.32	0.19	0.14
Less than $164,500	1.99	0.09	0.21	0.00	0.12	0.68	0.34	0.36	0.20
$164,500 to $269,500	1.82	0.09	0.16	0.03	0.05	0.87	0.31	0.14	0.17
More than $269,500	1.77	0.05	0.10	0.04	0.19	0.94	0.32	0.09	0.04
5+ Units–Own, 2 BR									
All Values	1.88	0.08	0.11	0.04	0.08	0.56	0.54	0.25	0.21
Less than $135,000	1.54	0.12	0.08	0.01	0.06	0.43	0.45	0.17	0.21
$135,000 to $329,500	2.05	0.07	0.12	0.06	0.09	0.55	0.55	0.32	0.27
More than $329,500	1.88	0.07	0.11	0.03	0.09	0.70	0.59	0.19	0.09
5+ Units–Own, 3 BR									
All Values	3.00	0.34	0.35	0.25	0.13	1.00	0.72	0.10	0.11
Less than $224,500		Insufficient Sample							
$224,500 to $748,500		Insufficient Sample							
More than $748,500		Insufficient Sample							

NEW YORK (1--2) ALL PERSONS IN UNIT: TOTAL PERSONS AND PERSONS BY AGE

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PERSONS	AGE 0-4	5-13	14-17	18-24	25-44	45-64	65-74	75+
5+ Units–Rent, 1 BR									
All Values	1.66	0.10	0.13	0.03	0.15	0.58	0.25	0.18	0.24
Less than $500	1.32	0.03	0.07	0.02	0.05	0.15	0.21	0.37	0.41
$500 to $1,000	1.99	0.18	0.25	0.05	0.24	0.70	0.29	0.11	0.15
More than $1,000	1.67	0.08	0.06	0.02	0.14	0.87	0.25	0.07	0.17
5+ Units–Rent, 2 BR									
All Values	2.51	0.27	0.38	0.12	0.25	0.95	0.34	0.08	0.12
Less than $750	2.68	0.31	0.57	0.17	0.28	0.93	0.28	0.08	0.08
$750 to $1,100	2.55	0.29	0.39	0.12	0.25	0.95	0.33	0.07	0.13
More than $1,100	2.31	0.19	0.18	0.06	0.23	0.98	0.40	0.10	0.16
5+ Units–Rent, 3 BR									
All Values	4.20	0.52	0.97	0.40	0.63	1.17	0.45	0.06	0.02
Less than $750	4.23	0.55	1.13	0.47	0.59	1.10	0.32	0.08	0.01
$750 to $1,250	4.54	0.61	1.11	0.39	0.68	1.20	0.50	0.04	0.02
More than $1,250	3.81	0.39	0.66	0.33	0.63	1.20	0.51	0.05	0.03
2-4 Units, 1 BR									
All Values	2.20	0.16	0.21	0.10	0.24	0.85	0.40	0.13	0.11
Less than $74,500	1.92	0.16	0.19	0.06	0.16	0.71	0.38	0.14	0.14
$74,500 to $110,000	2.14	0.14	0.21	0.09	0.28	0.83	0.35	0.15	0.08
More than $110,000	2.54	0.19	0.22	0.14	0.28	1.00	0.47	0.12	0.12
2-4 Units, 2 BR									
All Values	2.58	0.29	0.36	0.14	0.28	0.92	0.38	0.11	0.10
Less than $86,000	2.49	0.30	0.35	0.12	0.41	0.85	0.33	0.08	0.05
$86,000 to $132,000	2.63	0.29	0.43	0.12	0.25	1.03	0.34	0.10	0.08
More than $132,000	2.63	0.27	0.29	0.16	0.18	0.89	0.49	0.17	0.18
2-4 Units, 3 BR									
All Values	3.73	0.42	0.77	0.27	0.35	1.30	0.51	0.08	0.04
Less than $113,500	3.73	0.44	0.84	0.31	0.40	1.29	0.34	0.08	0.01
$113,500 to $213,500	3.83	0.41	0.84	0.28	0.36	1.35	0.46	0.06	0.06
More than $213,500	3.62	0.39	0.62	0.21	0.28	1.24	0.73	0.11	0.03
Mobile, 2 BR									
All Values	2.00	0.13	0.19	0.06	0.12	0.59	0.55	0.22	0.13
Less than $33,000	1.89	0.11	0.15	0.05	0.14	0.56	0.53	0.23	0.12
$33,000 to $54,000	1.98	0.11	0.21	0.05	0.10	0.60	0.56	0.20	0.15
More than $54,000	2.12	0.16	0.19	0.08	0.15	0.61	0.56	0.25	0.12
Mobile, 3 BR									
All Values	2.94	0.27	0.50	0.20	0.20	1.06	0.52	0.13	0.06
Less than $45,000	2.93	0.29	0.53	0.20	0.23	1.08	0.43	0.12	0.06
$45,000 to $66,000	2.93	0.27	0.51	0.19	0.19	1.04	0.54	0.13	0.06
More than $66,000	2.97	0.24	0.47	0.21	0.19	1.06	0.59	0.14	0.07
Mobile, 4 BR									
All Values	4.34	0.32	1.07	0.63	0.35	1.40	0.49	0.05	0.04
Less than $54,000		Insufficient Sample							
$54,000 to $78,000	4.41	0.35	0.96	0.64	0.38	1.53	0.46	0.04	0.05
More than $78,000		Insufficient Sample							

NEW YORK (2--1) ALL SCHOOL CHILDREN: SCHOOL-AGE CHILDREN (SAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL SAC	GRADE K--2	3-6	7-9	10-12	Gr. 9 Only
Single-Family Detached, 2 BR						
All Values	0.30	0.09	0.10	0.07	0.04	0.02
Less than $106,000	0.36	0.08	0.11	0.10	0.06	0.03
$106,000 to $164,500	0.28	0.08	0.10	0.06	0.03	0.03
More than $164,500	0.25	0.10	0.07	0.05	0.03	0.02
Single-Family Detached, 3 BR						
All Values	0.71	0.21	0.24	0.15	0.11	0.05
Less than $135,000	0.85	0.23	0.29	0.19	0.14	0.06
$135,000 to $194,500	0.71	0.22	0.24	0.14	0.11	0.05
More than $194,500	0.58	0.18	0.20	0.12	0.09	0.04
Single-Family Detached, 4 BR						
All Values	1.16	0.32	0.41	0.25	0.18	0.07
Less than $224,500	1.29	0.30	0.45	0.29	0.25	0.10
$224,500 to $329,500	1.15	0.34	0.39	0.24	0.17	0.07
More than $329,500	1.05	0.31	0.38	0.23	0.14	0.06
Single-Family Detached, 5 BR						
All Values	1.58	0.39	0.53	0.36	0.30	0.12
Less than $329,500	1.75	0.37	0.54	0.46	0.38	0.19
$329,500 to $748,500	1.51	0.38	0.52	0.33	0.29	0.09
More than $748,500	1.47	0.45	0.54	0.27	0.21	0.08
Single-Family Attached, 2 BR						
All Values	0.22	0.08	0.07	0.04	0.04	0.02
Less than $135,000	0.25	0.09	0.07	0.04	0.05	0.02
$135,000 to $194,500	0.25	0.08	0.08	0.04	0.04	0.02
More than $194,500	0.14	0.05	0.04	0.03	0.02	0.02
Single-Family Attached, 3 BR						
All Values	0.62	0.14	0.22	0.13	0.14	0.04
Less than $164,500	0.81	0.19	0.33	0.14	0.15	0.06
$164,500 to $269,500	0.64	0.13	0.21	0.14	0.16	0.03
More than $269,500	0.39	0.09	0.11	0.11	0.08	0.05
Single-Family Attached, 4 BR						
All Values	1.19	0.19	0.48	0.29	0.24	0.07
Less than $224,500	1.54	0.26	0.62	0.39	0.27	0.12
$224,500 to $329,500	1.12	0.09	0.45	0.31	0.27	0.07
More than $329,500		Insufficient Sample				
5+ Units–Own, 1 BR						
All Values	0.18	0.06	0.08	0.02	0.02	0.00
Less than $164,500	0.21	0.06	0.08	0.06	0.00	0.00
$164,500 to $269,500	0.19	0.08	0.08	0.00	0.03	0.00
More than $269,500	0.14	0.02	0.08	0.00	0.04	0.00
5+ Units–Own, 2 BR						
All Values	0.15	0.03	0.04	0.05	0.03	0.02
Less than $135,000	0.09	0.02	0.00	0.06	0.01	0.00
$135,000 to $329,500	0.19	0.06	0.06	0.04	0.03	0.03
More than $329,500	0.14	0.00	0.06	0.05	0.03	0.00
5+ Units–Own, 3 BR						
All Values	0.59	0.13	0.11	0.16	0.19	0.06
Less than $224,500		Insufficient Sample				
$224,500 to $748,500		Insufficient Sample				
More than $748,500		Insufficient Sample				

NEW YORK (2--2) ALL SCHOOL CHILDREN: SCHOOL-AGE CHILDREN (SAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL SAC	GRADE K–2	3-6	7-9	10-12	Gr. 9 Only
5+ Units–Rent, 1 BR						
All Values	0.16	0.06	0.05	0.03	0.02	0.01
Less than $500	0.10	0.03	0.03	0.02	0.01	0.01
$500 to $1,000	0.30	0.11	0.10	0.05	0.04	0.01
More than $1,000	0.08	0.03	0.02	0.02	0.01	0.01
5+ Units–Rent, 2 BR						
All Values	0.49	0.15	0.17	0.10	0.09	0.03
Less than $750	0.74	0.20	0.29	0.12	0.13	0.04
$750 to $1,100	0.51	0.16	0.15	0.11	0.09	0.03
More than $1,100	0.23	0.07	0.06	0.05	0.04	0.01
5+ Units–Rent, 3 BR						
All Values	1.36	0.30	0.48	0.31	0.27	0.12
Less than $750	1.59	0.27	0.63	0.38	0.32	0.15
$750 to $1,250	1.50	0.37	0.51	0.34	0.28	0.11
More than $1,250	1.00	0.25	0.31	0.21	0.23	0.10
2-4 Units, 1 BR						
All Values	0.30	0.09	0.08	0.07	0.07	0.02
Less than $74,500	0.25	0.06	0.07	0.08	0.05	0.02
$74,500 to $110,000	0.30	0.10	0.09	0.04	0.07	0.02
More than $110,000	0.36	0.11	0.06	0.08	0.10	0.04
2-4 Units, 2 BR						
All Values	0.49	0.12	0.17	0.10	0.10	0.03
Less than $86,000	0.47	0.12	0.16	0.10	0.09	0.03
$86,000 to $132,000	0.55	0.14	0.21	0.11	0.09	0.03
More than $132,000	0.45	0.10	0.13	0.10	0.12	0.04
2-4 Units, 3 BR						
All Values	1.04	0.25	0.37	0.21	0.20	0.07
Less than $113,500	1.16	0.28	0.42	0.25	0.20	0.11
$113,500 to $213,500	1.11	0.27	0.42	0.20	0.22	0.06
More than $213,500	0.83	0.21	0.27	0.18	0.17	0.04
Mobile, 2 BR						
All Values	0.25	0.07	0.09	0.04	0.05	0.01
Less than $33,000	0.19	0.07	0.05	0.04	0.04	0.01
$33,000 to $54,000	0.26	0.07	0.12	0.03	0.04	0.01
More than $54,000	0.27	0.08	0.07	0.05	0.06	0.02
Mobile, 3 BR						
All Values	0.70	0.17	0.23	0.16	0.13	0.06
Less than $45,000	0.72	0.20	0.23	0.15	0.14	0.06
$45,000 to $66,000	0.69	0.16	0.26	0.16	0.11	0.07
More than $66,000	0.68	0.16	0.21	0.16	0.15	0.06
Mobile, 4 BR						
All Values	1.70	0.31	0.52	0.40	0.46	0.17
Less than $54,000		Insufficient Sample				
$54,000 to $78,000	1.60	0.31	0.48	0.32	0.49	0.15
More than $78,000		Insufficient Sample				

NEW YORK (3--1) ALL PUBLIC SCHOOL CHILDREN: SCHOOL-AGE CHILDREN IN PUBLIC SCHOOL (PSAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PSAC	PUBLIC SCHOOL GRADE K-2	3-6	7-9	10-12	Gr. 9 Only
Single-Family Detached, 2 BR						
All Values	0.27	0.07	0.09	0.07	0.04	0.02
Less than $106,000	0.32	0.08	0.10	0.09	0.06	0.03
$106,000 to $164,500	0.26	0.07	0.10	0.06	0.03	0.03
More than $164,500	0.21	0.07	0.07	0.05	0.02	0.02
Single-Family Detached, 3 BR						
All Values	0.64	0.18	0.22	0.14	0.10	0.05
Less than $135,000	0.79	0.21	0.27	0.18	0.13	0.05
$135,000 to $194,500	0.63	0.18	0.22	0.13	0.10	0.05
More than $194,500	0.50	0.14	0.17	0.11	0.08	0.04
Single-Family Detached, 4 BR						
All Values	1.00	0.25	0.36	0.23	0.17	0.07
Less than $224,500	1.15	0.25	0.41	0.27	0.23	0.09
$224,500 to $329,500	0.98	0.27	0.34	0.22	0.16	0.06
More than $329,500	0.87	0.24	0.32	0.19	0.11	0.05
Single-Family Detached, 5 BR						
All Values	1.23	0.29	0.41	0.28	0.24	0.10
Less than $329,500	1.48	0.30	0.45	0.41	0.32	0.17
$329,500 to $748,500	1.14	0.26	0.40	0.24	0.23	0.08
More than $748,500	1.03	0.34	0.38	0.17	0.14	0.06
Single-Family Attached, 2 BR						
All Values	0.17	0.06	0.05	0.03	0.03	0.01
Less than $135,000	0.23	0.08	0.07	0.04	0.04	0.02
$135,000 to $194,500	0.18	0.06	0.06	0.03	0.04	0.01
More than $194,500	0.11	0.03	0.03	0.03	0.02	0.02
Single-Family Attached, 3 BR						
All Values	0.52	0.11	0.19	0.11	0.11	0.03
Less than $164,500	0.69	0.15	0.28	0.12	0.13	0.05
$164,500 to $269,500	0.54	0.11	0.18	0.12	0.13	0.03
More than $269,500	0.28	0.06	0.10	0.08	0.05	0.03
Single-Family Attached, 4 BR						
All Values	0.86	0.11	0.31	0.23	0.21	0.06
Less than $224,500	0.98	0.17	0.35	0.25	0.20	0.08
$224,500 to $329,500	0.92	0.06	0.32	0.27	0.27	0.07
More than $329,500		Insufficient Sample				
5+ Units-Own, 1 BR						
All Values	0.15	0.05	0.07	0.01	0.02	0.00
Less than $164,500	0.18	0.06	0.08	0.04	0.00	0.00
$164,500 to $269,500	0.16	0.06	0.08	0.00	0.03	0.00
More than $269,500	0.10	0.02	0.05	0.00	0.04	0.00
5+ Units-Own, 2 BR						
All Values	0.09	0.02	0.04	0.02	0.01	0.01
Less than $135,000	0.00	0.00	0.00	0.00	0.00	0.00
$135,000 to $329,500	0.15	0.05	0.06	0.02	0.03	0.02
More than $329,500	0.05	0.00	0.03	0.02	0.00	0.00
5+ Units-Own, 3 BR						
All Values	0.49	0.10	0.07	0.14	0.19	0.06
Less than $224,500		Insufficient Sample				
$224,500 to $748,500		Insufficient Sample				
More than $748,500		Insufficient Sample				

NEW YORK (3--2) ALL PUBLIC SCHOOL CHILDREN: SCHOOL-AGE CHILDREN IN PUBLIC SCHOOL (PSAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PSAC	PUBLIC SCHOOL GRADE K-2	3-6	7-9	10-12	Gr. 9 Only
5+ Units–Rent, 1 BR						
All Values	0.15	0.05	0.05	0.03	0.02	0.01
Less than $500	0.09	0.03	0.03	0.02	0.01	0.01
$500 to $1,000	0.27	0.09	0.09	0.05	0.04	0.01
More than $1,000	0.07	0.02	0.02	0.01	0.01	0.01
5+ Units–Rent, 2 BR						
All Values	0.43	0.13	0.14	0.08	0.08	0.03
Less than $750	0.67	0.19	0.26	0.11	0.12	0.04
$750 to $1,100	0.45	0.14	0.13	0.09	0.08	0.03
More than $1,100	0.16	0.05	0.05	0.04	0.03	0.01
5+ Units–Rent, 3 BR						
All Values	1.07	0.23	0.37	0.25	0.23	0.09
Less than $750	1.27	0.22	0.47	0.30	0.29	0.10
$750 to $1,250	1.30	0.31	0.44	0.31	0.23	0.11
More than $1,250	0.63	0.14	0.20	0.12	0.17	0.06
2-4 Units, 1 BR						
All Values	0.27	0.08	0.07	0.06	0.07	0.02
Less than $74,500	0.23	0.06	0.07	0.07	0.04	0.02
$74,500 to $110,000	0.28	0.09	0.09	0.04	0.06	0.02
More than $110,000	0.30	0.09	0.05	0.07	0.09	0.03
2-4 Units, 2 BR						
All Values	0.43	0.10	0.14	0.10	0.09	0.03
Less than $86,000	0.44	0.11	0.15	0.09	0.09	0.03
$86,000 to $132,000	0.48	0.10	0.18	0.11	0.09	0.03
More than $132,000	0.36	0.08	0.09	0.09	0.11	0.03
2-4 Units, 3 BR						
All Values	0.83	0.17	0.29	0.19	0.18	0.06
Less than $113,500	1.02	0.20	0.37	0.25	0.19	0.11
$113,500 to $213,500	0.86	0.18	0.32	0.16	0.19	0.04
More than $213,500	0.62	0.12	0.18	0.17	0.15	0.03
Mobile, 2 BR						
All Values	0.24	0.07	0.08	0.04	0.05	0.01
Less than $33,000	0.19	0.07	0.05	0.04	0.04	0.01
$33,000 to $54,000	0.25	0.07	0.11	0.03	0.04	0.01
More than $54,000	0.27	0.08	0.07	0.05	0.06	0.02
Mobile, 3 BR						
All Values	0.69	0.17	0.23	0.16	0.13	0.06
Less than $45,000	0.71	0.20	0.23	0.15	0.14	0.05
$45,000 to $66,000	0.68	0.15	0.26	0.16	0.11	0.07
More than $66,000	0.67	0.15	0.21	0.15	0.15	0.06
Mobile, 4 BR						
All Values	1.61	0.28	0.50	0.38	0.45	0.16
Less than $54,000		Insufficient Sample				
$54,000 to $78,000	1.56	0.31	0.46	0.29	0.49	0.13
More than $78,000		Insufficient Sample				

Rutgers University, Center for Urban Policy Research

Residential Demographic Multipliers

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Estimates of the Occupants of New Housing

(Residents, School-Age Children, Public School-Age Children)
by State, Housing Type, Housing Size, and Housing Price

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DESCRIPTION, DEFINITION, AND ORGANIZATION OF RESIDENTIAL DEMOGRAPHIC MULTIPLIERS

The national, state, and District of Columbia residential demographic multipliers are derived from the 2000 U.S. Census 5-Percent Public Use Microdata Sample (PUMS). The demographic multipliers include the following data fields and organization:

1. ***Household Size (HS)***: Total persons per housing unit.

2. ***Age distribution of the household members*** organized into the following age categories: 0–4, 5–13, 14–17, 18–24, 25–44, 45–64, 65–74, 75+.

3. ***Total school-age children (SAC)*** or number of persons in the household of school age, defined as those 5 to 17 years old. (The SAC is the same as the combined number of household members in the 5–13 and 14–17 age categories.)

4. ***Total public school-age children (PSAC),*** or the SAC who attend public schools.

5. ***The SAC and PSAC by grade group*** organized as follows: kindergarten (K)–grade 2, grades 3–6, grades 7–9, grades 10–12, and grade 9 by itself. The above data permit the analyst to tabulate the SAC and PSAC by differing school levels (e.g., K–6, 7–12, and 9–12).

The demographic fields shown above are differentiated by ***housing type, housing size, housing price, and housing tenure***—four variables that have been found by Rutgers University to be associated with statistically significant differences in the HS, SAC, and PSAC. The multipliers are calculated for ***new housing,*** here defined as units enumerated in the 2000 census and built from 1990-2000.

The housing or structure types include the following: ***single-family detached; single-family attached,*** sometimes referred to as townhouses or townhomes; ***larger (5-or-more-unit) multifamily buildings,*** such as garden apartments or stacked flats; ***smaller multifamily structures (2 to 4 units),*** such as a starter two-family home; and ***mobile homes.*** As the 2000 census, the source for the residential multipliers, does not have information on the stories in a housing structure (this was last available in the 1980 census), multiplier presentations cannot disaggregate multifamily housing into garden, mid-rise, and high-rise categories.

Housing-unit size is measured by the number of bedrooms, and data are presented for housing units ranging from ***1 to 5 bedrooms.*** There is an association between housing type and number of bedrooms, and the demographic multiplier tables present the common configurations for each housing type. For instance, demographic data are shown for 1- through 3-bedroom multifamily units and not for 4- to 5-bedroom units of this type because multifamily housing tends to be built with fewer rather than more bedrooms. The opposite is the case for single-family detached homes; in this instance, data are presented for 2- to 5-bedroom units as opposed to 1-bedroom units because detached housing is typically built with more rather than fewer bedrooms.

Housing is additionally classified by tenure: ***ownership*** or ***rental.*** According to the census, "A housing unit is owner-occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. . . . All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied."

There is a further differentiation of the demographic profiles by housing value or rent. The census definitions for "value" and "rent" are shown on the Definitions page; with regard to the latter, the current study indicates the "gross rent" (rent with utilities) rather than the "contract rent."

Values and gross rents reported in the 2000 census are updated to 2005 using a residential price inflation index available from the Federal Housing Finance Board. A separate price index is applied for the nation, for each of the 50 states, and for the District of Columbia.

The demographic profiles by 2005 housing values and gross rents are organized following a four-tiered classification: all ***value or rent housing,*** and then housing arrayed by ***terciles (thirds) of value or rent*** (units at the 1st–33rd percentile of value or rent; units at the 33rd through 66th percentile of value or rent; and units at the 67th–100th percentile of value or rent.)

DEFINITIONS OF DATA CONTAINED IN THE U.S. CENSUS OF POPULATION AND HOUSING PUBLIC USE MICRODATA SAMPLE (PUMS) 2000 AND OTHER MULTIPLIER TERMS

TERMS	*DEFINITION/COMMENT*
Bedrooms (BR)	The number of rooms that would be listed as bedrooms if the house, apartment, or mobile home were listed on the market for sale or rent even if these rooms are currently used for other purposes.
Housing Categories (Structure Type)	***Single-family, detached.*** This is a 1-unit structure detached from any other house; that is, with open space on all four sides. Such structures are considered detached if they have an adjoining shed or garage. ***Single-family attached.*** This is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof. ***2-4 units.*** These are units in structures containing 2, 3, or 4 housing units. ***5+ units.*** These are units in structures containing 5 or more housing units. ***Mobile home.*** Both occupied and vacant mobile homes to which no permanent rooms have been added are counted in this category. Mobile homes used only for business purposes or for extra sleeping space, and mobile homes for sale on a dealer's lot, at the factory, or in storage, are not counted in the housing inventory. In 1990, the category was "mobile home or trailer."
Household Size	The total number of persons in a ***housing unit.***
Housing Tenure (Ownership or Rental)	A ***housing unit*** is owner-occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied.
Housing Unit	A ***housing unit*** may be a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy as separate living quarters).
Housing Value (Rent)	Housing value is the census respondent's estimate of how much the property would sell for if it were for sale. In the current study, the value of a rented unit in a 1- to 4-unit structure is estimated to be 100 times the monthly ***gross rent,*** and all such units are included with owner-occupied units in calculating the multipliers. The housing value and rents indicated by the 2000 census were updated to 2005 using a residential price inflation index (available from the Federal Housing Finance Board) for the nation, for each state, and for the District of Columbia. Housing value or rent is categorized into a four-tier classification: all value (or rent) housing, and then housing units arrayed by terciles (thirds) of value (or rent).
Housing Rent (Contract Rent)	Contract rent is the monthly rent agreed to or contracted for, regardless of any furnishings, utilities, fees, meals, or services that may be included.
Housing Rent (Gross Rent)	Gross rent is the ***contract rent*** plus the estimated average monthly cost of utilities (electric, gas, water and sewer) and fuels (oil, coal, kerosene, wood, and the like) if these are paid by the renter (or paid for the renter by someone else). In the current study, the monthly gross rents are indicated in the demographic table.
Insufficient Sample	This notation in a table means that fewer than 600 weighted observations were counted for a housing type/bedroom/value combination or for an entire housing type/bedroom combination.
Public School-Age Children (PSAC)	The ***school-age children*** attending public school.
Residential Demographic Multipliers	Multipliers show the population associated with different ***housing categories*** as well as housing differentiated by ***housing value***, housing size (***bedrooms***), and ***housing tenure.***
School-Age Children (SAC)	The household members of elementary and secondary school age, defined here as those 5 through 17 years of age.

NEW JERSEY (1--1) ALL PERSONS IN UNIT: TOTAL PERSONS AND PERSONS BY AGE

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PERSONS	AGE 0-4	5-13	14-17	18-24	25-44	45-64	65-74	75+
Single-Family Detached, 2 BR									
All Values	2.03	0.08	0.08	0.04	0.05	0.36	0.44	0.66	0.32
Less than $215,000	2.04	0.14	0.12	0.08	0.12	0.53	0.34	0.47	0.25
$215,000 to $293,000	1.96	0.04	0.03	0.03	0.02	0.27	0.44	0.76	0.37
More than $293,000	2.20	0.10	0.14	0.05	0.05	0.35	0.58	0.66	0.27
Single-Family Detached, 3 BR									
All Values	2.97	0.33	0.45	0.13	0.12	1.18	0.57	0.14	0.06
Less than $215,000	3.10	0.32	0.57	0.16	0.20	1.27	0.43	0.10	0.06
$215,000 to $351,500	2.97	0.34	0.45	0.13	0.10	1.23	0.55	0.12	0.05
More than $351,500	2.82	0.28	0.35	0.09	0.11	0.94	0.74	0.22	0.08
Single-Family Detached, 4 BR									
All Values	3.62	0.42	0.79	0.22	0.13	1.37	0.60	0.06	0.03
Less than $351,500	3.71	0.41	0.82	0.26	0.20	1.46	0.45	0.08	0.04
$351,500 to $546,500	3.61	0.43	0.77	0.22	0.13	1.39	0.59	0.05	0.03
More than $546,500	3.59	0.42	0.80	0.20	0.09	1.27	0.71	0.05	0.03
Single-Family Detached, 5 BR									
All Values	4.26	0.43	1.07	0.33	0.18	1.29	0.79	0.10	0.07
Less than $546,500	4.62	0.46	1.19	0.35	0.25	1.59	0.61	0.08	0.08
$546,500 to $976,000	4.24	0.48	1.05	0.32	0.16	1.30	0.76	0.12	0.07
More than $976,000	4.00	0.28	1.00	0.36	0.19	1.03	1.02	0.07	0.05
Single-Family Attached, 2 BR									
All Values	1.99	0.15	0.12	0.04	0.10	0.80	0.50	0.19	0.09
Less than $175,500	2.08	0.17	0.20	0.05	0.21	0.83	0.43	0.11	0.07
$175,500 to $254,000	2.01	0.15	0.12	0.04	0.08	0.84	0.46	0.21	0.10
More than $254,000	1.90	0.12	0.07	0.02	0.04	0.72	0.60	0.23	0.11
Single-Family Attached, 3 BR									
All Values	2.65	0.24	0.33	0.12	0.15	0.99	0.64	0.11	0.06
Less than $215,000	2.92	0.28	0.54	0.16	0.26	1.08	0.49	0.07	0.04
$215,000 to $351,500	2.62	0.25	0.29	0.10	0.12	1.06	0.65	0.09	0.05
More than $351,500	2.33	0.17	0.14	0.09	0.09	0.67	0.86	0.22	0.10
Single-Family Attached, 4 BR									
All Values	3.61	0.48	0.72	0.21	0.18	1.23	0.59	0.17	0.02
Less than $293,000	4.71	0.93	0.98	0.29	0.41	1.74	0.28	0.07	0.00
$293,000 to $546,500	3.25	0.37	0.73	0.18	0.04	1.13	0.68	0.10	0.03
More than $546,500		Insufficient Sample							
5+ Units–Own, 1 BR									
All Values	1.62	0.09	0.09	0.03	0.05	0.67	0.29	0.19	0.22
Less than $133,000		Insufficient Sample							
$133,000 to $215,000	1.57	0.10	0.09	0.01	0.03	0.69	0.28	0.18	0.18
More than $215,000	1.58	0.00	0.02	0.03	0.06	0.62	0.39	0.19	0.27
5+ Units–Own, 2 BR									
All Values	1.82	0.08	0.10	0.03	0.10	0.71	0.48	0.16	0.16
Less than $148,500	1.90	0.08	0.16	0.05	0.18	0.72	0.47	0.14	0.10
$148,500 to $254,000	1.74	0.07	0.07	0.03	0.09	0.73	0.46	0.12	0.18
More than $254,000	1.89	0.09	0.09	0.01	0.04	0.67	0.56	0.26	0.18
5+ Units–Own, 3 BR									
All Values	2.50	0.22	0.40	0.10	0.12	0.91	0.57	0.13	0.06
Less than $175,500		Insufficient Sample							
$175,500 to $293,000	2.42	0.18	0.32	0.11	0.16	0.96	0.49	0.14	0.05
More than $293,000		Insufficient Sample							

NEW JERSEY (1--2) ALL PERSONS IN UNIT: TOTAL PERSONS AND PERSONS BY AGE

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PERSONS	AGE 0-4	5-13	14-17	18-24	25-44	45-64	65-74	75+
5+ Units–Rent, 1 BR									
All Values	1.55	0.08	0.05	0.02	0.13	0.64	0.18	0.16	0.28
Less than $1,000	1.37	0.07	0.07	0.03	0.07	0.20	0.20	0.32	0.40
$1,000 to $1,500	1.62	0.09	0.07	0.02	0.19	0.72	0.18	0.14	0.20
More than $1,500	1.66	0.07	0.02	0.02	0.14	0.99	0.17	0.02	0.24
5+ Units–Rent, 2 BR									
All Values	2.38	0.22	0.27	0.08	0.25	1.08	0.31	0.07	0.10
Less than $1,400	2.64	0.32	0.45	0.13	0.36	0.91	0.32	0.08	0.07
$1,400 to $2,050	2.41	0.22	0.27	0.07	0.23	1.20	0.31	0.04	0.05
More than $2,050	2.08	0.12	0.10	0.04	0.15	1.12	0.29	0.08	0.16
5+ Units–Rent, 3 BR									
All Values	3.54	0.44	0.71	0.23	0.37	1.33	0.32	0.08	0.05
Less than $1,350	3.54	0.51	1.00	0.21	0.31	1.12	0.39	0.00	0.00
$1,350 to $2,100	3.77	0.35	0.79	0.38	0.48	1.34	0.34	0.07	0.03
More than $2,100	3.27	0.49	0.33	0.09	0.31	1.54	0.23	0.16	0.12
2-4 Units, 1 BR									
All Values	2.15	0.18	0.18	0.13	0.19	0.86	0.37	0.09	0.16
Less than $103,500	1.87	0.15	0.16	0.11	0.19	0.66	0.25	0.14	0.22
$103,500 to $133,500	2.29	0.18	0.15	0.20	0.26	0.84	0.48	0.07	0.11
More than $133,500	2.30	0.20	0.24	0.06	0.12	1.07	0.37	0.07	0.16
2-4 Units, 2 BR									
All Values	2.68	0.27	0.36	0.11	0.30	1.10	0.39	0.09	0.07
Less than $127,500	2.95	0.31	0.55	0.13	0.30	1.17	0.37	0.05	0.06
$127,500 to $175,500	2.75	0.30	0.34	0.14	0.36	1.11	0.33	0.12	0.05
More than $175,500	2.28	0.17	0.17	0.05	0.23	0.99	0.47	0.10	0.09
2-4 Units, 3 BR									
All Values	3.47	0.31	0.59	0.23	0.37	1.28	0.56	0.10	0.03
Less than $158,000	3.79	0.39	0.91	0.40	0.37	1.33	0.38	0.02	0.00
$158,000 to $351,500	3.34	0.26	0.46	0.17	0.37	1.35	0.55	0.13	0.05
More than $351,500	3.26	0.29	0.39	0.11	0.36	1.12	0.80	0.15	0.05
Mobile, 2 BR									
All Values	1.91	0.11	0.12	0.02	0.08	0.50	0.48	0.40	0.20
Less than $58,500	2.06	0.19	0.24	0.04	0.10	0.76	0.32	0.26	0.14
$58,500 to $101,500	1.80	0.08	0.07	0.02	0.10	0.50	0.55	0.26	0.22
More than $101,500	1.90	0.05	0.08	0.00	0.02	0.23	0.56	0.71	0.25
Mobile, 3 BR									
All Values	2.82	0.26	0.47	0.09	0.15	0.93	0.60	0.20	0.13
Less than $70,500					Insufficient Sample				
$70,500 to $117,000					Insufficient Sample				
More than $117,000					Insufficient Sample				
Mobile, 4 BR									
All Values					Insufficient Sample				
Lowest third					Insufficient Sample				
$101,500 to $546,500					Insufficient Sample				
Highest third					Insufficient Sample				

NEW JERSEY (2–1) ALL SCHOOL CHILDREN: SCHOOL-AGE CHILDREN (SAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL SAC	GRADE K–2	3-6	7-9	10-12	Gr. 9 Only
Single-Family Detached, 2 BR						
All Values	0.12	0.02	0.03	0.03	0.03	0.01
Less than $215,000	0.20	0.02	0.07	0.03	0.07	0.01
$215,000 to $293,000	0.05	0.01	0.01	0.02	0.02	0.01
More than $293,000	0.19	0.07	0.04	0.05	0.04	0.01
Single-Family Detached, 3 BR						
All Values	0.58	0.17	0.19	0.12	0.09	0.03
Less than $215,000	0.73	0.20	0.24	0.17	0.12	0.04
$215,000 to $351,500	0.58	0.18	0.19	0.12	0.09	0.03
More than $351,500	0.44	0.12	0.16	0.09	0.07	0.03
Single-Family Detached, 4 BR						
All Values	1.01	0.29	0.36	0.20	0.16	0.06
Less than $351,500	1.08	0.26	0.39	0.24	0.18	0.08
$351,500 to $546,500	0.99	0.29	0.35	0.20	0.15	0.06
More than $546,500	1.00	0.31	0.36	0.18	0.15	0.05
Single-Family Detached, 5 BR						
All Values	1.40	0.36	0.50	0.29	0.24	0.09
Less than $546,500	1.54	0.43	0.54	0.33	0.26	0.09
$546,500 to $976,000	1.37	0.36	0.49	0.29	0.22	0.10
More than $976,000	1.36	0.31	0.51	0.26	0.28	0.08
Single-Family Attached, 2 BR						
All Values	0.16	0.04	0.06	0.03	0.03	0.01
Less than $175,500	0.25	0.05	0.12	0.04	0.05	0.01
$175,500 to $254,000	0.16	0.05	0.05	0.03	0.03	0.01
More than $254,000	0.09	0.03	0.02	0.02	0.01	0.01
Single-Family Attached, 3 BR						
All Values	0.45	0.12	0.14	0.12	0.08	0.04
Less than $215,000	0.70	0.18	0.24	0.19	0.10	0.06
$215,000 to $351,500	0.39	0.11	0.12	0.10	0.07	0.03
More than $351,500	0.22	0.04	0.07	0.05	0.07	0.02
Single-Family Attached, 4 BR						
All Values	0.93	0.33	0.26	0.18	0.17	0.04
Less than $293,000	1.27	0.35	0.45	0.24	0.23	0.05
$293,000 to $546,500	0.90	0.44	0.16	0.15	0.16	0.02
More than $546,500		Insufficient Sample				
5+ Units–Own, 1 BR						
All Values	0.12	0.06	0.03	0.02	0.01	0.02
Less than $133,000		Insufficient Sample				
$133,000 to $215,000	0.09	0.04	0.04	0.00	0.01	0.00
More than $215,000	0.06	0.02	0.00	0.03	0.00	0.03
5+ Units–Own, 2 BR						
All Values	0.13	0.03	0.06	0.02	0.02	0.01
Less than $148,500	0.22	0.06	0.10	0.02	0.04	0.02
$148,500 to $254,000	0.10	0.02	0.05	0.01	0.02	0.01
More than $254,000	0.09	0.02	0.04	0.02	0.01	0.00
5+ Units–Own, 3 BR						
All Values	0.49	0.14	0.21	0.07	0.08	0.02
Less than $175,500		Insufficient Sample				
$175,500 to $293,000	0.43	0.09	0.18	0.09	0.07	0.03
More than $293,000		Insufficient Sample				

NEW JERSEY (2--2) ALL SCHOOL CHILDREN: SCHOOL-AGE CHILDREN (SAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL SAC	GRADE K–2	3-6	7-9	10-12	Gr. 9 Only
5+ Units–Rent, 1 BR						
All Values	0.08	0.03	0.02	0.01	0.01	0.01
Less than $1,000	0.10	0.03	0.03	0.03	0.01	0.01
$1,000 to $1,500	0.09	0.04	0.03	0.02	0.01	0.01
More than $1,500	0.04	0.01	0.01	0.00	0.01	0.00
5+ Units–Rent, 2 BR						
All Values	0.35	0.11	0.12	0.07	0.05	0.03
Less than $1,400	0.58	0.16	0.23	0.11	0.08	0.05
$1,400 to $2,050	0.34	0.12	0.10	0.07	0.05	0.02
More than $2,050	0.14	0.05	0.04	0.03	0.03	0.01
5+ Units–Rent, 3 BR						
All Values	0.95	0.27	0.31	0.22	0.15	0.09
Less than $1,350	1.21	0.29	0.61	0.13	0.19	0.02
$1,350 to $2,100	1.17	0.37	0.20	0.42	0.18	0.20
More than $2,100	0.42	0.15	0.13	0.07	0.07	0.02
2-4 Units, 1 BR						
All Values	0.31	0.08	0.08	0.07	0.08	0.04
Less than $103,500	0.27	0.07	0.06	0.06	0.09	0.03
$103,500 to $133,500	0.35	0.07	0.06	0.09	0.14	0.06
More than $133,500	0.30	0.11	0.12	0.05	0.02	0.04
2-4 Units, 2 BR						
All Values	0.47	0.17	0.14	0.08	0.08	0.03
Less than $127,500	0.69	0.31	0.19	0.09	0.09	0.04
$127,500 to $175,500	0.47	0.11	0.16	0.10	0.10	0.04
More than $175,500	0.23	0.09	0.06	0.04	0.04	0.01
2-4 Units, 3 BR						
All Values	0.82	0.21	0.27	0.19	0.15	0.08
Less than $158,000	1.30	0.31	0.42	0.32	0.25	0.14
$158,000 to $351,500	0.64	0.16	0.21	0.15	0.11	0.06
More than $351,500	0.49	0.14	0.17	0.09	0.09	0.01
Mobile, 2 BR						
All Values	0.14	0.03	0.08	0.02	0.02	0.00
Less than $58,500	0.28	0.08	0.16	0.00	0.04	0.00
$58,500 to $101,500	0.08	0.00	0.02	0.05	0.02	0.00
More than $101,500	0.08	0.00	0.07	0.01	0.00	0.00
Mobile, 3 BR						
All Values	0.55	0.20	0.20	0.06	0.09	0.00
Less than $70,500			Insufficient Sample			
$70,500 to $117,000			Insufficient Sample			
More than $117,000			Insufficient Sample			
Mobile, 4 BR						
All Values			Insufficient Sample			
Lowest third			Insufficient Sample			
$101,500 to $546,500			Insufficient Sample			
Highest third			Insufficient Sample			

NEW JERSEY (3--1) ALL PUBLIC SCHOOL CHILDREN: SCHOOL-AGE CHILDREN IN PUBLIC SCHOOL (PSAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PSAC	PUBLIC SCHOOL GRADE K-2	3-6	7-9	10-12	Gr. 9 Only
Single-Family Detached, 2 BR						
All Values	0.11	0.02	0.03	0.02	0.03	0.01
Less than $215,000	0.18	0.02	0.06	0.03	0.07	0.01
$215,000 to $293,000	0.04	0.01	0.01	0.01	0.02	0.01
More than $293,000	0.16	0.04	0.04	0.04	0.03	0.01
Single-Family Detached, 3 BR						
All Values	0.50	0.13	0.17	0.11	0.09	0.03
Less than $215,000	0.66	0.17	0.22	0.16	0.11	0.04
$215,000 to $351,500	0.49	0.13	0.17	0.11	0.09	0.03
More than $351,500	0.39	0.10	0.14	0.08	0.06	0.02
Single-Family Detached, 4 BR						
All Values	0.84	0.22	0.32	0.17	0.13	0.06
Less than $351,500	0.92	0.20	0.34	0.21	0.16	0.07
$351,500 to $546,500	0.83	0.22	0.31	0.17	0.13	0.05
More than $546,500	0.81	0.23	0.31	0.15	0.12	0.05
Single-Family Detached, 5 BR						
All Values	1.09	0.25	0.42	0.23	0.19	0.08
Less than $546,500	1.34	0.33	0.49	0.29	0.23	0.09
$546,500 to $976,000	1.08	0.26	0.40	0.23	0.18	0.08
More than $976,000	0.93	0.15	0.41	0.18	0.18	0.06
Single-Family Attached, 2 BR						
All Values	0.13	0.04	0.05	0.02	0.03	0.01
Less than $175,500	0.22	0.04	0.11	0.03	0.04	0.01
$175,500 to $254,000	0.13	0.04	0.04	0.02	0.03	0.01
More than $254,000	0.08	0.03	0.02	0.01	0.01	0.01
Single-Family Attached, 3 BR						
All Values	0.40	0.09	0.13	0.10	0.07	0.04
Less than $215,000	0.63	0.15	0.22	0.16	0.09	0.06
$215,000 to $351,500	0.34	0.08	0.10	0.09	0.06	0.03
More than $351,500	0.20	0.03	0.06	0.04	0.07	0.02
Single-Family Attached, 4 BR						
All Values	0.59	0.16	0.14	0.14	0.15	0.03
Less than $293,000	0.57	0.07	0.17	0.13	0.21	0.03
$293,000 to $546,500	0.73	0.29	0.15	0.15	0.14	0.02
More than $546,500		Insufficient Sample				
5+ Units–Own, 1 BR						
All Values	0.11	0.06	0.03	0.01	0.01	0.01
Less than $133,000		Insufficient Sample				
$133,000 to $215,000	0.09	0.04	0.04	0.00	0.01	0.00
More than $215,000	0.02	0.02	0.00	0.00	0.00	0.00
5+ Units–Own, 2 BR						
All Values	0.11	0.02	0.06	0.01	0.02	0.01
Less than $148,500	0.18	0.04	0.09	0.02	0.04	0.02
$148,500 to $254,000	0.09	0.02	0.05	0.01	0.01	0.01
More than $254,000	0.07	0.01	0.04	0.01	0.01	0.00
5+ Units–Own, 3 BR						
All Values	0.47	0.13	0.21	0.06	0.08	0.01
Less than $175,500		Insufficient Sample				
$175,500 to $293,000	0.42	0.09	0.18	0.07	0.07	0.02
More than $293,000		Insufficient Sample				

NEW JERSEY (3–2) ALL PUBLIC SCHOOL CHILDREN: SCHOOL-AGE CHILDREN IN PUBLIC SCHOOL (PSAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PSAC	PUBLIC SCHOOL GRADE K-2	3-6	7-9	10-12	Gr. 9 Only
5+ Units–Rent, 1 BR						
All Values	0.07	0.02	0.02	0.01	0.01	0.01
Less than $1,000	0.09	0.03	0.03	0.02	0.01	0.01
$1,000 to $1,500	0.08	0.03	0.03	0.02	0.01	0.01
More than $1,500	0.03	0.01	0.01	0.00	0.01	0.00
5+ Units–Rent, 2 BR						
All Values	0.30	0.09	0.12	0.06	0.05	0.02
Less than $1,400	0.54	0.13	0.22	0.11	0.07	0.05
$1,400 to $2,050	0.29	0.09	0.10	0.05	0.05	0.01
More than $2,050	0.09	0.03	0.03	0.01	0.02	0.01
5+ Units–Rent, 3 BR						
All Values	0.88	0.23	0.30	0.22	0.13	0.09
Less than $1,350	1.19	0.29	0.59	0.13	0.19	0.02
$1,350 to $2,100	1.11	0.37	0.19	0.42	0.14	0.20
More than $2,100	0.29	0.02	0.13	0.07	0.07	0.02
2-4 Units, 1 BR						
All Values	0.27	0.07	0.06	0.06	0.08	0.04
Less than $103,500	0.26	0.05	0.06	0.06	0.09	0.03
$103,500 to $133,500	0.35	0.07	0.06	0.09	0.14	0.06
More than $133,500	0.21	0.08	0.07	0.04	0.01	0.04
2-4 Units, 2 BR						
All Values	0.41	0.14	0.12	0.07	0.07	0.03
Less than $127,500	0.63	0.29	0.17	0.09	0.08	0.04
$127,500 to $175,500	0.40	0.09	0.14	0.09	0.08	0.03
More than $175,500	0.18	0.06	0.05	0.03	0.04	0.01
2-4 Units, 3 BR						
All Values	0.72	0.16	0.24	0.17	0.14	0.08
Less than $158,000	1.21	0.26	0.40	0.32	0.23	0.14
$158,000 to $351,500	0.53	0.12	0.17	0.13	0.11	0.06
More than $351,500	0.38	0.10	0.16	0.06	0.06	0.01
Mobile, 2 BR						
All Values	0.12	0.01	0.07	0.02	0.02	0.00
Less than $58,500	0.22	0.02	0.16	0.00	0.04	0.00
$58,500 to $101,500	0.08	0.00	0.01	0.05	0.02	0.00
More than $101,500	0.08	0.00	0.07	0.01	0.00	0.00
Mobile, 3 BR						
All Values	0.51	0.18	0.18	0.06	0.09	0.00
Less than $70,500		Insufficient Sample				
$70,500 to $117,000		Insufficient Sample				
More than $117,000		Insufficient Sample				
Mobile, 4 BR						
All Values		Insufficient Sample				
Lowest third		Insufficient Sample				
$101,500 to $546,500		Insufficient Sample				
Highest third		Insufficient Sample				

Rutgers University, Center for Urban Policy Research

Residential Demographic Multipliers

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Estimates of the Occupants of New Housing

(Residents, School-Age Children, Public School-Age Children)
by State, Housing Type, Housing Size, and Housing Price

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DESCRIPTION, DEFINITION, AND ORGANIZATION OF RESIDENTIAL DEMOGRAPHIC MULTIPLIERS

The national, state, and District of Columbia residential demographic multipliers are derived from the 2000 U.S. Census 5-Percent Public Use Microdata Sample (PUMS). The demographic multipliers include the following data fields and organization:

1. ***Household Size (HS)***: Total persons per housing unit.

2. ***Age distribution of the household members*** organized into the following age categories: 0–4, 5–13, 14–17, 18–24, 25–44, 45–64, 65–74, 75+.

3. ***Total school-age children (SAC)*** or number of persons in the household of school age, defined as those 5 to 17 years old. (The SAC is the same as the combined number of household members in the 5–13 and 14–17 age categories.)

4. ***Total public school-age children (PSAC),*** or the SAC who attend public schools.

5. ***The SAC and PSAC by grade group*** organized as follows: kindergarten (K)–grade 2, grades 3–6, grades 7–9, grades 10–12, and grade 9 by itself. The above data permit the analyst to tabulate the SAC and PSAC by differing school levels (e.g., K–6, 7–12, and 9–12).

The demographic fields shown above are differentiated by ***housing type, housing size, housing price, and housing tenure***—four variables that have been found by Rutgers University to be associated with statistically significant differences in the HS, SAC, and PSAC. The multipliers are calculated for ***new housing,*** here defined as units enumerated in the 2000 census and built from 1990-2000.

The housing or structure types include the following: ***single-family detached; single-family attached,*** sometimes referred to as townhouses or townhomes; ***larger (5-or-more-unit) multifamily buildings,*** such as garden apartments or stacked flats; ***smaller multifamily structures (2 to 4 units),*** such as a starter two-family home; and ***mobile homes.*** As the 2000 census, the source for the residential multipliers, does not have information on the stories in a housing structure (this was last available in the 1980 census), multiplier presentations cannot disaggregate multifamily housing into garden, mid-rise, and high-rise categories.

Housing-unit size is measured by the number of bedrooms, and data are presented for housing units ranging from ***1 to 5 bedrooms.*** There is an association between housing type and number of bedrooms, and the demographic multiplier tables present the common configurations for each housing type. For instance, demographic data are shown for 1- through 3-bedroom multifamily units and not for 4- to 5-bedroom units of this type because multifamily housing tends to be built with fewer rather than more bedrooms. The opposite is the case for single-family detached homes; in this instance, data are presented for 2- to 5-bedroom units as opposed to 1-bedroom units because detached housing is typically built with more rather than fewer bedrooms.

Housing is additionally classified by tenure: ***ownership*** or ***rental.*** According to the census, "A housing unit is owner-occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. . . . All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied."

There is a further differentiation of the demographic profiles by housing value or rent. The census definitions for "value" and "rent" are shown on the Definitions page; with regard to the latter, the current study indicates the "gross rent" (rent with utilities) rather than the "contract rent."

Values and gross rents reported in the 2000 census are updated to 2005 using a residential price inflation index available from the Federal Housing Finance Board. A separate price index is applied for the nation, for each of the 50 states, and for the District of Columbia.

The demographic profiles by 2005 housing values and gross rents are organized following a four-tiered classification: all ***value or rent housing,*** and then housing arrayed by ***terciles (thirds) of value or rent*** (units at the 1st–33rd percentile of value or rent; units at the 33rd through 66th percentile of value or rent; and units at the 67th–100th percentile of value or rent.)

DEFINITIONS OF DATA CONTAINED IN THE U.S. CENSUS OF POPULATION AND HOUSING PUBLIC USE MICRODATA SAMPLE (PUMS) 2000 AND OTHER MULTIPLIER TERMS

TERMS	*DEFINITION/COMMENT*
Bedrooms (BR)	The number of rooms that would be listed as bedrooms if the house, apartment, or mobile home were listed on the market for sale or rent even if these rooms are currently used for other purposes.
Housing Categories (Structure Type)	***Single-family, detached.*** This is a 1-unit structure detached from any other house; that is, with open space on all four sides. Such structures are considered detached if they have an adjoining shed or garage. ***Single- family attached.*** This is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof. ***2-4 units.*** These are units in structures containing 2, 3, or 4 housing units. ***5+ units.*** These are units in structures containing 5 or more housing units. ***Mobile home.*** Both occupied and vacant mobile homes to which no permanent rooms have been added are counted in this category. Mobile homes used only for business purposes or for extra sleeping space, and mobile homes for sale on a dealer's lot, at the factory, or in storage, are not counted in the housing inventory. In 1990, the category was "mobile home or trailer."
Household Size	The total number of persons in a ***housing unit.***
Housing Tenure (Ownership or Rental)	A ***housing unit*** is owner-occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied.
Housing Unit	A ***housing unit*** may be a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy as separate living quarters).
Housing Value (Rent)	Housing value is the census respondent's estimate of how much the property would sell for if it were for sale. In the current study, the value of a rented unit in a 1- to 4-unit structure is estimated to be 100 times the monthly ***gross rent,*** and all such units are included with owner-occupied units in calculating the multipliers. The housing value and rents indicated by the 2000 census were updated to 2005 using a residential price inflation index (available from the Federal Housing Finance Board) for the nation, for each state, and for the District of Columbia. Housing value or rent is categorized into a four-tier classification: all value (or rent) housing, and then housing units arrayed by terciles (thirds) of value (or rent).
Housing Rent (Contract Rent)	Contract rent is the monthly rent agreed to or contracted for, regardless of any furnishings, utilities, fees, meals, or services that may be included.
Housing Rent (Gross Rent)	Gross rent is the ***contract rent*** plus the estimated average monthly cost of utilities (electric, gas, water and sewer) and fuels (oil, coal, kerosene, wood, and the like) if these are paid by the renter (or paid for the renter by someone else). In the current study, the monthly gross rents are indicated in the demographic table.
Insufficient Sample	This notation in a table means that fewer than 600 weighted observations were counted for a housing type/bedroom/value combination or for an entire housing type/bedroom combination.
Public School-Age Children (PSAC)	The ***school-age children*** attending public school.
Residential Demographic Multipliers	Multipliers show the population associated with different ***housing categories*** as well as housing differentiated by ***housing value***, housing size (***bedrooms***), and ***housing tenure.***
School-Age Children (SAC)	The household members of elementary and secondary school age, defined here as those 5 through 17 years of age.

CONNECTICUT (1--1) ALL PERSONS IN UNIT: TOTAL PERSONS AND PERSONS BY AGE

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PERSONS	AGE 0-4	5-13	14-17	18-24	25-44	45-64	65-74	75+
Single-Family Detached, 2 BR									
All Values	2.14	0.12	0.16	0.05	0.11	0.75	0.63	0.21	0.10
Less than $218,000	2.17	0.10	0.17	0.09	0.19	0.72	0.67	0.14	0.08
$218,000 to $356,500	2.13	0.14	0.17	0.03	0.06	0.80	0.55	0.25	0.13
More than $356,500	2.11	0.10	0.13	0.04	0.13	0.68	0.76	0.20	0.07
Single-Family Detached, 3 BR									
All Values	3.10	0.36	0.52	0.13	0.11	1.30	0.55	0.08	0.05
Less than $257,500	3.29	0.39	0.57	0.21	0.19	1.32	0.48	0.07	0.04
$257,500 to $356,500	3.13	0.40	0.53	0.12	0.10	1.37	0.49	0.08	0.05
More than $356,500	2.90	0.28	0.48	0.10	0.07	1.16	0.69	0.09	0.04
Single-Family Detached, 4 BR									
All Values	3.64	0.44	0.81	0.26	0.12	1.35	0.58	0.05	0.03
Less than $435,500	3.70	0.50	0.80	0.23	0.18	1.45	0.46	0.04	0.04
$435,500 to $554,500	3.61	0.43	0.79	0.26	0.11	1.36	0.59	0.04	0.03
More than $554,500	3.63	0.42	0.84	0.27	0.07	1.25	0.68	0.07	0.04
Single-Family Detached, 5 BR									
All Values	4.37	0.40	1.27	0.39	0.15	1.31	0.72	0.08	0.05
Less than $554,500	4.42	0.32	1.26	0.40	0.19	1.54	0.58	0.02	0.11
$554,500 to $1,386,500	4.43	0.42	1.31	0.36	0.15	1.34	0.67	0.13	0.05
More than $1,386,500	4.22	0.42	1.21	0.43	0.13	1.06	0.91	0.04	0.02
Single-Family Attached, 2 BR									
All Values	1.97	0.11	0.19	0.04	0.10	0.60	0.60	0.15	0.18
Less than $178,500	2.40	0.22	0.45	0.08	0.21	0.90	0.46	0.04	0.04
$178,500 to $257,500	1.77	0.07	0.08	0.03	0.07	0.57	0.55	0.17	0.24
More than $257,500	1.78	0.02	0.05	0.01	0.01	0.31	0.85	0.26	0.27
Single-Family Attached, 3 BR									
All Values	2.74	0.17	0.40	0.22	0.19	0.84	0.68	0.18	0.07
Less than $218,000	3.57	0.21	0.86	0.47	0.22	1.11	0.54	0.08	0.07
$218,000 to $435,500	2.50	0.17	0.27	0.07	0.27	0.94	0.49	0.24	0.04
More than $435,500		Insufficient Sample							
Single-Family Attached, 4 BR									
All Values		Insufficient Sample							
Less than $356,500		Insufficient Sample							
$356,500 to $435,500		Insufficient Sample							
More than $435,500		Insufficient Sample							
5+ Units–Own, 1 BR									
All Values	1.28	0.07	0.00	0.00	0.00	0.47	0.25	0.12	0.38
Less than $119,000		Insufficient Sample							
$119,000 to $257,500		Insufficient Sample							
More than $257,500		Insufficient Sample							
5+ Units–Own, 2 BR									
All Values	1.69	0.05	0.05	0.02	0.12	0.60	0.48	0.14	0.23
Less than $150,500	1.57	0.02	0.12	0.02	0.07	0.74	0.34	0.16	0.09
$150,500 to $218,000	1.81	0.09	0.03	0.03	0.14	0.63	0.56	0.11	0.22
More than $218,000	1.59	0.02	0.00	0.00	0.14	0.43	0.46	0.16	0.38
5+ Units–Own, 3 BR									
All Values		Insufficient Sample							
Less than $178,500		Insufficient Sample							
$178,500 to $257,500		Insufficient Sample							
More than $257,500		Insufficient Sample							

CONNECTICUT (1–2) ALL PERSONS IN UNIT: TOTAL PERSONS AND PERSONS BY AGE

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PERSONS	AGE 0-4	5-13	14-17	18-24	25-44	45-64	65-74	75+
5+ Units–Rent, 1 BR									
All Values	1.39	0.04	0.04	0.00	0.18	0.49	0.14	0.13	0.36
Less than $850	1.30	0.03	0.05	0.00	0.07	0.24	0.19	0.26	0.45
$850 to $1,450	1.46	0.07	0.06	0.00	0.29	0.64	0.11	0.11	0.18
More than $1,450	1.39	0.02	0.01	0.00	0.16	0.60	0.12	0.01	0.47
5+ Units–Rent, 2 BR									
All Values	2.24	0.25	0.21	0.05	0.30	0.99	0.26	0.05	0.13
Less than $1,300	2.54	0.44	0.41	0.07	0.37	1.00	0.18	0.04	0.04
$1,300 to $1,800	2.20	0.19	0.15	0.04	0.34	1.08	0.25	0.08	0.07
More than $1,800	1.99	0.13	0.08	0.05	0.17	0.88	0.35	0.05	0.28
5+ Units–Rent, 3 BR									
All Values	3.44	0.33	0.97	0.24	0.22	1.37	0.25	0.02	0.04
Less than $1,000		Insufficient Sample							
$1,000 to $2,050		Insufficient Sample							
More than $2,050		Insufficient Sample							
2-4 Units, 1 BR									
All Values	1.76	0.13	0.09	0.09	0.21	0.59	0.26	0.20	0.21
Less than $83,500	1.55	0.13	0.13	0.08	0.09	0.33	0.25	0.30	0.23
$83,500 to $129,000	1.98	0.12	0.06	0.15	0.36	0.75	0.19	0.19	0.17
More than $129,000		Insufficient Sample							
2-4 Units, 2 BR									
All Values	2.38	0.26	0.32	0.08	0.26	0.84	0.39	0.16	0.06
Less than $119,000	2.54	0.44	0.38	0.11	0.40	0.83	0.23	0.09	0.05
$119,000 to $166,000	2.50	0.23	0.42	0.11	0.32	0.92	0.44	0.03	0.02
More than $166,000	2.10	0.13	0.16	0.01	0.07	0.77	0.48	0.35	0.13
2-4 Units, 3 BR									
All Values	3.61	0.45	0.60	0.35	0.63	1.04	0.47	0.04	0.02
Less than $103,000	3.74	0.47	0.92	0.58	0.41	0.86	0.41	0.04	0.05
$103,000 to $168,500	3.76	0.64	0.63	0.20	0.63	1.28	0.38	0.00	0.00
More than $168,500	3.31	0.22	0.27	0.30	0.85	0.95	0.62	0.09	0.01
Mobile, 2 BR									
All Values		Insufficient Sample							
Less than $71,500		Insufficient Sample							
$71,500 to $103,000		Insufficient Sample							
More than $103,000		Insufficient Sample							
Mobile, 3 BR									
All Values		Insufficient Sample							
Less than $51,500		Insufficient Sample							
$51,500 to $71,500		Insufficient Sample							
More than $71,500		Insufficient Sample							
Mobile, 4 BR									
All Values		Insufficient Sample							
Lowest third		Insufficient Sample							
$435,500 to $990,500		Insufficient Sample							
Highest third		Insufficient Sample							

CONNECTICUT (2--1) ALL SCHOOL CHILDREN: SCHOOL-AGE CHILDREN (SAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL SAC	GRADE K–2	3-6	7-9	10-12	Gr. 9 Only
Single-Family Detached, 2 BR						
All Values	0.21	0.06	0.07	0.04	0.04	0.01
Less than $218,000	0.27	0.08	0.06	0.05	0.08	0.01
$218,000 to $356,500	0.20	0.06	0.08	0.03	0.02	0.01
More than $356,500	0.17	0.06	0.05	0.04	0.02	0.03
Single-Family Detached, 3 BR						
All Values	0.66	0.21	0.23	0.13	0.09	0.04
Less than $257,500	0.78	0.18	0.26	0.20	0.13	0.08
$257,500 to $356,500	0.65	0.23	0.23	0.12	0.08	0.04
More than $356,500	0.58	0.20	0.21	0.09	0.08	0.02
Single-Family Detached, 4 BR						
All Values	1.07	0.30	0.34	0.25	0.18	0.08
Less than $435,500	1.03	0.29	0.34	0.25	0.16	0.07
$435,500 to $554,500	1.06	0.30	0.33	0.25	0.17	0.09
More than $554,500	1.11	0.31	0.36	0.25	0.20	0.07
Single-Family Detached, 5 BR						
All Values	1.66	0.36	0.62	0.40	0.28	0.11
Less than $554,500	1.65	0.31	0.49	0.51	0.34	0.06
$554,500 to $1,386,500	1.68	0.31	0.74	0.39	0.24	0.13
More than $1,386,500	1.64	0.51	0.48	0.34	0.30	0.13
Single-Family Attached, 2 BR						
All Values	0.23	0.09	0.09	0.02	0.03	0.01
Less than $178,500	0.53	0.22	0.20	0.06	0.05	0.03
$178,500 to $257,500	0.11	0.05	0.03	0.00	0.03	0.00
More than $257,500	0.07	0.01	0.04	0.00	0.01	0.00
Single-Family Attached, 3 BR						
All Values	0.62	0.12	0.18	0.21	0.11	0.11
Less than $218,000	1.34	0.20	0.39	0.51	0.24	0.24
$218,000 to $435,500	0.34	0.14	0.10	0.05	0.05	0.02
More than $435,500			Insufficient Sample			
Single-Family Attached, 4 BR						
All Values			Insufficient Sample			
Less than $356,500			Insufficient Sample			
$356,500 to $435,500			Insufficient Sample			
More than $435,500			Insufficient Sample			
5+ Units–Own, 1 BR						
All Values	0.00	0.00	0.00	0.00	0.00	0.00
Less than $119,000			Insufficient Sample			
$119,000 to $257,500			Insufficient Sample			
More than $257,500			Insufficient Sample			
5+ Units–Own, 2 BR						
All Values	0.07	0.02	0.01	0.02	0.01	0.01
Less than $150,500	0.14	0.03	0.03	0.06	0.02	0.00
$150,500 to $218,000	0.07	0.03	0.00	0.02	0.01	0.02
More than $218,000	0.00	0.00	0.00	0.00	0.00	0.00
5+ Units–Own, 3 BR						
All Values			Insufficient Sample			
Less than $178,500			Insufficient Sample			
$178,500 to $257,500			Insufficient Sample			
More than $257,500			Insufficient Sample			

CONNECTICUT (2–2) ALL SCHOOL CHILDREN: SCHOOL-AGE CHILDREN (SAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL SAC	GRADE K–2	3-6	7-9	10-12	Gr. 9 Only
5+ Units–Rent, 1 BR						
All Values	0.04	0.04	0.00	0.00	0.00	0.00
Less than $850	0.05	0.05	0.01	0.00	0.00	0.00
$850 to $1,450	0.06	0.05	0.01	0.00	0.00	0.00
More than $1,450	0.01	0.01	0.00	0.00	0.00	0.00
5+ Units–Rent, 2 BR						
All Values	0.27	0.10	0.07	0.06	0.03	0.02
Less than $1,300	0.48	0.20	0.10	0.13	0.05	0.02
$1,300 to $1,800	0.19	0.06	0.08	0.02	0.03	0.01
More than $1,800	0.13	0.03	0.03	0.05	0.02	0.04
5+ Units–Rent, 3 BR						
All Values	1.21	0.46	0.39	0.19	0.18	0.06
Less than $1,000		Insufficient Sample				
$1,000 to $2,050		Insufficient Sample				
More than $2,050		Insufficient Sample				
2-4 Units, 1 BR						
All Values	0.18	0.02	0.06	0.04	0.06	0.03
Less than $83,500	0.21	0.03	0.07	0.06	0.05	0.03
$83,500 to $129,000	0.21	0.03	0.03	0.07	0.07	0.07
More than $129,000		Insufficient Sample				
2-4 Units, 2 BR						
All Values	0.40	0.13	0.12	0.09	0.06	0.02
Less than $119,000	0.49	0.19	0.09	0.10	0.11	0.00
$119,000 to $166,000	0.54	0.12	0.18	0.16	0.07	0.05
More than $166,000	0.18	0.08	0.08	0.01	0.00	0.01
2-4 Units, 3 BR						
All Values	0.95	0.17	0.30	0.26	0.22	0.13
Less than $103,000	1.50	0.34	0.38	0.43	0.35	0.23
$103,000 to $168,500	0.83	0.14	0.36	0.17	0.16	0.04
More than $168,500	0.57	0.03	0.17	0.21	0.15	0.14
Mobile, 2 BR						
All Values		Insufficient Sample				
Less than $71,500		Insufficient Sample				
$71,500 to $103,000		Insufficient Sample				
More than $103,000		Insufficient Sample				
Mobile, 3 BR						
All Values		Insufficient Sample				
Less than $51,500		Insufficient Sample				
$51,500 to $71,500		Insufficient Sample				
More than $71,500		Insufficient Sample				
Mobile, 4 BR						
All Values		Insufficient Sample				
Lowest third		Insufficient Sample				
$435,500 to $990,500		Insufficient Sample				
Highest third		Insufficient Sample				

CONNECTICUT (3--1) ALL PUBLIC SCHOOL CHILDREN: SCHOOL-AGE CHILDREN IN PUBLIC SCHOOL (PSAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PSAC	PUBLIC SCHOOL GRADE K-2	3-6	7-9	10-12	Gr. 9 Only
Single-Family Detached, 2 BR						
All Values	0.20	0.06	0.07	0.04	0.03	0.01
Less than $218,000	0.25	0.08	0.06	0.05	0.06	0.01
$218,000 to $356,500	0.19	0.06	0.08	0.03	0.02	0.01
More than $356,500	0.17	0.06	0.05	0.04	0.02	0.03
Single-Family Detached, 3 BR						
All Values	0.59	0.18	0.21	0.12	0.08	0.04
Less than $257,500	0.69	0.16	0.23	0.18	0.13	0.07
$257,500 to $356,500	0.59	0.20	0.22	0.11	0.07	0.04
More than $356,500	0.51	0.16	0.19	0.09	0.07	0.02
Single-Family Detached, 4 BR						
All Values	0.94	0.25	0.31	0.23	0.15	0.07
Less than $435,500	0.94	0.26	0.30	0.23	0.15	0.06
$435,500 to $554,500	0.94	0.25	0.31	0.23	0.15	0.09
More than $554,500	0.95	0.25	0.32	0.23	0.16	0.07
Single-Family Detached, 5 BR						
All Values	1.38	0.27	0.53	0.35	0.22	0.09
Less than $554,500	1.48	0.22	0.44	0.51	0.30	0.06
$554,500 to $1,386,500	1.51	0.28	0.67	0.37	0.20	0.12
More than $1,386,500	1.04	0.29	0.35	0.20	0.20	0.06
Single-Family Attached, 2 BR						
All Values	0.20	0.08	0.08	0.02	0.02	0.01
Less than $178,500	0.48	0.19	0.20	0.06	0.03	0.03
$178,500 to $257,500	0.10	0.05	0.03	0.00	0.02	0.00
More than $257,500	0.04	0.01	0.03	0.00	0.00	0.00
Single-Family Attached, 3 BR						
All Values	0.56	0.10	0.18	0.19	0.09	0.09
Less than $218,000	1.34	0.20	0.39	0.51	0.24	0.24
$218,000 to $435,500	0.29	0.09	0.10	0.05	0.05	0.02
More than $435,500		Insufficient Sample				
Single-Family Attached, 4 BR						
All Values		Insufficient Sample				
Less than $356,500		Insufficient Sample				
$356,500 to $435,500		Insufficient Sample				
More than $435,500		Insufficient Sample				
5+ Units–Own, 1 BR						
All Values	0.00	0.00	0.00	0.00	0.00	0.00
Less than $119,000		Insufficient Sample				
$119,000 to $257,500		Insufficient Sample				
More than $257,500		Insufficient Sample				
5+ Units–Own, 2 BR						
All Values	0.05	0.02	0.01	0.01	0.01	0.00
Less than $150,500	0.14	0.03	0.03	0.06	0.02	0.00
$150,500 to $218,000	0.03	0.03	0.00	0.00	0.00	0.00
More than $218,000	0.00	0.00	0.00	0.00	0.00	0.00
5+ Units–Own, 3 BR						
All Values		Insufficient Sample				
Less than $178,500		Insufficient Sample				
$178,500 to $257,500		Insufficient Sample				
More than $257,500		Insufficient Sample				

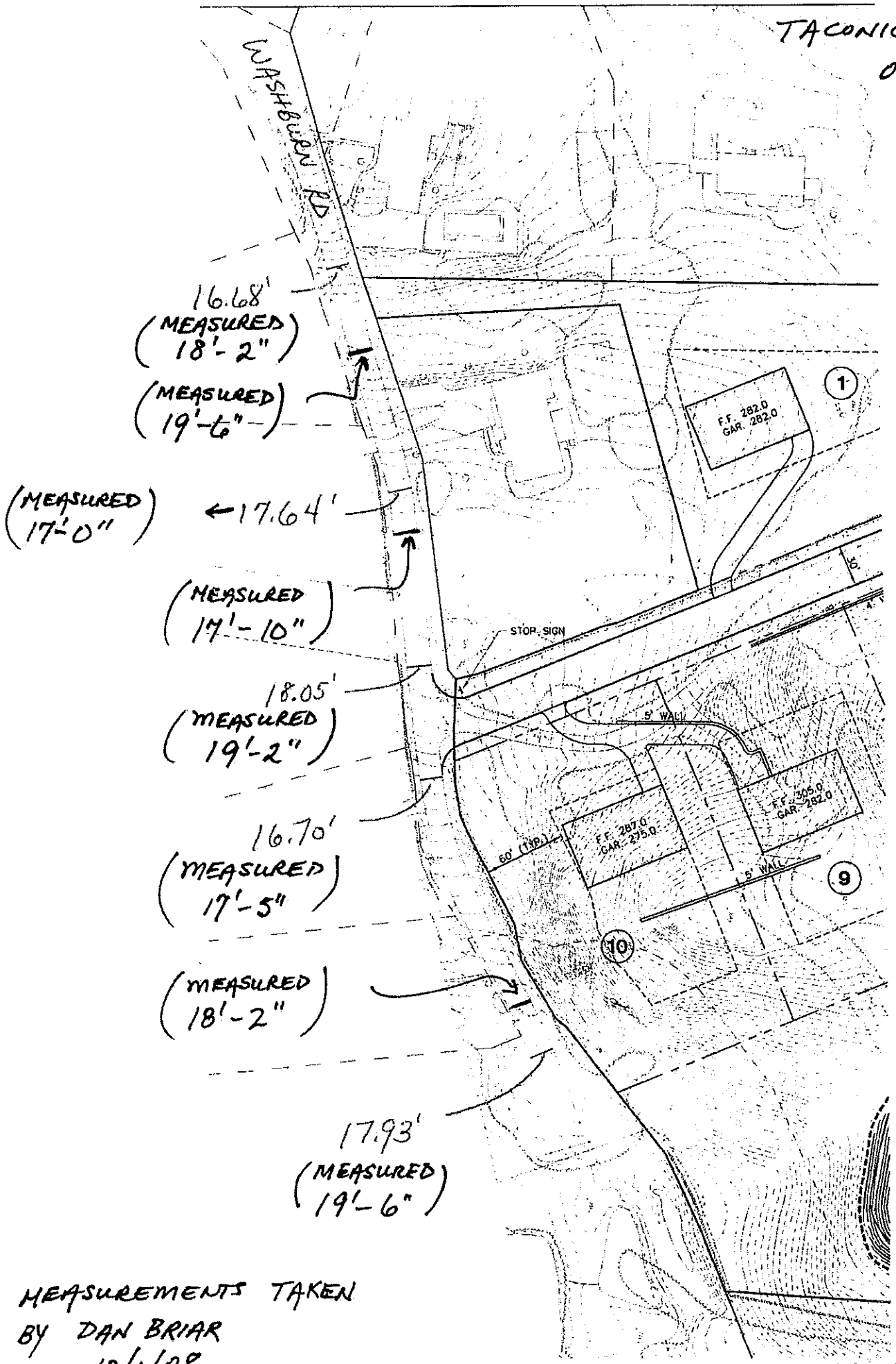
CONNECTICUT (3--2) ALL PUBLIC SCHOOL CHILDREN: SCHOOL-AGE CHILDREN IN PUBLIC SCHOOL (PSAC)

STRUCTURE TYPE /BEDROOMS/ VALUE (2005)/TENURE	TOTAL PSAC	PUBLIC SCHOOL GRADE K-2	3-6	7-9	10-12	Gr. 9 Only
5+ Units–Rent, 1 BR						
All Values	0.04	0.04	0.00	0.00	0.00	0.00
Less than $850	0.05	0.04	0.01	0.00	0.00	0.00
$850 to $1,450	0.06	0.05	0.01	0.00	0.00	0.00
More than $1,450	0.01	0.01	0.00	0.00	0.00	0.00
5+ Units–Rent, 2 BR						
All Values	0.25	0.08	0.07	0.06	0.03	0.02
Less than $1,300	0.46	0.19	0.10	0.13	0.04	0.02
$1,300 to $1,800	0.18	0.05	0.08	0.02	0.03	0.01
More than $1,800	0.11	0.02	0.03	0.04	0.02	0.03
5+ Units–Rent, 3 BR						
All Values	1.07	0.36	0.39	0.16	0.16	0.03
Less than $1,000			Insufficient Sample			
$1,000 to $2,050			Insufficient Sample			
More than $2,050			Insufficient Sample			
2-4 Units, 1 BR						
All Values	0.18	0.02	0.06	0.04	0.06	0.03
Less than $83,500	0.21	0.03	0.07	0.06	0.05	0.03
$83,500 to $129,000	0.21	0.03	0.03	0.07	0.07	0.07
More than $129,000			Insufficient Sample			
2-4 Units, 2 BR						
All Values	0.39	0.12	0.12	0.09	0.06	0.02
Less than $119,000	0.46	0.16	0.09	0.10	0.11	0.00
$119,000 to $166,000	0.52	0.12	0.18	0.14	0.07	0.05
More than $166,000	0.18	0.08	0.08	0.01	0.00	0.01
2-4 Units, 3 BR						
All Values	0.91	0.15	0.30	0.25	0.21	0.13
Less than $103,000	1.44	0.34	0.36	0.39	0.35	0.21
$103,000 to $168,500	0.83	0.14	0.36	0.17	0.16	0.04
More than $168,500	0.50	0.00	0.17	0.21	0.12	0.14
Mobile, 2 BR						
All Values			Insufficient Sample			
Less than $71,500			Insufficient Sample			
$71,500 to $103,000			Insufficient Sample			
More than $103,000			Insufficient Sample			
Mobile, 3 BR						
All Values			Insufficient Sample			
Less than $51,500			Insufficient Sample			
$51,500 to $71,500			Insufficient Sample			
More than $71,500			Insufficient Sample			
Mobile, 4 BR						
All Values			Insufficient Sample			
Lowest third			Insufficient Sample			
$435,500 to $990,500			Insufficient Sample			
Highest third			Insufficient Sample			

Appendix M

Road width drawing

TACONIC TRACT
050078



MEASUREMENTS TAKEN
BY DAN BRIAR
10/1/08

WSP SELLS

Appendix N

Accident reports

TECHNICAL MEMORANDUM

TO: Town of Mount Pleasant Planning Board

CC: Patrick Cleary, Andrew Saunders, Geraldine Tortorella, Susan Fasnacht, PE, Amanda DeCesare, PE

FROM: Bernie Kalus, P.E., P.T.O.E.

DATE: April 11, 2011

SUBJECT: Taconic Tract Development – Accident Analysis

The following accident analysis, prepared for the proposed Taconic Tract Subdivision, is based on all available traffic data from the NYSDOT, Town of Mt. Pleasant, and Village of Briarcliff Manor. Figure 1 shows the study area intersections and accident locations. A total of nine accidents occurred within the study area in a period of three years from January 1, 2005 to December 31, 2007. Seven of these accidents occurred at the intersection of Todd Lane with Pleasantville Road and two at the intersection of Carleton Avenue and Route 100/9A. No particular trend was observed for these accidents. A table summarizing the accident data is given below:

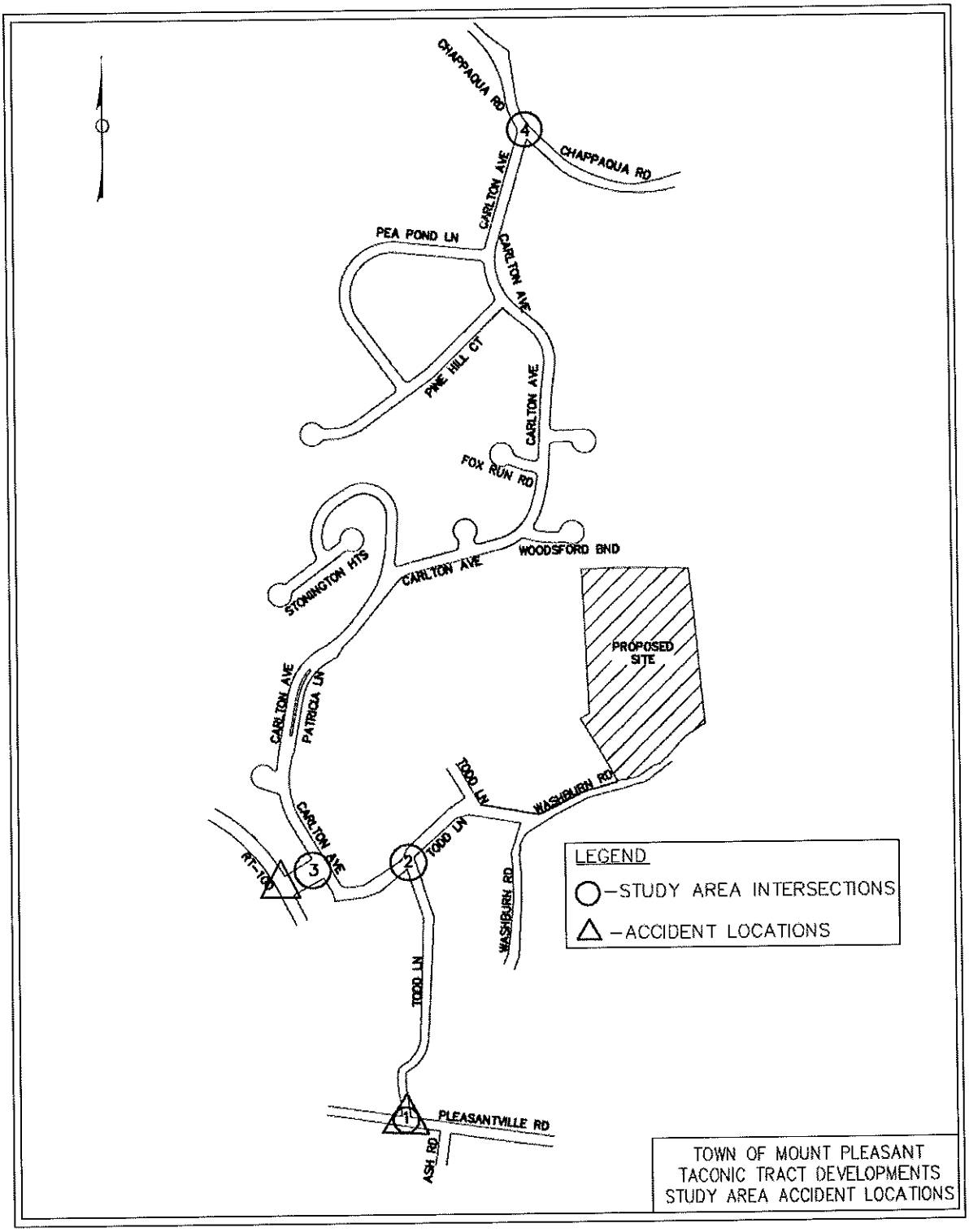
Intersection	Date/ Time	Persons Injured	Extent of Injuries	Accident Class	Type of Accident	Traffic Control	Manner of Collision	Weather	Road Surface Condition	Road Char.	Light Condition
Todd Lane @ Pleasantville Rd	Sep-9-2005	0	-		Collision with Motor Vehicle		Side Impact	Unknown	Unknown	Straight and Level	Daylight
	Dec-6-2005	0	-		Collision due to Construction		Rear End	Unknown	Unknown	Straight and Level	Daylight
	Aug-11-2006	0	-		Collision with Motor Vehicle		Side Impact	Unknown	Unknown	Straight and Level	Daylight
	Nov-5-2006	0	-	Property Damage	Collision with Deer	Unknown	Other	Rain	Wet	Straight and Level	Dark-Road Lighted
	Dec-18-2007	0	-		Collision with Motor Vehicle		Rear End	Unknown	Unknown	Straight and Level	Unknown
	Mar-29-2007 09:00 Am	1	C	Injury	Collision with Motor Vehicle	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Apr-25-2007 10:05 Am	0	-	Non-Reportable	Collision with Motor Vehicle	None	Sideswipe	Clear	Dry	Straight/ Grade	Daylight

Intersection	Date/ Time	Persons Injured	Extent of Injuries	Accident Class	Type of Accident	Traffic Control	Manner of Collision	Weather	Road Surface Condition	Road Char.	Light Condition
Carleton Ave. @ Rts. 9A/100	Dec-6-2006	0	-		Collision with Motor Vehicle		Side Impact	Unknown	Unknown	Unknown	Daylight
	Dec-4-2007	0	-		Collision with Motor Vehicle		Side Impact	Unknown	Unknown	Unknown	Daylight

There were a few other accidents in close proximity to the project site, which are given in the table below. None of these accidents occurred at any of the project study intersections:

Description of Location	Number of Accidents
Chappaqua Road (between Taconic State Parkway and Intersection of Chappaqua with Washburn)	1
Washburn Rd (linking Chappaqua Road and Taconic State Parkway)	1
Ingham Road	1
Intersection of Chappaqua with Pleasantville Road	1

Figure 1:



WSP · SELLS

Accident Rate

Accident rate was calculated for the intersection of Todd Lane and Pleasantville Road and was found to be slightly higher than the statewide average accident rate.

Of the seven accidents at the Todd Lane/Pleasantville road intersection; one (12/06/05) was caused by construction occurring at the intersection (the vehicle slid on construction plates) and one (11/05/06) was a vehicle hitting a deer. The nature of these accidents is such that they were not caused by the intersection configuration itself, but rather other influencing factors and therefore should be excluded from the accident rate calculation. Thus a total of five intersection related accidents occurred during the three year period.

Calculations

$$\text{Accident Rate} = \frac{(\text{5 total accidents in 3.0 years}) * (1{,}000{,}000)}{(\text{365 days/yr.}) * (\text{3.0 years}) * (\text{AADT veh/day})}$$

$$= \frac{(5 * 1{,}000{,}000)}{(365 * 3 * 18227.27)}$$

= 0.25 accidents per million entering vehicles

The statewide average accident rate for the intersection type equals 0.16 accidents per million entering vehicles[1]. Of the other five intersection related accidents, two were side impact collisions cause by vehicles being hit while making a turn, one was a rear end collision into a vehicle stopped at the intersection, one as sideswipe of a car making a left turn due to driver inattention, and the last one had no accident detail in the report. Out of the five accidents, only one involved the injury of one person. Three accidents had less than $1,000 in damage (the remaining two contained no indication of the extent of damages).

Although the Todd Lane at Pleasantville Road intersection exceeds the statewide average accident rate there is no demonstrable pattern of the accidents observed that would indicate a problem with the safety of the intersection. The small amount of additional traffic generated by the proposed development at this intersection will not adversely affect its vehicular safety.

The only other project study intersection that had any accidents during the three year study period was Carleton Avenue and Route 9A. At this location there were only two accidents. Due to the high volume on Route 9A, it can be concluded that the accident rate is below that of the statewide average.

The accident analysis finds small amount of additional traffic at area intersections generated by the proposed Taconic Tract development will not adversely affect vehicular safety at study area intersections.

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[1] Average Accident Rates for State Highways:
https://www.nysdot.gov/divisions/operating/osss/highway-repository/average%20accident%20rates.pdf

NYSDOT Safety Information Management System
Accident Verbal Description Report
All Accidents (Links & Nodes)
Complete Accident Data From NYSDMV Is Only Available thru 31-DEC-2007

Reqn/Cnty: 87 WESTCHESTER Municipality: 31 V BRIARCLIFF MANOR Dates: JAN-01-2005 - DEC-31-2007
Street: TODD LA Links:20135 - 20138 Thru 20138 - 20533

*** Node: 20135 PLEASANTVILLE RD CO40 ***

NOV-05-2006 SUN Persons Killed: 0 Persons Injured: 0 Extent of Injuries: Case: 2006-32106763
Accident Class: PROPERTY DAMAGE Police Agency: NOT ENTERED Num of Veh: 1
Type of Accident: COLLISION WITH DEER Traffic Control: UNKNOWN
Manner of Collision: OTHER Weather: RAIN
Road Surface Condition: WET Road Char.: STRAIGHT AND LEVEL Light Condition: DARK-ROAD LIGHTED
Loc. of Ped/Bicycle: NOT APPLICABLE Action of Ped/Bicycle: NOT APPLICABLE

Veh: 1 CAR/VAN/PICKUP Registered Weight: 2672 State of Registration: NY
Num of Occupants: 1 Driver's Age: 38 Sex: MALE Citation Issued: NO
Direction of Travel: UNKNOWN Public Property Damage: NO School Bus Involved: NO
Pre-Accd Action: GOING STRAIGHT AHEAD
Apparent Factors:UNKNOWN UNKNOWN

MAR-29-2007 THU 09:00AM Persons Killed: 0 Persons Injured: 1 Extent of Injuries: C Case: 2007-32161910
Accident Class: INJURY Police Agency: NOT ENTERED Num of Veh: 2
Type of Accident: COLLISION WITH MOTOR VEHICLE Traffic Control: UNKNOWN
Manner of Collision: UNKNOWN Weather: UNKNOWN
Road Surface Condition: UNKNOWN Road Char.: UNKNOWN Light Condition: UNKNOWN
Loc. of Ped/Bicycle: NOT APPLICABLE Action of Ped/Bicycle: NOT APPLICABLE

Veh: 1 CAR/VAN/PICKUP Registered Weight: 3028 State of Registration: NY
Num of Occupants: 1 Driver's Age: 63 Sex: MALE Citation Issued: NO
Direction of Travel: WEST Public Property Damage: NO School Bus Involved: NO
Pre-Accd Action: GOING STRAIGHT AHEAD
Apparent Factors:UNKNOWN UNKNOWN

Veh: 2 OTHER Registered Weight: UNKNOWN State of Registration: UNKNOWN
Num of Occupants: 0 Driver's Age: UNKNOWN Sex: UNKNOWN Citation Issued: NO
Direction of Travel: UNKNOWN Public Property Damage: NO School Bus Involved: NO
Pre-Accd Action: UNKNOWN
Apparent Factors:UNKNOWN UNKNOWN

APR-25-2007 WED 10:05AM Persons Killed: 0 Persons Injured: 0 Extent of Injuries: Case: 2007-32180661
Accident Class: NON-REPORTABLE Police Agency: BRIARCLIFF MANOR PD Num of Veh: 2
Type of Accident: COLLISION WITH MOTOR VEHICLE Traffic Control: NONE
Manner of Collision: SIDESWIPE Weather: CLEAR
Road Surface Condition: DRY Road Char.: STRAIGHT/ GRADE Light Condition: DAYLIGHT
Loc. of Ped/Bicycle: NOT APPLICABLE Action of Ped/Bicycle: NOT APPLICABLE

Veh: 1 CAR/VAN/PICKUP Registered Weight: 3589 State of Registration: NY
Num of Occupants: 1 Driver's Age: 61 Sex: FEMALE Citation Issued: NO
Direction of Travel: EAST Public Property Damage: NO School Bus Involved: NO
Pre-Accd Action: MAKING LEFT TURN

Regn/Cnty: 87 WESTCHESTER Municipality: 31 V BRIARCLIFF MANOR Dates: JAN-01-2005 - DEC-31-2007
Street: TODD LA Links:20135 - 20138 Thru 20138 - 20533

*** Node: 20135 PLEASANTVILLE RD CO40 (Continued) ***

Apparent Factors:NOT APPLICABLE NOT APPLICABLE

Veh: 2 TRUCK Registered Weight: UNKNOWN State of Registration: NJ
Num of Occupants: 1 Driver's Age: 36 Sex: MALE Citation Issued: NO
Direction of Travel: EAST Public Property Damage: NO School Bus Involved: NO
Pre-Accd Action: GOING STRAIGHT AHEAD
Apparent Factors:DRIVER INATTENTION NOT APPLICABLE
Truck/Bus Clsf.: 3 AX TRAILER, 3 AX TRACTOR BOX

*** Link: 20135 - 20138 ***

FEB-14-2007 WED 11:10AM Persons Killed: 0 Persons Injured: 0 Extent of Injuries: Case: 2007-32110732
Accident Class: PROPERTY DAMAGE Police Agency: NOT ENTERED Num of Veh: 1
Type of Accident: COLLISION WITH GUIDERAIL - END Traffic Control: UNKNOWN
Manner of Collision: OTHER Weather: SLEET/HAIL/FREEZING RAIN
Road Surface Condition: SNOW/ICE Road Char.: CURVE AND LEVEL Light Condition: DAYLIGHT
Loc. of Ped/Bicycle: NOT APPLICABLE Action of Ped/Bicycle: NOT APPLICABLE

Veh: 1 CAR/VAN/PICKUP Registered Weight: 5648 State of Registration: NY
Num of Occupants: 1 Driver's Age: 18 Sex: FEMALE Citation Issued: NO
Direction of Travel: SOUTH Public Property Damage: NO School Bus Involved: NO
Pre-Accd Action: MAKING RIGHT TURN
Apparent Factors:UNKNOWN UNKNOWN

TOTAL NUMBER OF ACCIDENTS PRINTED: 4

ABSENCE OF NODE OR LINK WITHIN A SPECIFIED ROADWAY SECTION + TIME PERIOD INDICATES NO ACCIDENTS FOUND

*** END OF REPORT ***

Accident#: BM-00209-05
Blotter#: BM-006994-05

POLICE ACCIDENT REPORT

MV-104A

☐ AMENDED REPORT

DMV COPY

Accident Date Month	Day	Year	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
9	9	2005	FR	08:06	2	0	0			

VEHICLE 1 — ☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

	VEHICLE 1	VEHICLE 2
License ID Number	440857932	
State of Lic.	NY	
Driver Name-exactly as printed on license	BERGMANN, TYRONE S	LALVAY, MANUEL
Address (Included Number & Street)	1841 CENTRAL PARK AVENUE	60 LINDEN AVENUE
Apt. No	15B	
City or Town	YONKERS	OSSINING
State	NY	NY
Zip Code	10710-	10562-
Date of Birth (Month Day Year)	5 31 1985	4 19 1969
Sex	M	M
Unlicensed	☐	☐
No. of Occup.	1	1
Public Property Damaged	☐	☐
Name-exactly as printed on registration	LEWIS, WELDON N	LALVAY, LUIS
Sex	M	M
Date of Birth (Month Day Year)	7 23 1965	1 21 1978
Address (Include Number & Street)	799 ALBANY STREET 404	75 BROADWAY STREET
Apt No		
Haz. Mat. Code		
Released	☐	☐
City or Town	SCHENECTADY	OSSINING
State	NY	NY
Zip Code	12307-	10562-
Plate Number	DBP5240	DBF7751
Reg State	NY	NY
Veh Year & Make	1994 NISSAN	1994 CHEV
Veh Type	4D	VAN
Ins. Code	XXX	648
Ticket/Arrest Number(s)	LU 380518	
Violation Section(s)	512	

VEHICLE 1

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	11	12			
Enter up to three more Damage Codes			10	0	0

Vehicle Towed: By BOB'S TOWING To BOB'S TOWING

VEHICLE 2

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	3	4			
Enter up to three more Damage Codes			0	0	0

Vehicle Towed: By DRIVEN To DRIVEN

Circle the diagram below that describes the accident or draw your own diagram in space #9. Number the vehicles.

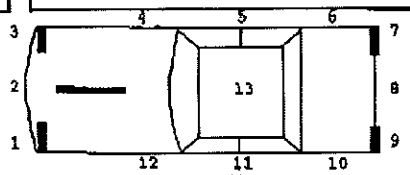
Rear End 2. | Left Turn 3. | Right Angle 4. | Right Turn 5. | Head On 7. | Sideswipe (same direction) 0 | Left Turn 1. | Right Turn 6. | Sideswipe (opp. direction) 8.

ACCIDENT DIAGRAM

9.

VEHICLE DAMAGE CODING:

1-13 See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Cost of repairs to any one vehicle will be more than $1000.
☐ Unknown/Unable to Determine ☐ Yes ☒ No

Reference Marker

Coordinates (if available)
Latitude/Northing: 0.000000
Longitude/Easting: 0.000000

Place Where Accident Occurred:
County WESTCHESTER ☐ City ☒ Village ☐ Town of BRIARCLIFF MANOR
Road on which accident occurred PLEASANTVILLE ROAD (Route Number or Street Name)
at 1) Intersecting Street TODD LANE (Route Number or Street Name)
at 2) Feet Miles ☐ N ☐ E ☐ S ☐ W of (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes
Vehicle #1 making a left turn vehicle #2 behind vehicle #1 could not stop and hit the side of vehicle #1

USE COVER SHEET N

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all Involved	Date of Death Only
A	01	1	2	01	20	M	-	-	-	-	-	BERGMANN, TYRONE S	
B	02	1	X	01	36	M	-	-	-	-	-	LALVAY, MANUEL	
C	-	-	-	-	-	-	-	-	-	-	-		
D	-	-	-	-	-	-	-	-	-	-	-		
E	-	-	-	-	-	-	-	-	-	-	-		
F	-	-	-	-	-	-	-	-	-	-	-		

Officer's Rank and Signature	Badge/No	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
Print Name in Full: SGT DENIS WALDRON	1	NY0593100				

POLICE ACCIDENT REPORT

MV-104A

DMV COPY

Accident#: BM-00290-05
Blotter#: BM-009777-05

☐ AMENDED REPORT

Accident Date Month	Day	Year	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
12	6	2005	TU	14:51	2	0	0			

VEHICLE 1

VEHICLE 1 - Driver License ID Number: State of Lic.

Driver Name-exactly as printed on license: BRANTMAN, DINA L

Address (Included Number & Street): 40 STEPHENSON TERR — Apt. No

City or Town: BRIARCLIFF MANOR — State: NY — Zip Code: 10510-

Date of Birth: Month 12 Day 3 Year 1967 — Sex: F — Unlicensed ☐ — No. of Occup. 1 — Public Property Damaged ☒

Name-exactly as printed on registration: CLM ASSOCIATES, — Sex — Date of Birth Month Day Year

Address (Include Number & Street): 299 KISCO AVE — Apt. No — Haz. Mat. Code — Released ☐

City or Town: MT. KISCO — State: NY — Zip Code: 10549-

Plate Number: CGX4564 — Reg State: NY — Veh Year & Make: 2000 VOLVO — Veh Type: PAS — Ins. Code: 365

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle is:
- ☐ more than 95 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

Box 1-Point of Impact: 1 — Box 2-Most Damage: 19 — 2

Enter up to three more Damage Codes: 3 0 — 4 0 — 5 0

Vehicle Towed: By — To

☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: State of Lic.

Driver Name-exactly as printed on license: BAISLEY, DAMON R

Address (Included Number & Street): P.O. BOX 2323 — Apt. No

City or Town: PEEKSKILL — State: NY — Zip Code: 10566-

Date of Birth: Month 10 Day 3 Year 1974 — Sex: M — Unlicensed ☐ — No. of Occup. 1 — Public Property Damaged ☐

Name-exactly as printed on registration: BAISLEY, EARNEST M — Sex: M — Date of Birth Month 9 Day 25 Year 1971

Address (Include Number & Street): 3186 HOLLYWOOD STREET — Apt. No — Haz. Mat. Code — Released ☐

City or Town: MOHEGAN LAKE — State: NY — Zip Code: 10547

Plate Number: DDJ5418 — Reg State: NY — Veh Year & Make: 2002 DODGE — Veh Type: PAS — Ins. Code: 483

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle is:
- ☐ more than 95 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

Box 1-Point of Impact: 1 — Box 2-Most Damage: 18 — 2

Enter up to three more Damage Codes: 3 0 — 4 0 — 5 0

Vehicle Towed: By — To

Circle the diagram below that describes the accident or draw your own diagram in space #9. Number the vehicles.

Rear End — Left Turn — Right Angle — Right Turn — Head On — Sideswipe (same direction) — Left Turn — Right Turn — Sideswipe (opp. direction)

ACCIDENT DIAGRAM

VEHICLE DAMAGE CODING:

1-13 See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER

Cost of repairs to any one vehicle will be more than $1000. ☐ Unknown/Unable to Determine ☐ Yes ☒ No

Reference Marker

Coordinates (if available)
Latitude/Northing: 0.000000
Longitude/Easting: 0.000000

Place Where Accident Occurred:
County WESTCHESTER ☐ City ☒ Village ☐ Town of BRIARCLIFF MANOR
Road on which accident occurred: PLEASANTVILLE RD (Route Number or Street Name)
at 1) Intersecting Street
at 2) 10 Feet Miles ☐ N ☐ E ☐ S ☒ W of TODD LN (Route Number or Street Name) (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes

Operators of vehicle #1 states she was struck from behind as she was traveling east on Pleasantville Rd. Operator of vehicle #2 states he slid on the steel plates that are on the ground due to construction. This officer did not witness this accident. No injuries reported on scene.

USE COVER SHEET: N

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	01	1	4	-	38	F	-	-	-	-	-	BRANTMAN, DINA L	
B	02	1	4	-	31	M	-	-	-	-	-	BAISLEY, DAMON R	
C	-	-	-	-	-	-	-	-	-	-	-		
D	-	-	-	-	-	-	-	-	-	-	-		
E	-	-	-	-	-	-	-	-	-	-	-		
F	-	-	-	-	-	-	-	-	-	-	-		

Officer's Rank and Signature / Print Name in Full	Badge/No	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
PO HAROLD NEWMAN	105	NY0593100	EAST			

Local Codes
Accident#: BM-00189-06
Blotter#: BM-007055-06

POLICE ACCIDENT REPORT

MV-104A

☐ AMENDED REPORT

DMV COPY

Accident Date Month	Day	Year	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene	Police Photos
8	11	2006	FR	19:00	2	0	0		☐	☐ Yes ☒ No

VEHICLE 1	VEHICLE 2 (☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN)
VEHICLE 1 - Driver License ID Number: C01831537702852 — State of Lic.: NJ	VEHICLE 2 - Driver License ID Number: 297481148 — State of Lic.: NY
Driver Name-exactly as printed on license: CAIN, DANIEL P	Driver Name-exactly as printed on license: YOUSEF, HITHAM
Address (Included Number & Street): 1341 BLACKWOOD CLEMENTON ROAD — Apt. No:	Address (Included Number & Street): 609 VANCTND PK AV — Apt. No: 3D
City or Town: CLEMENTON — State: NJ — Zip Code: 08021-	City or Town: YONKERS — State: NY — Zip Code: 10705
Date of Birth: 03 / 2 / 9 / 1985 — Sex: M — Unlicensed: ☐ — No. of Occup.: 1 — Public Property Damaged: ☐	Date of Birth: Month 7 / Day 20 / Year 1984 — Sex: M — Unlicensed: ☐ — No. of Occup.: 1 — Public Property Damaged: ☐
Name-exactly as printed on registration: CAIN, GLORIA P — Sex: F — Date of Birth: Month / Day / Year	Name-exactly as printed on registration: YOUSEF, SUMAYA — Sex: F — Date of Birth: Month 3 / Day 19 / Year 1962
Address (Include Number & Street): 1341 BLACKWOOD CLEMENTON — Apt. No: — Haz. Mat. Code: — Released: ☐	Address (Include Number & Street): 68 CROTON AVE — Apt. No: 3C — Haz. Mat. Code: — Released: ☐
City or Town: CLEMENTON — State: NJ — Zip Code: 08021-	City or Town: OSSINING — State: NY — Zip Code: 10562-
Plate Number: SVX85A — Reg State: NJ — Veh Year & Make: 1996 DODGE — Veh Type: VAN — Ins. Code: 961	Plate Number: DLD9300 — Reg State: NY — Veh Year & Make: 2003 CADILLAC — Veh Type: 4D — Ins. Code: 607
Ticket/Arrest Number(s):	Ticket/Arrest Number(s): LU381540
Violation Section(s):	Violation Section(s): 511-2

VEHICLE 1

Check if involved vehicle is:
- ☐ more than 95 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	3	4			
Enter up to three more Damage Codes					

Vehicle Towed: By / To

VEHICLE 2

Check if involved vehicle is:
- ☐ more than 95 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

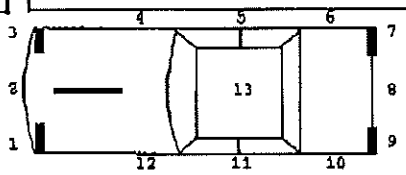
VEHICLE 2 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	1	2			
Enter up to three more Damage Codes			3	4	

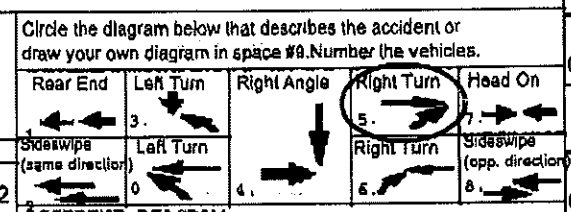
Vehicle Towed: By A&P TOWING / To A&P TOWING

VEHICLE DAMAGE CODING:

1-13 See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Circle the diagram below that describes the accident or draw your own diagram in space #9. Number the vehicles.



ACCIDENT DIAGRAM

9.

Cost of repairs to any one vehicle will be more than $1000.
☐ Unknown/Unable to Determine ☐ Yes ☒ No

Reference Marker	Coordinates (if available)	Place Where Accident Occurred
	Latitude/Northing: 0.000000	County: WESTCHESTER ☐ City ☒ Village ☐ Town of BRIARCLIFF MANOR
	Longitude/Easting: 0.000000	Road on which accident occurred: PLEASANTVILLE ROAD (Route Number or Street Name)
		at 1) Intersecting Street: TODD LANE (Route Number or Street Name)
		at 2) Feet Miles ☐N ☐E ☐S ☐W of (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes

USE COVER SHEET N

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	01	1	4	-	21	M	-	-	-	-	-	CAIN, DANIEL P	
B	02	1	4	-	22	M	-	-	-	-	-	YOUSEF, HITHAM	
C	-	-	-	-	-	-	-	-	-	-	-		
D	-	-	-	-	-	-	-	-	-	-	-		
E	-	-	-	-	-	-	-	-	-	-	-		
F	-	-	-	-	-	-	-	-	-	-	-		

Officer's Rank and Signature	Badge/No	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
Print Name in Full: SGT DENIS WALDRON	1	NY0593100	EAST			

Accident#: BM-00314-07
Blotter#: BM-013762-07

POLICE ACCIDENT REPORT

MV-104A

☐ AMENDED REPORT

DMV COPY

19: 26

Accident Date Month	Day	Year	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene	Police Photos ☐ Yes ☒ No
12	18	2007	TU	18:38	2	0	0			

20: –

VEHICLE 1

VEHICLE 1 - Driver License ID Number: 816640596 — State of Lic.: NY

Driver Name-exactly as printed on license: MEDD, STEVEN B

Address(Included Number & Street): 23 SCENIC DR. — Apt. No: F

City or Town: CROTON ON HUDSON — State: NY — Zip Code: 10520-

Date of Birth: Month 3, Day 3, Year 1975 — Sex: M — Unlicensed ☐ — No. of Occup.: 1 — Public Property Damaged ☐

Name-exactly as printed on registration: MEDD, STEVEN B — Sex: M — Date of Birth: Month 3, Day 3, Year 1975

Address(Include Number & Street): 23 SCENIC DR. — Apt. No: F — Haz. Mat. Code: — Released ☐

City or Town: CROTON ON HUDSON — State: NY — Zip Code: 10520-

Plate Number: CNA9371 — Reg State: NY — Veh Year & Make: 2002 HONDA — Veh Type: 2D — Ins. Code: 607

Ticket/Arrest Number(s):

Violation Section(s):

☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: 854268671 — State of Lic.: NY

Driver Name-exactly as printed on license: DEALTO, GREGORY J

Address(Included Number & Street): 10 ROSE HILL RD. — Apt. No:

City or Town: BRIARCLIFF MNR — State: NY — Zip Code: 10510-

Date of Birth: Month 6, Day 3, Year 1989 — Sex: M — Unlicensed ☐ — No. of Occup.: 1 — Public Property Damaged ☐

Name-exactly as printed on registration: DEALTO, JAMES T — Sex: M — Date of Birth: Month 2, Day 5, Year 1959

Address(Include Number & Street): 10 ROSE HILL ROAD — Apt. No: — Haz. Mat. Code: — Released ☐

City or Town: BRIARCLIFF MANOR — State: NY — Zip Code: 10510-

Plate Number: DPX3758 — Reg State: NY — Veh Year & Make: 2005 MAZDA — Veh Type: — Ins. Code: 341

Ticket/Arrest Number(s):

Violation Section(s):

21: 09 — 22: – — 23: 3 — 24: 3

VEHICLE 1

Check if involved vehicle is:
- ☐ more than 96 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	8	8			

Enter up to three more Damage Codes

Vehicle Towed: By NOT TOWED — To NOT TOWED

VEHICLE 2

Check if involved vehicle is:
- ☐ more than 96 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

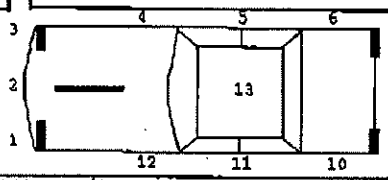
	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	2	2			

Enter up to three more Damage Codes

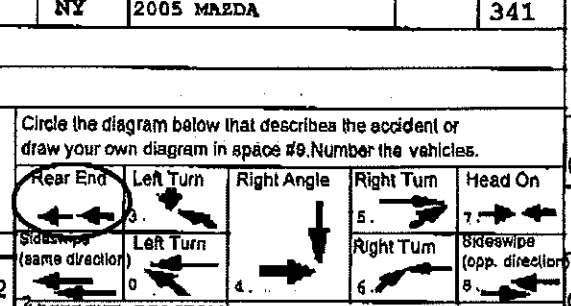
Vehicle Towed: By NOT TOWED — To NOT TOWED

VEHICLE DAMAGE CODING:

1-13 See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Circle the diagram below that describes the accident or draw your own diagram in space #9. Number the vehicles.



ACCIDENT DIAGRAM

9.

Cost of repairs to any one vehicle will be more than $1000.
☒ Unknown/Unable to Determine ☐ Yes ☐ No

25: 08 — 26: 01 — 27: 1 — 28: 01

Reference Marker

Coordinates (if available)
Latitude/Northing: 0.000000
Longitude/Easting: 0.000000

Place Where Accident Occurred:
County WESTCHESTER ☐ City ☒ Village ☐ Town of BRIARCLIFF MANOR
Road on which accident occurred: PLEASANTVILLE RD (Route Number or Street Name)
at 1) Intersecting Street (Route Number or Street Name)
at 2) 10 Feet Miles ☐ N ☐ E ☐ S ☒ W of TODD LN (Milepost, Nearest Intersecting Route Number or Street Name)

29: –

Accident Description/Officer's Notes

V1 stopped in traffic to allow an uninvolved vehicle ahead of him to make a left turn onto Todd Ln. was struck from behind by V2.

30: –

USE COVER SHEET: N

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	01	1	X	01	32	M	X	X	6	–	–	MEDD, STEVEN B	
B	02	1	X	01	18	M	X	X	6	–	–	DEALTO, GREGORY J	
C	–	–	–	–	–	–	–	–	–	–	–		
D	–	–	–	–	–	–	–	–	–	–	–		
E	–	–	–	–	–	–	–	–	–	–	–		
F	–	–	–	–	–	–	–	–	–	–	–		

Officer's Rank and Signature	Badge/No	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
Print Name in Full: PO FELIPE E ANASTACIO	109	NY0593100	EAST			

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (7/01)

DMV COPY

Local Codes
Accident#:MP-00872-06
Blotter#:MP-019351-06

☐ AMENDED REPORT

19 07

Accident Date Month	Day	Year	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☒ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
12	6	2006	We	15:45	2	0	0			

20 13

VEHICLE 1	VEHICLE 2 (☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN)
VEHICLE 1 - Driver License ID Number: 196078543 — State of Lic.: NY	VEHICLE 2 - Driver License ID Number: 155734179 — State of Lic.: NY
Driver Name-exactly as printed on license: ELDRIDGE, CLARA E	Driver Name-exactly as printed on license: STEELE, MICHAEL J
Address(Included Number & Street): 2009 KENDAL WAY — Apt. No:	Address(Included Number & Street): 46 WINNIE LN — Apt. No:
City or Town: SLEEPY HOLLOW — State: NY — Zip Code: 10591-	City or Town: POUGHKEEPSIE — State: NY — Zip Code: 12603-
Date of Birth: 4 / 4 / 1917 — Sex: F — Unlicensed: ☐ — No. of Occup.: 1 — Public Property Damaged: ☐	Date of Birth: 7 / 31 / 1970 — Sex: M — Unlicensed: ☐ — No. of Occup.: 1 — Public Property Damaged: ☐
Name-exactly as printed on registration: ELDRIDGE, CLARA E — Sex: F — Date of Birth: 4 / 4 / 1917	Name-exactly as printed on registration: STEELE, MICHAEL J — Sex: M — Date of Birth: 7 / 31 / 1970
Address(Include Number & Street): 2009 KENDAL WAY — Apt. No: — Haz. Mat. Code: — Released: ☐	Address(Include Number & Street): 46 WINNIE LN — Apt. No: — Haz. Mat. Code: — Released: ☐
City or Town: SLEEPY HOLLOW — State: NY — Zip Code: 10591-	City or Town: POUGHKEEPSIE — State: NY — Zip Code: 12603-
Plate Number: BHP3324 — Reg State: NY — Veh Year & Make: 2000 TOYOTA — Veh Type: 4DR — Ins. Code: 328	Plate Number: CSW8081 — Reg State: NY — Veh Year & Make: 1995 FORD — Veh Type: P/U — Ins. Code: 328
Ticket/Arrest Number(s): LV 539864 3	Ticket/Arrest Number(s): LV 539865 4
Violation Section(s): VTL 319-1	Violation Section(s): VTL 319-1

1 – 2 – 3 – 4 01 – 5 02 – 6 01 – 7 01 – 21 – 22 – 23 01 – 24 01

VEHICLE 1 — Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	10	10			
Enter up to three more Damage Codes			9	8	7

Vehicle Towed: By / To

VEHICLE 2 — Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

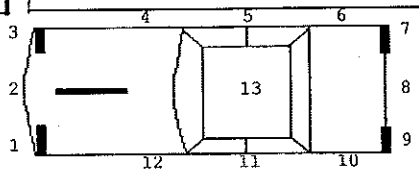
VEHICLE 2 DAMAGE CODES

	1	2	3	4	5
Box 1-Point of Impact / Box 2-Most Damage	3	4			
Enter up to three more Damage Codes			5	1	12

Vehicle Towed: By / To

VEHICLE DAMAGE CODING:

1-13 See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



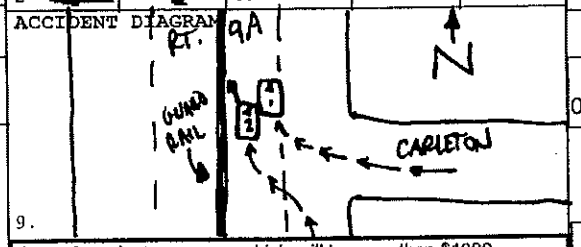
25 12

Check the diagram below that describes the accident or draw your own diagram in the space provided(9).Number the vehicles.

Rear End 1. — Left Turn 3. — Right Angle — Right Turn 5. — Head On 7.
Overtaking 2. — Left Turn 0. — 4. — Right Turn 6. — Sideswipe 8.

26 01

ACCIDENT DIAGRAM



27 01

Cost of repairs to any one vehicle will be more than $1000.
☐ Unknown/Unable to Determine ☒ Yes ☐ No

28 01

Reference Marker	Coordinates (if available)	Place Where Accident Occurred
	Longitude/Northing: -073.82143	County: WESTCHESTER ☐ City ☐ Village ☐ Town of PLEASANTVILLE
	Latitude/Easting: +41.14695	Road on which accident occurred: ROUTE 9A (Route Number or Street Name)
		at 1) Intersecting Street: CARLETON (Route Number or Street Name)
		at 2) ____ Feet Miles ☐N ☐E ☐S ☐W of ____ (Route Number or Street Name)

29 –

Accident Description/Officer's Notes

OP 1 MADE A RIGHT TURN FROM CARLETON ONTO RT 9A N/B AND IMMEDIATELY WENT FROM RIGHT LANE TO LEFT LANE. OP 2 TRAVELING N/B ON RT 9A IN RIGHT LANE MOVED OVER TO LEFT LANE AS VEH 1 WAS TURNING ONTO 9A. REAR DRIVER SIDE OF VEH 1 STRUCK THE PASSENGER SIDE FRONT OF VEH 2 IN LEFT LANE. VEH 2 THEN STRUCK GUARD RAIL WITH DRIVER SIDE FRONT. VEH 1 STATE FARM #424 1478-F21-52L EXP. 6/21/06. VEH 2 STATE FARM #61 8608-E14-52 EXP. 11/14/06.

30 12

USE COVER SHEET N

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	01	01	04	01	89	F	–	–	–	–	–	ELDRIDGE, CLARA E	
B	02	01	04	01	36	M	–	–	–	–	–	STEELE, MICHAEL J	
C	–	–	–	–	–	–	–	–	–	–	–		
D	–	–	–	–	–	–	–	–	–	–	–		
E	–	–	–	–	–	–	–	–	–	–	–		
F	–	–	–	–	–	–	–	–	–	–	–		

Officer's Rank and Signature	Badge/No	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
Po Jeffrey R Golczewski #123	123	0595700	4		BM	12/7/06

Print Name in Full: PO JEFFREY R GOLCZEWSKI

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (7/01)

DMV COPY

Local Codes
Accident#:MP-00824-07
Blotter#:MP-017930-07

☐ AMENDED REPORT

19 07

Accident Date Month	Day	Year	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene	Police Photos
12	4	2007	Tu	17:15	2	0	0		[X]	☐ Yes [X] No

20 –

VEHICLE 1

VEHICLE 1 - Driver License ID Number: State of Lic.
Driver Name-exactly as printed on license
Address(Included Number & Street): Apt. No
City or Town: State: Zip Code

Date of Birth Month 0 Day 0 Year 0 | Sex | Unlicensed ☐ | No. of Occup. 1 | Public Property Damaged ☐

Name-exactly as printed on registration: PURUNCAJAS, MANUEL | Sex M | Date of Birth Month 1 Day 10 Year 1956

Address(Include Number & Street): 1744 LINCOLN TER | Apt No | Haz. Mat. Code | Released ☐

City or Town: PEEKSKILL | State NY | Zip Code 10566-

Plate Number DZB7767 | Reg State NY | Veh Year & Make 1991 GEO | Veh Type 4DR | Ins. Code 287

Ticket/Arrest Number(s)
Violation Section(s)

VEHICLE 2

[X] VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: 784107066 | State of Lic. NY
Driver Name-exactly as printed on license: TOMIZAWA, PAUL A
Address(Included Number & Street): 144-28 GRAND CNTR PY | Apt. No
City or Town: BRIARWOOD | State NY | Zip Code 11435-

Date of Birth Month 10 Day 1 Year 1966 | Sex M | Unlicensed ☐ | No. of Occup. 1 | Public Property Damaged ☐

Name-exactly as printed on registration: TOMIZAWA, PAUL A | Sex M | Date of Birth Month 10 Day 1 Year 1966

Address(Include Number & Street): 144-28 GRAND CNTR PY | Apt No | Haz. Mat. Code | Released ☐

City or Town: BRIARWOOD | State NY | Zip Code 11435-

Plate Number CCU9137 | Reg State NY | Veh Year & Make 2002 HONDA | Veh Type 4DR | Ins. Code 639

Ticket/Arrest Number(s)
Violation Section(s)

2 – | 3 03 | 4 05 | 5 05 | 6 01 | 7 02 | 21 – | 22 – | 23 02 | 24 01

VEHICLE 1

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES
Box 1-Point of Impact 1 | Box 2-Most Damage 2
Enter up to three more Damage Codes 3 4 5
Vehicle Towed: By / To

VEHICLE 2

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES
Box 1-Point of Impact 1: 3 | Box 2-Most Damage 2
Enter up to three more Damage Codes 3 4 5
Vehicle Towed: By / To

Check the diagram below that describes the accident or draw your own diagram in the space provided(9).Number the vehicles.

Rear End 1 | Left Turn 3 | Right Angle 4 | Right Turn 5 | Head On 7
Overtaking 2 | Left Turn 0 | Right Turn 6 | Sideswipe 8

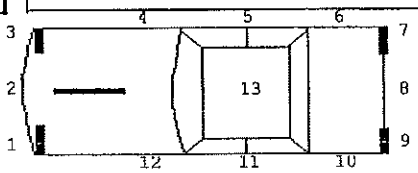
ACCIDENT DIAGRAM

9.

25 02 | 26 01 | 27 01

VEHICLE DAMAGE CODING:

1-13 See diagram on right.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Cost of repairs to any one vehicle will be more than $1000.
[X] Unknown/Unable to Determine ☐ Yes ☐ No

28 01

Reference Marker

Coordinates (if available)
Longitude/Northing: 0.000000
Latitude/Easting: 0.000000

Place Where Accident Occurred:
County WESTCHESTER ☐ City ☐ Village [X] Town of MT PLEASANT
Road on which accident occurred ROUTE 9A (Route Number or Street Name)
at 1) Intersecting Street CARLTON AVE (Route Number or Street Name)
at 2) Feet Miles ☐ N ☐ E ☐ S ☐ W of (Route Number or Street Name)

29 –

Accident Description/Officer's Notes

VEH #2 WAS NORTH BOUND ON ROUTE 9A WHEN VEH #1 PULLED OUT OF CARLTON MAKING A RIGHT ON TO ROUTE 9A NORTH BOUND AND STRUCK VEH # 2. BOTH CARS PULLED OVER AND AS DRIVER #2 GOT OUT OF HIS VEH VEH #1 FLED THE AREA. VEH#2 GEICO 3/6/08 #0365858208

30 –

USE COVER SHEET N

ALL INVOLVED

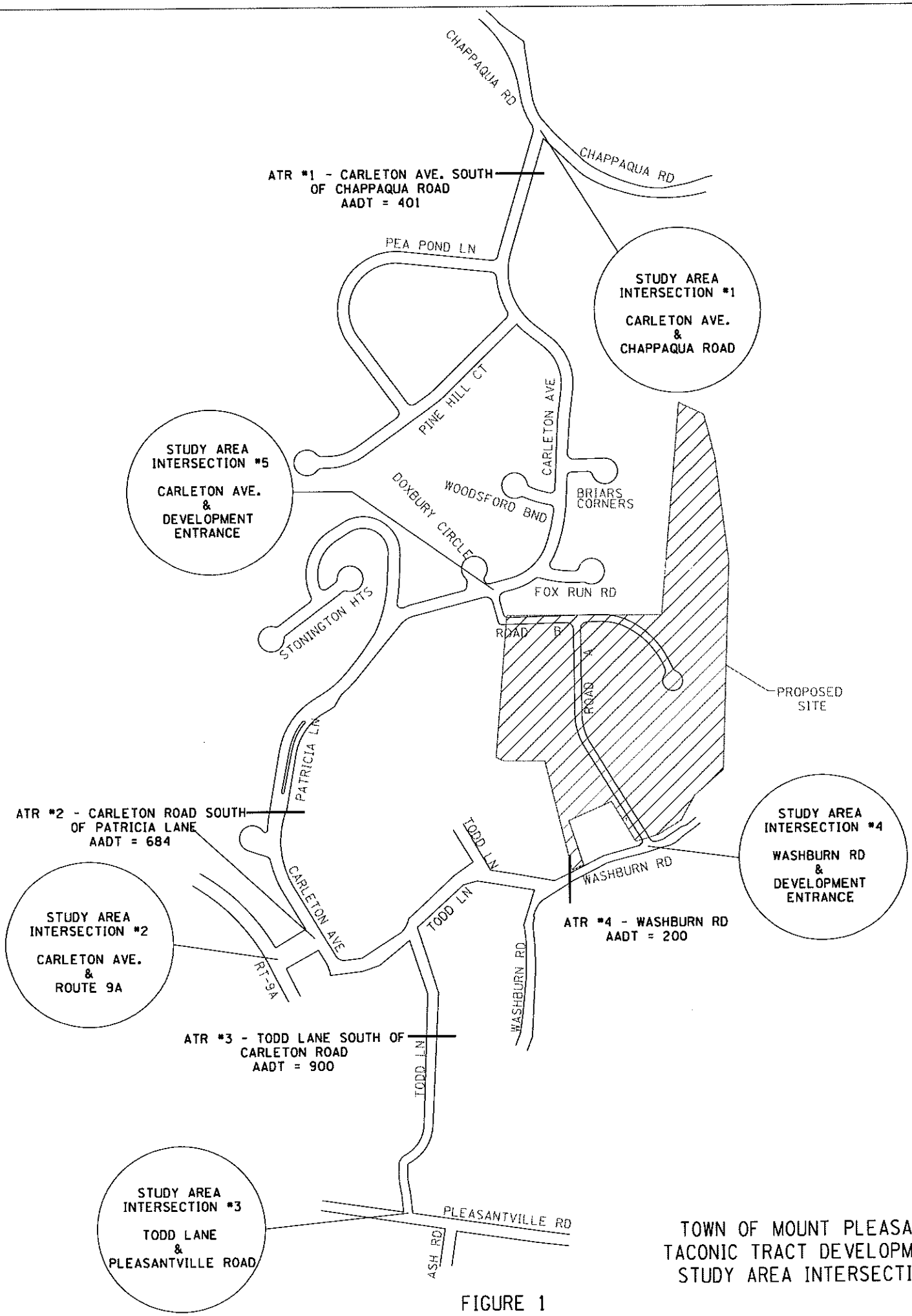
	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	02	01	04	01	41	M	–	–	–	–	–	TOMIZAWA, PAUL A	
B	–	–	–	–	–	–	–	–	–	–	–		
C	–	–	–	–	–	–	–	–	–	–	–		
D	–	–	–	–	–	–	–	–	–	–	–		
E	–	–	–	–	–	–	–	–	–	–	–		
F	–	–	–	–	–	–	–	–	–	–	–		

Officer's Rank and Signature	Badge/No	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
P.O. Ronald X Gagnon	109	0595700	4		BM	12/6/07

Print Name in Full: PO RONALD X GAGNON

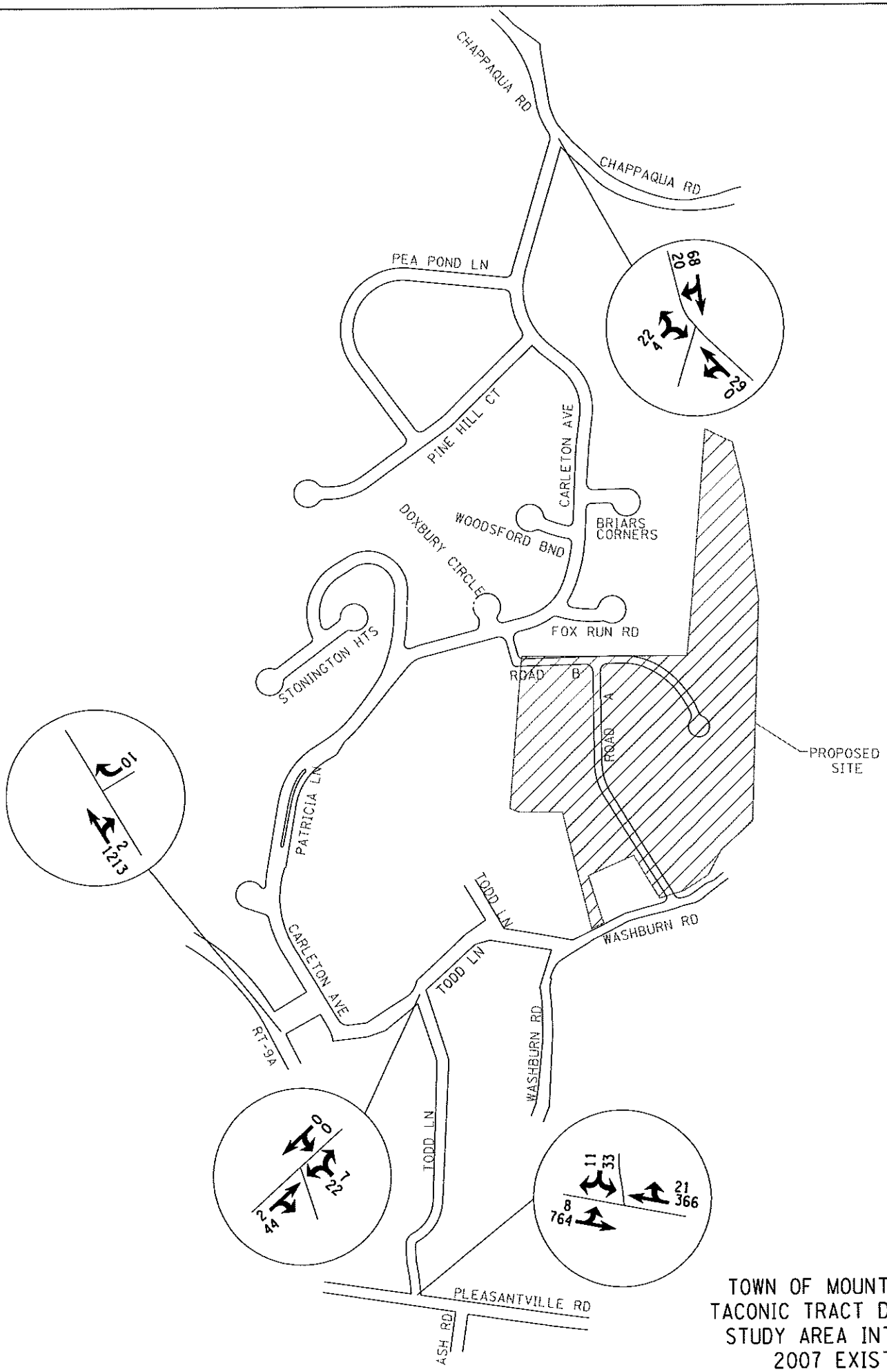
Appendix O

Revised Traffic Exhibits



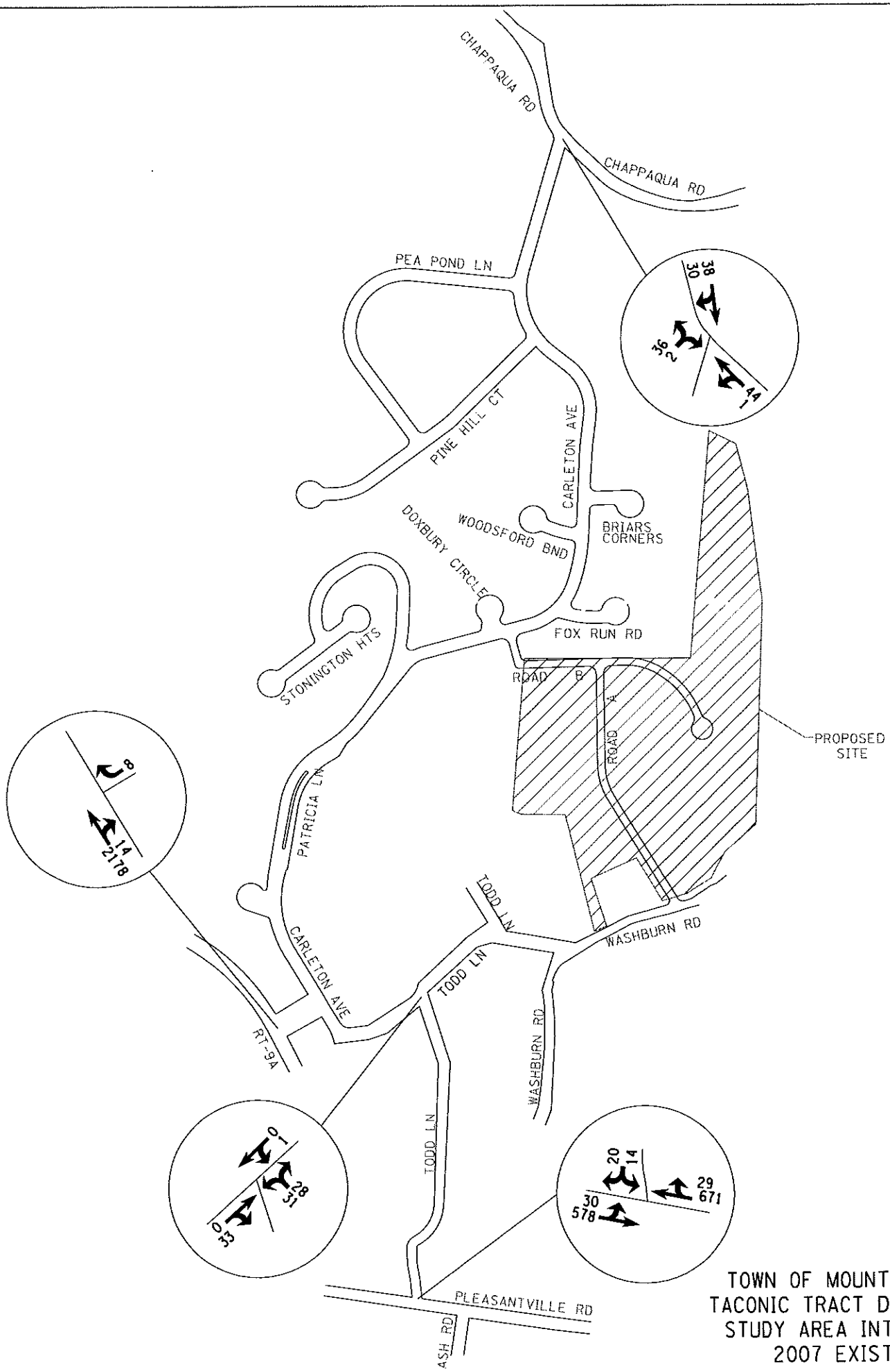
TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS

FIGURE 1



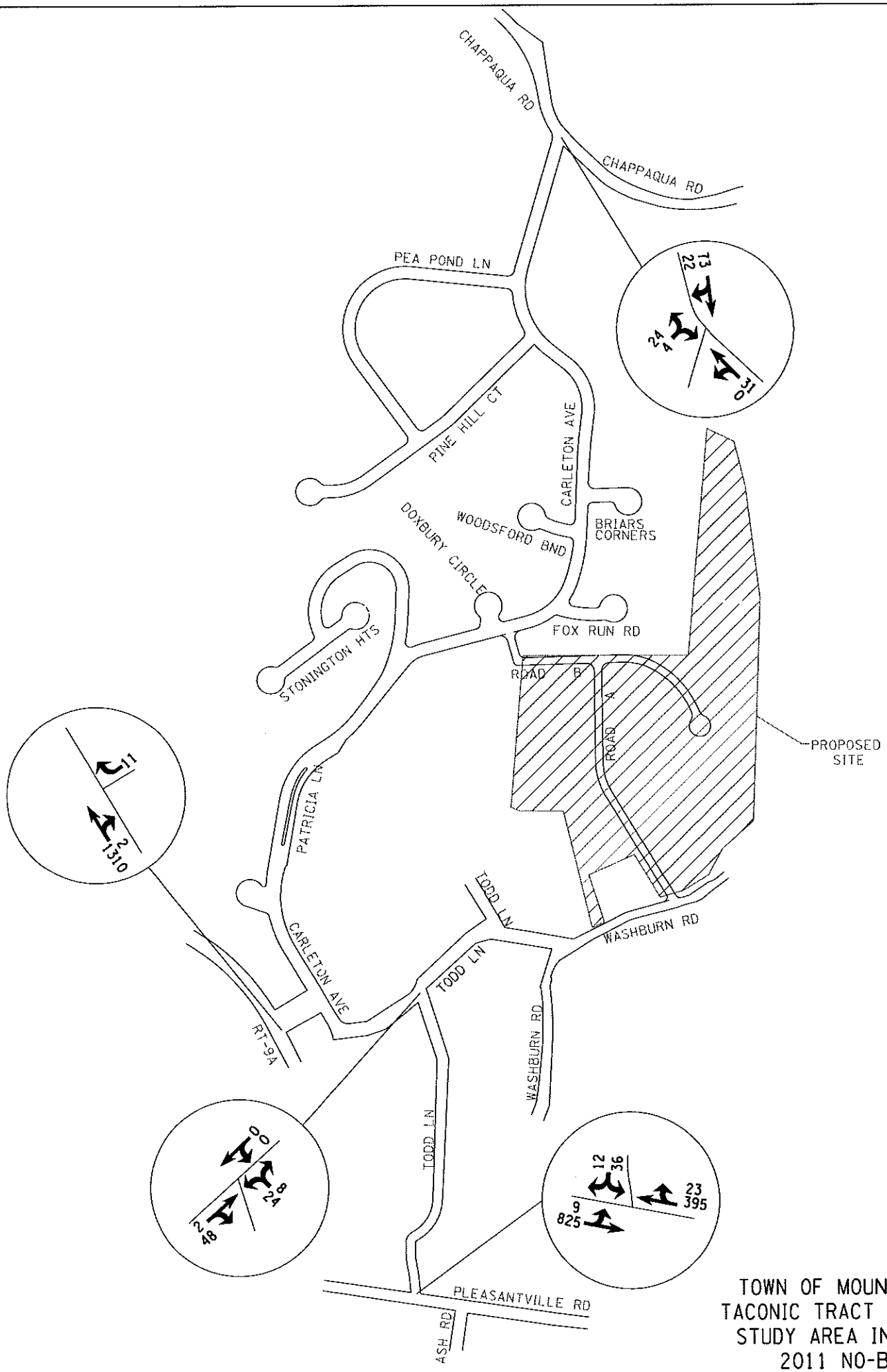
TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS
2007 EXISTING AM

FIGURE 2



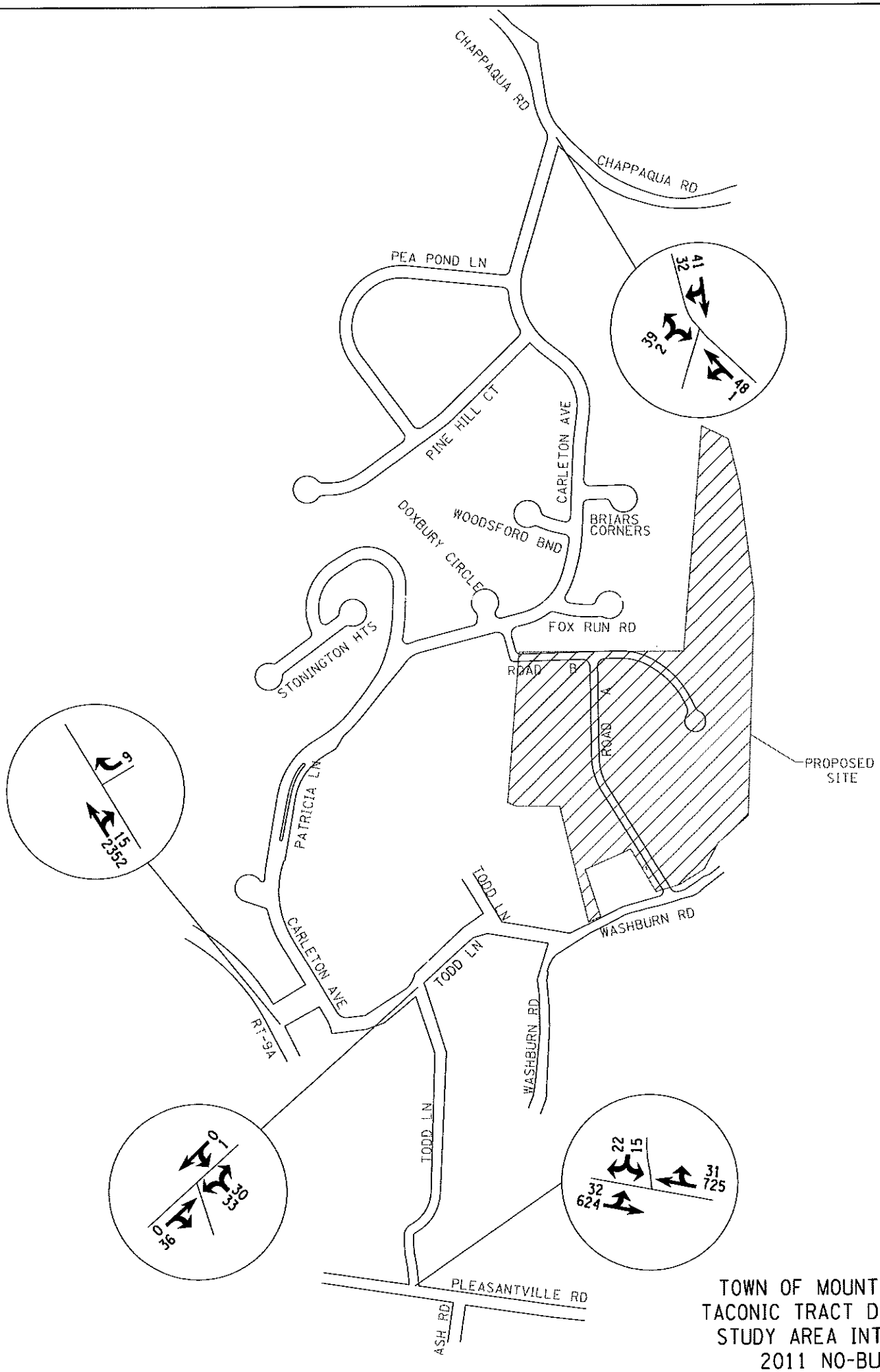
TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS
2007 EXISTING PM

FIGURE 3



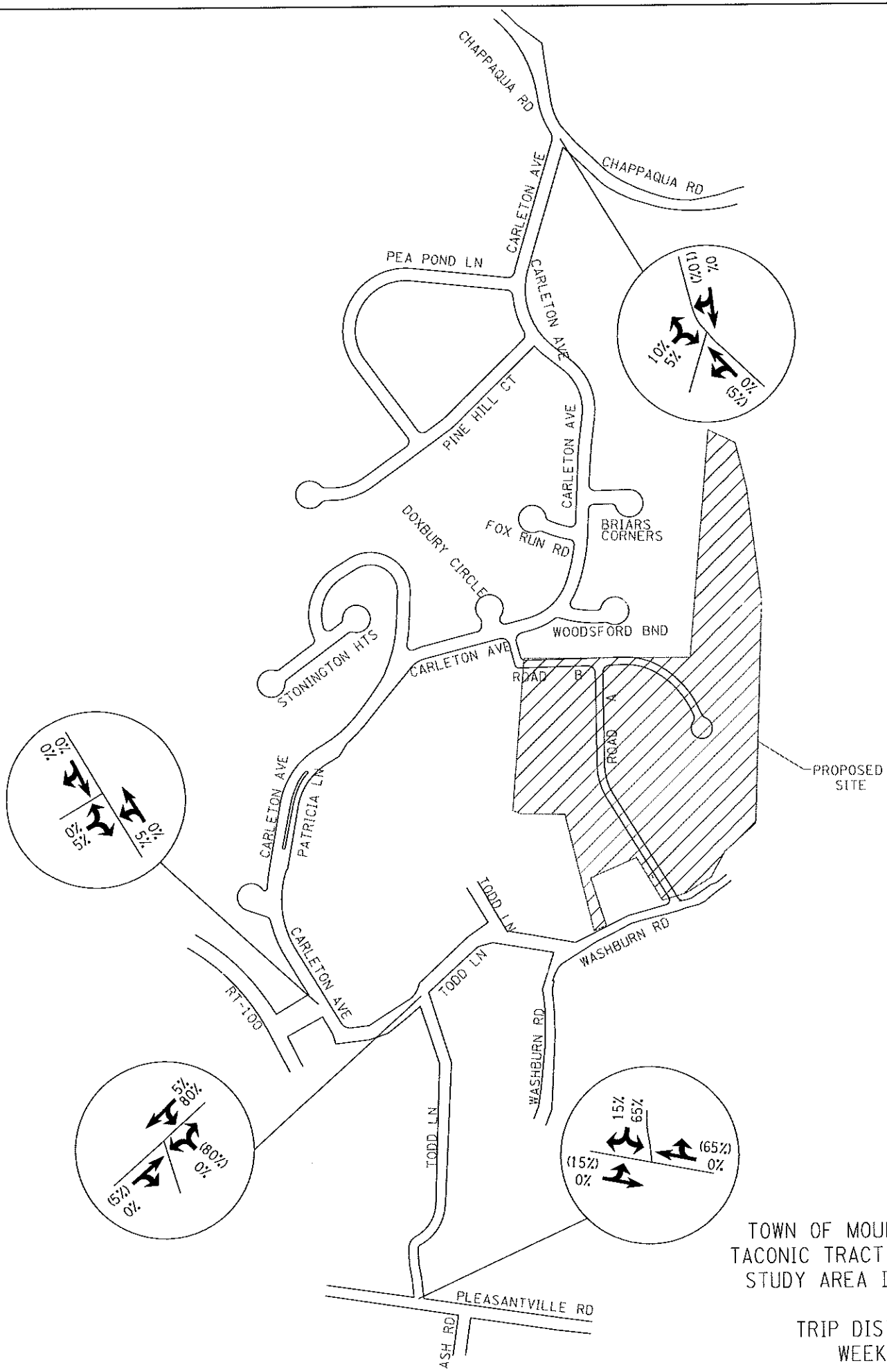
TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS
2011 NO-BUILD AM

FIGURE 4



TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS
2011 NO-BUILD PM

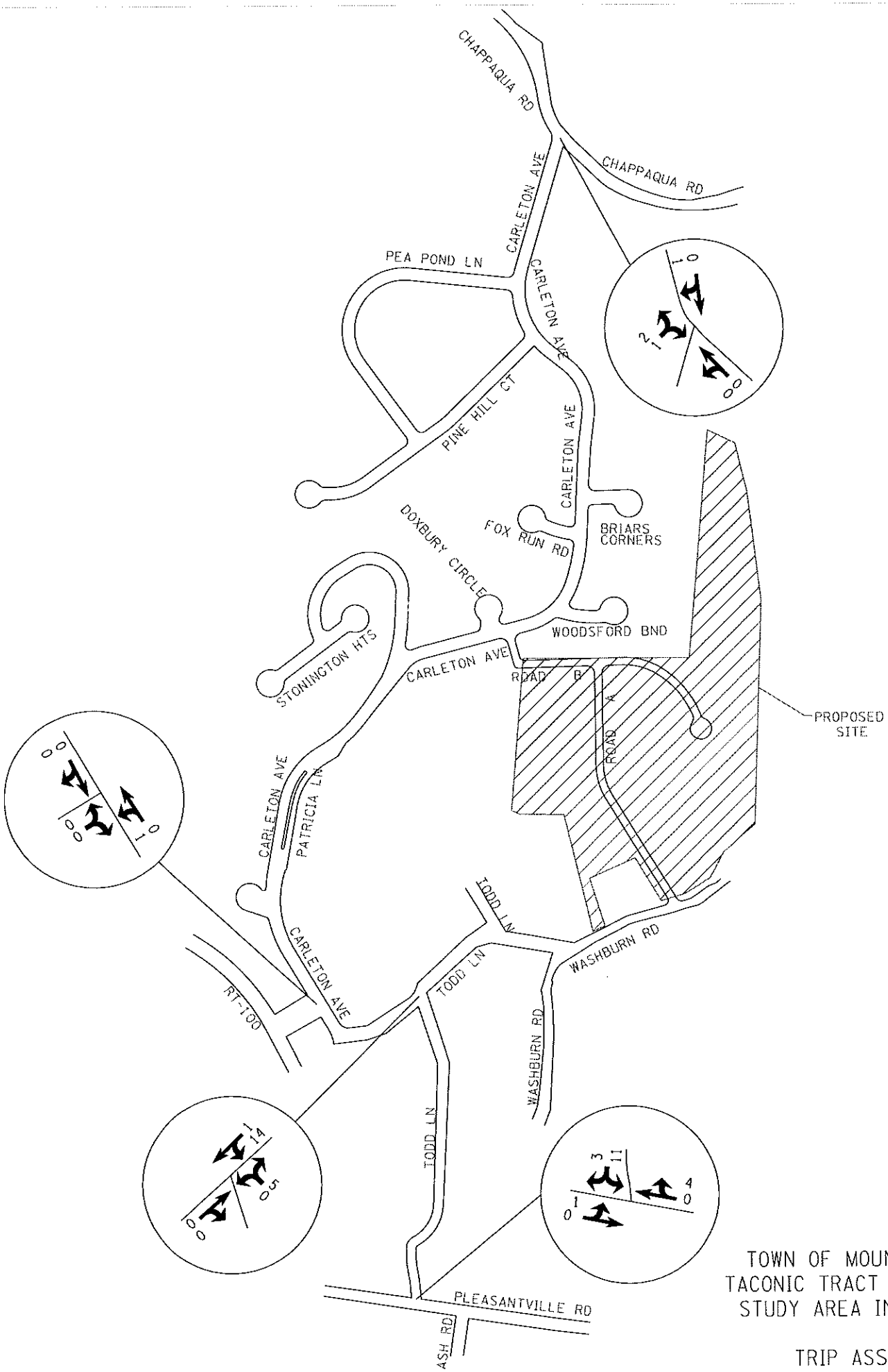
FIGURE 5



TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS

TRIP DISTRIBUTION
WEEKDAY
IN(OUT)

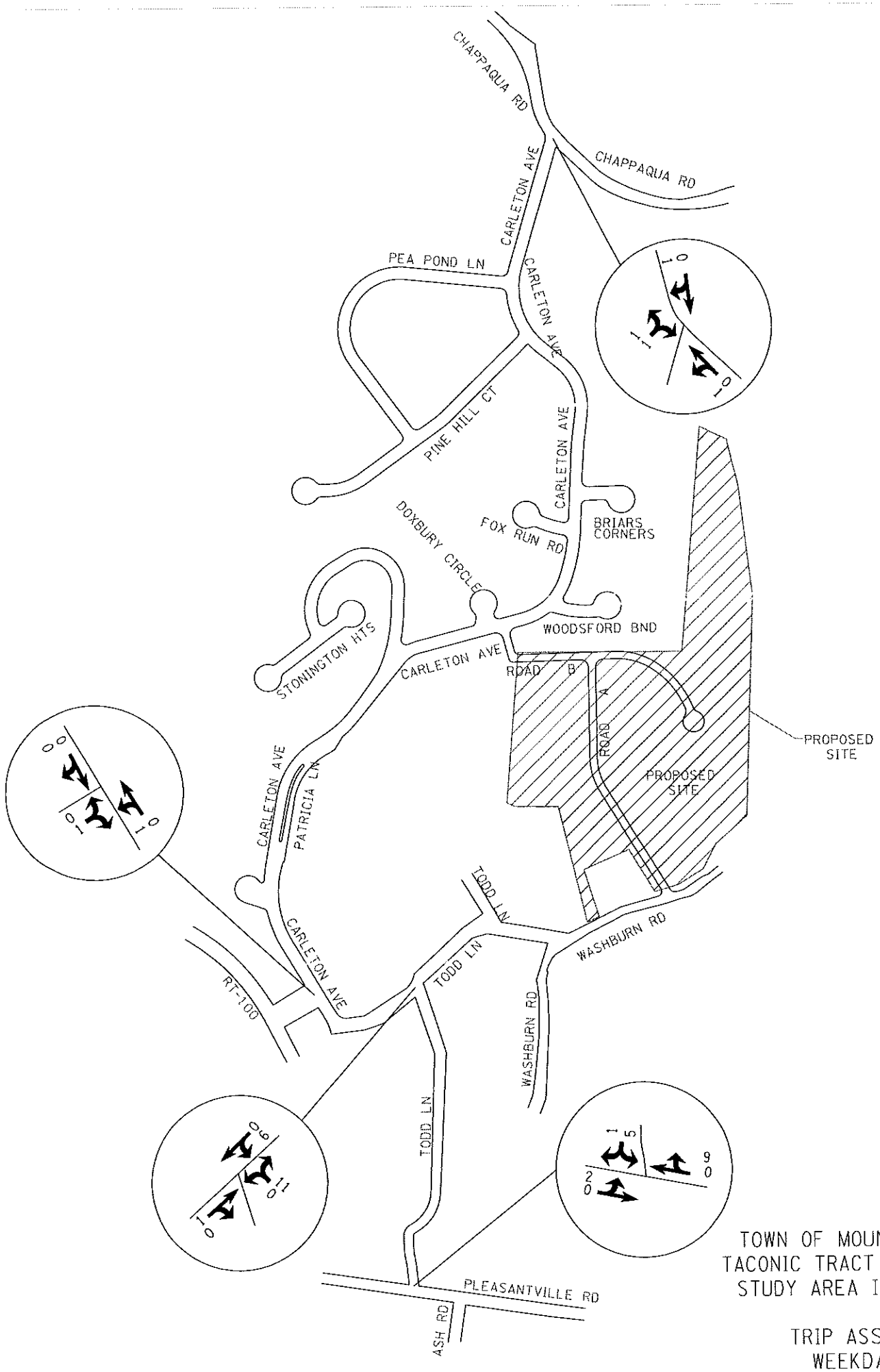
FIGURE 6



TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS

TRIP ASSIGNMENT
WEEKDAY AM

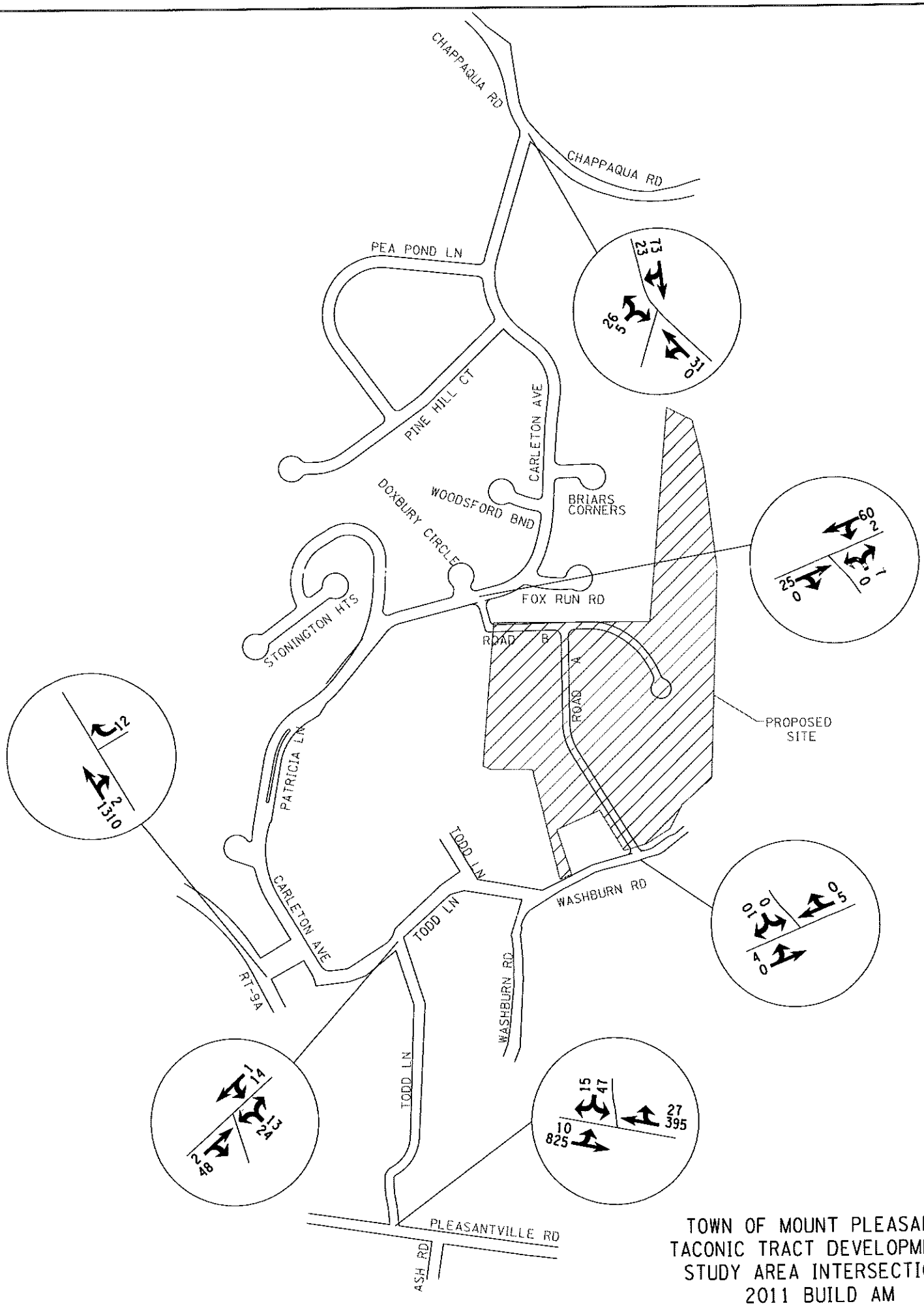
FIGURE 7



TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS

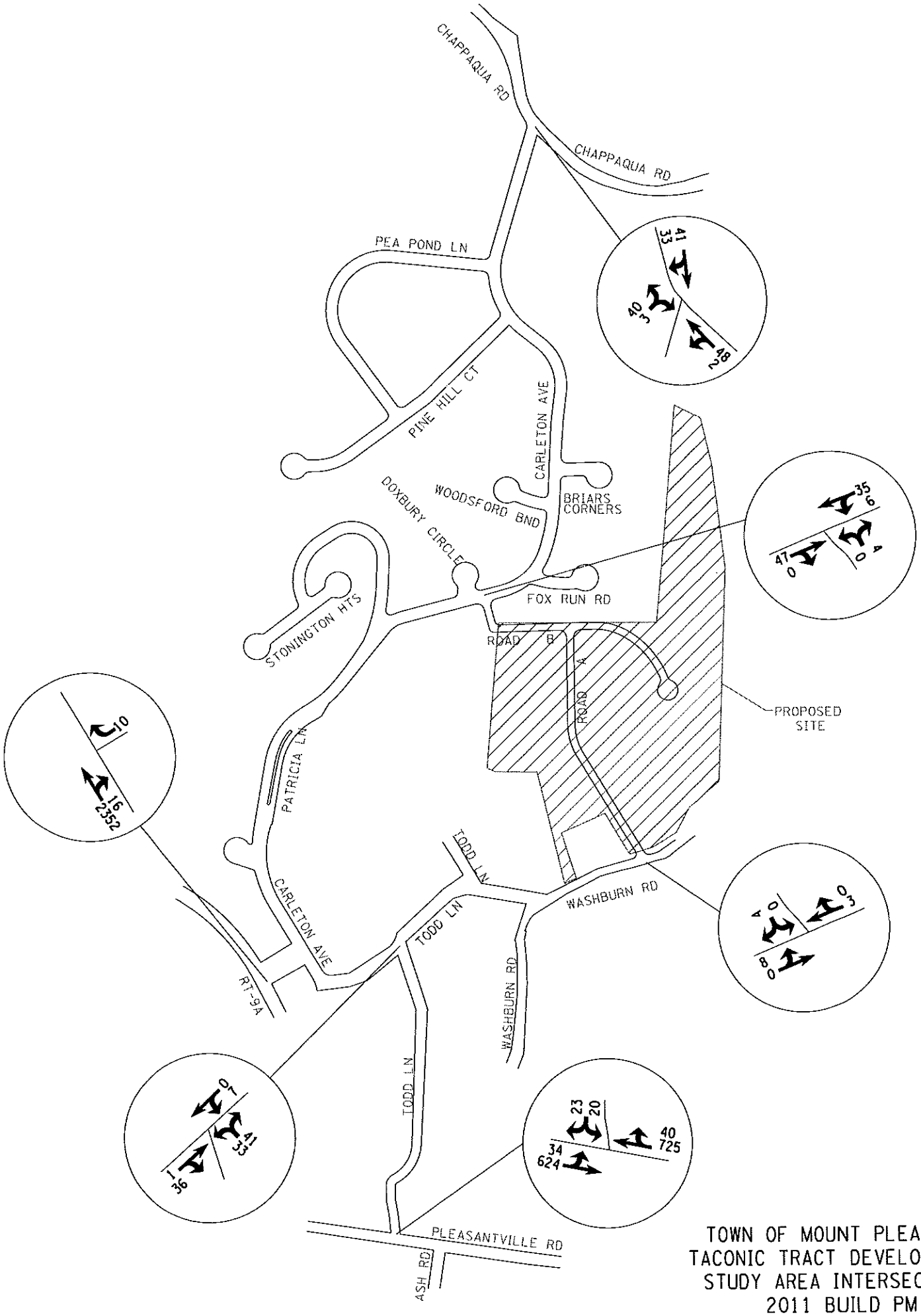
TRIP ASSIGNMENT
WEEKDAY PM

FIGURE 8



TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS
2011 BUILD AM

FIGURE 9



TOWN OF MOUNT PLEASANT
TACONIC TRACT DEVELOPMENTS
STUDY AREA INTERSECTIONS
2011 BUILD PM

FIGURE 10

Appendix P

NYSDEC SPDES Permit

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

CONSTRUCTION ACTIVITY

Permit No. GP-0-10-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2010 Expiration Date: January 28, 2015

William R. Adriance
Chief Permit Administrator

William R. Adriance January 28, 2010
Authorized Signature Date

Address: NYS DEC
Div. Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York's *State Pollutant Discharge Elimination System ("SPDES")* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law ("ECL")*.

This general permit ("permit") is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation ("the Department") regional office (see Appendix G).They are also available on the Department's website at:

http://www.dec.ny.gov/

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They cannot wait until there is an actual *discharge* from the construction site to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES

FROM CONSTRUCTION ACTIVITIES

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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application - This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State.*

3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

B. Maintaining Water Quality - It shall be a violation of this permit and the *ECL* for any *discharge* to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;

2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and

3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

C. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph D. of this Part.

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater discharges from *construction activities*.

(Part I. C)

3. Notwithstanding paragraphs C.1 and C.2 above, the following non-stormwater *discharges* may be authorized by this permit: discharges from fire fighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated groundwater or spring water; uncontaminated discharges from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who discharge as noted in this paragraph, and with the exception of flows from fire fighting activities, these discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with water quality standards in Part I.B.

D. <u>Activities Which Are Ineligible for Coverage Under This General Permit</u> - All of the following are **<u>not</u>** authorized by this permit:

1. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection C.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII, subparagraph K of this permit;

4. *Discharges* from *construction activities* that adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects that:

    a. are tributary to waters of the state classified as AA or AA-s; and

(Part I. D. 6)

b. disturb one or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.

7. *Construction activities* for linear transportation projects and linear utility projects that:
   a. are tributary to waters of the state classified as AA or AA-s; and

   b. disturb two or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.

8. *Construction activities* that adversely affect a property that is listed or is eligible for listing on the State or National Register of Historic Places (Note: includes Archeological sites), unless there are written agreements in place with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) or other governmental agencies to mitigate the effects, or there are local land use approvals evidencing the same.

Part II. OBTAINING PERMIT COVERAGE

A. Notice of Intent (NOI) Submittal

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first develop a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the address below in order to be authorized to *discharge* under this permit. The NOI form shall be one which is associated with this permit, signed in accordance with Part VII.H. of this permit.

   NOTICE OF INTENT
   NYS DEC, Bureau of Water Permits
   625 Broadway, 4th Floor
   Albany, New York 12233-3505

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first develop a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person, and then submit that form along with the NOI to the address referenced under "Notice of Intent (NOI) Submittal".

(Part II. A.2)

This requirement does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of Owner or Operator).

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

B. <u>Permit Authorization</u>

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.

2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied <u>all</u> of the following criteria:

   a. project review pursuant to the State Environmental Quality Review Act (SEQRA) have been satisfied, when SEQRA is applicable,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act (UPA)* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators* of *construction activities* that are required to obtain *UPA* permits must submit a preliminary SWPPP to the appropriate DEC Regional Office in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

   c. the final SWPPP has been prepared, and

   d. an NOI has been submitted to the Department in accordance with the requirements of this permit.

3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

(Part II. B. 3)

a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:

i. Five (5) business days from the date the Department receives a complete NOI for *construction activities* with a SWPPP that has been prepared in conformance with the technical standards referenced in Parts III.B.1, 2 and/or 3, or

ii. Sixty (60) business days from the date the Department receives a complete NOI for *construction activities* with a SWPPP that has not been prepared in conformance with the technical standards referenced in Parts III.B.1, 2 or 3.

b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

i. Five (5) business days from the date the Department receives a complete NOI and signed "MS4 SWPPP Acceptance" form,

4. The Department may suspend or deny an *owner's or operator's* coverage under this permit if the Department determines that the SWPPP does not meet the permit requirements.

5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (NOT) has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-10-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form and inspection reports at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department.

(Part II. C. 2)

The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the MS4 (provided the MS4 is not the *owner or operator* of the construction activity). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:

    a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

    b. In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control.

    c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

    d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.

    e. The *owner or operator* shall include the requirements above in their SWPPP.

4. The Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements.

(Part II. C)

5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4,* the *owner or operator* shall notify the *MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *MS4,* the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *MS4* prior to commencing construction of the post-construction stormwater management practice.

D. Permit Coverage for Discharges Authorized Under GP-0-08-001

1. Upon renewal of SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-08-001), a*n owner or operator* of *construction activity* with coverage under GP-0-08-001, as of the effective date of GP-0-10-001, shall be authorized to *discharge* in accordance with GP-0-10-001 unless otherwise notified by the Department.

E. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1.. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

   Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator.*

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity.*

(Part III. A)

2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.

4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:

    a. whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater *discharges* from the site;

    b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants; and

    c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority.

5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP.

(Part III. A. 6)

The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

> "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

8. The SWPPP must include documentation supporting the determination of permit eligibility with regard to Part I.D.8. (Historic Places or Archeological Resource). At a minimum, the supporting documentation shall include the following:

(Part III. A. 8)

a. Information on whether the stormwater discharge or *construction activities* would have an effect on a property (historic or archeological resource) that is listed or eligible for listing on the State or National Register of Historic Places;

b. Results of historic resources screening determinations conducted. Information regarding the location of historic places listed, or eligible for listing, on the State or National Registers of Historic Places and areas of archeological sensitivity that may indicate the need for a survey can be obtained online by viewing the New York State Office of Parks, Recreation and Historic Places (OPRHP) online resources located on their web site at: http://nysparks.state.ny.us/shpo/online-tools/ (using The Geographic Information System for Archeology and National Register). OPRHP can also be contacted at: NYS OPRHP, State Historic Preservation Office, Peebles Island Resources Center, P.O. Box 189, Waterford, NY 12188-0189, phone: 518-237-8643;

c. A description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the State or National Register of Historic Places. If the *owner or operator* fails to describe and implement such measures, the stormwater *discharge* is ineligible for coverage under this permit; and

d. Where adverse effects may occur, any written agreements in place with OPRHP or other governmental agency to mitigate those effects, or local land use approvals evidencing the same.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Where erosion and sediment control practices are not designed in conformance with this technical standard, the *owner or operator* must demonstrate equivalence to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

    a. Background information about the scope of the project, including the location, type and size of project;

(Part III. B. 1)

b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharge(s);

c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);

d. A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;

e. A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;

f. A temporary and permanent soil stabilization plan that meets the requirements of the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;

g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;

(Part III. B. 1)

i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6., to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control;

j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater *discharges*;

k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the construction site; and

l. Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.

2. Post-construction stormwater management practice component - All construction projects identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual ("Design Manual"). If the Design Manual is revised during the term of this permit, an *owner or operator* must begin using the revised version of the Design Manual to prepare their SWPPP six (6) months from the final revision date of the Design Manual.

   Where post-construction stormwater management practices are not designed in conformance with this technical standard, the *owner or operator* must demonstrate equivalence to the technical standard.

   At a minimum, the post-construction stormwater management practice component of the SWPPP shall include the following:

   a. Identification of all post-construction stormwater management practices to be constructed as part of the project;

(Part III. B. 2)

b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;

c. The dimensions, material specifications and installation details for each post-construction stormwater management practice;

d. Identification of any elements of the design that are not in conformance with the Design Manual. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;

e. A hydrologic and hydraulic analysis for all structural components of the stormwater management control system;

f. A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the Design Manual; including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the design criteria or waiver criteria included in the Design Manual; and

g. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.g. above.

(Part III. C)

C. <u>Required SWPPP Components by Project Type</u> - Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3.

Part IV. <u>INSPECTION AND MAINTENANCE REQUIREMENTS</u>

A. <u>General Construction Site Inspection and Maintenance Requirements</u>

1. The *owner or operator* must ensure that all erosion and sediment control practices and all post-construction stormwater management practices identified in the SWPPP are maintained in effective operating condition at all times.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. <u>Owner or Operator Maintenance Inspection Requirements</u>

1. The *owner or operator* shall inspect, in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the *owner or operator* can stop conducting the maintenance inspections. The *owner or operator* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *owner or operator* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* <u>and</u> all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

(Part IV. C)

C. <u>Qualified Inspector Inspection Requirements</u> - The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- Licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- Registered Landscape Architect, or
- Someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, <u>with the exception of</u>:

    a. the construction of a single family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E;

    b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E;

    c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

    d. construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:

    a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

(Part IV. C. 2)

b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the Regional Office stormwater contact person (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the MS4 (provided the MS4 is not the *owner or operator* of the construction activity) in writing prior to reducing the frequency of inspections.

d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* <u>and</u> all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the Regional Office stormwater contact person (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the MS4 (provided the MS4 is not the *owner or operator* of the construction activity). in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization,* <u>and</u> all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1..

(Part IV. C. 3)

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization,* all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.

4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

    a. Date and time of inspection;

    b. Name and title of person(s) performing inspection;

    c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

    d. A description of the condition of the runoff at all points of discharge from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;

    e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

    f. Identification of all erosion and sediment control practices that need repair or maintenance;

    g. Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

    h. Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV. C 4)

i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and

k. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2., the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1. The NOT form shall be one which is associated with this general permit, signed in accordance with Part VII.H.

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

(Part V. A. 2)

a. Total project completion - All construction activity identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;

c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E.

3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the NOT, certify that all disturbed areas have achieved *final stabilization;* and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall also have the MS4 sign the "MS4 Acceptance" statement on the NOT. The *owner or operator* shall have the principal executive officer, ranking elected official, or duly authorized representative from the *regulated, traditional land use control MS4*, sign the "MS4 Acceptance" statement. The MS4 official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The MS4 can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector's* final site inspection certification(s) required in Part V.3.

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:

(Part V. A. 5)

a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),

c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has modified their deed of record to include a deed covenant that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan,

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, college, university), or government agency or authority, the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION OF RECORDS

A. Record Retention - The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the site achieves *final stabilization*. This period may be extended by the Department, in its sole discretion, at any time upon written notification.

B. Addresses - With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate Department Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply - The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied.

(Part VII. A)

The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

B. Continuation of the Expired General Permit - This permit expires five (5) years from the effective date. However, coverage may be obtained under the expired general permit, which will continue in force and effect, until a new general permit is issued. Unless otherwise notified by the Department in writing, an *owner or operator* seeking authorization under the new general permit must submit a new NOI in accordance with the terms of such new general permit.

C. Enforcement - Failure of the *owner or operator,* its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate - The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to minimize or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information - The *owner or operator* shall make available to the Department for review and copying or furnish to the Department within five (5) business days of receipt of a Department request for such information, any information requested for the purpose of determining compliance with this permit. This can include, but is not limited to, the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form, executed maintenance agreement, and inspection reports. Failure to provide information requested by the Department within the request timeframe shall be a violation of this permit.

The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review the NOI, SWPPP or inspection reports. Copying of documents will be done at the requester's expense.

G. Other Information - When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any other report, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s)

changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or impervious area), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. <u>Signatory Requirements</u>

1. All NOIs and NOTs shall be signed as follows:

    a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

        i. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

        ii. the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

    b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

    c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

        i. the chief executive officer of the agency, or

(Part VII. H. 1. c)

ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Part VII.H.1.;

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

   c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.

3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.

4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4,* or by a duly authorized representative of that person.

   It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. <u>Property Rights</u> - The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity.*

J. <u>Severability</u> - The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

(Part VII. K)
K. <u>Denial of Coverage Under This Permit</u>

1. At its sole discretion, the Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. Any *owner or operator* authorized by this permit may request to be excluded from the coverage under this permit by applying for an individual permit or another general permit. In such cases, the *owner or operator* shall submit an individual application or an alternative general permit application in accordance with the requirements of this general permit, 40 CFR 122.26(c)(1)(ii) and 6 NYCRR Part 621, with reasons supporting the request, to the Department at the address for the appropriate Department Office (see addresses in Appendix F).The request may be granted by issuance of an individual permit or another general permit at the discretion of the Department.

3. When an individual SPDES permit is issued to a discharger authorized to discharge under a general SPDES permit for the same discharge(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. <u>Proper Operation and Maintenance</u> - The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. <u>Inspection and Entry</u> - The *owner or operator* shall allow the Department or an authorized representative of EPA, the State, or, in the case of a construction site which discharges through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

(Part VII. M)

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

N. Permit Actions - At the Department's sole discretion, this permit may, at any time, be modified, suspended, revoked, or renewed. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions - Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports – Article 17 of the ECL provides for a civil penalty of $37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and/or imprisonment for falsifying forms and reports required by this permit.

R. Other Permits – Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A

Definitions

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "Construction Activity(ies)" also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a construction site by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a construction site to a separate storm sewer system and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or point source.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

Groundwater - means waters in the saturated zone. The saturated zone is a subsurface zone in

which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

i. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
ii. Designed or used for collecting or conveying stormwater;
iii. Which is not a *combined sewer*; and
iv. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from construction activity.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in Parts 700 et seq of this Title.

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

Routine Maintenance Activity - means construction activity that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* will be responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B

Required SWPPP Components by Project Type

Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres: • Single family home not located in one of the watersheds listed in Appendix C and not *directly discharging* to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
The following construction activities that involve soil disturbances of one (1) or more acres of land: • Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that *alter hydrology from pre to post development* conditions • Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions • Demolition project where vegetation will be established and no redevelopment is planned • Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover* • Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land: • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover,* and constructed as part of an over-head electric transmission line project , wind-power project, cell tower project, oil or gas well drilling project or other linear utility project
- All other construction activities that include the construction or reconstruction of *impervious area* <u>and</u> *alter the hydrology from pre to post development* conditions, <u>and</u> are not listed in Table 1

APPENDIX C

Watersheds Where Enhanced Phosphorus Removal Standards Are Required

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3
- Oscawana Lake Watershed – Figure 4

Figure 1 - New York City Watershed East of the Hudson

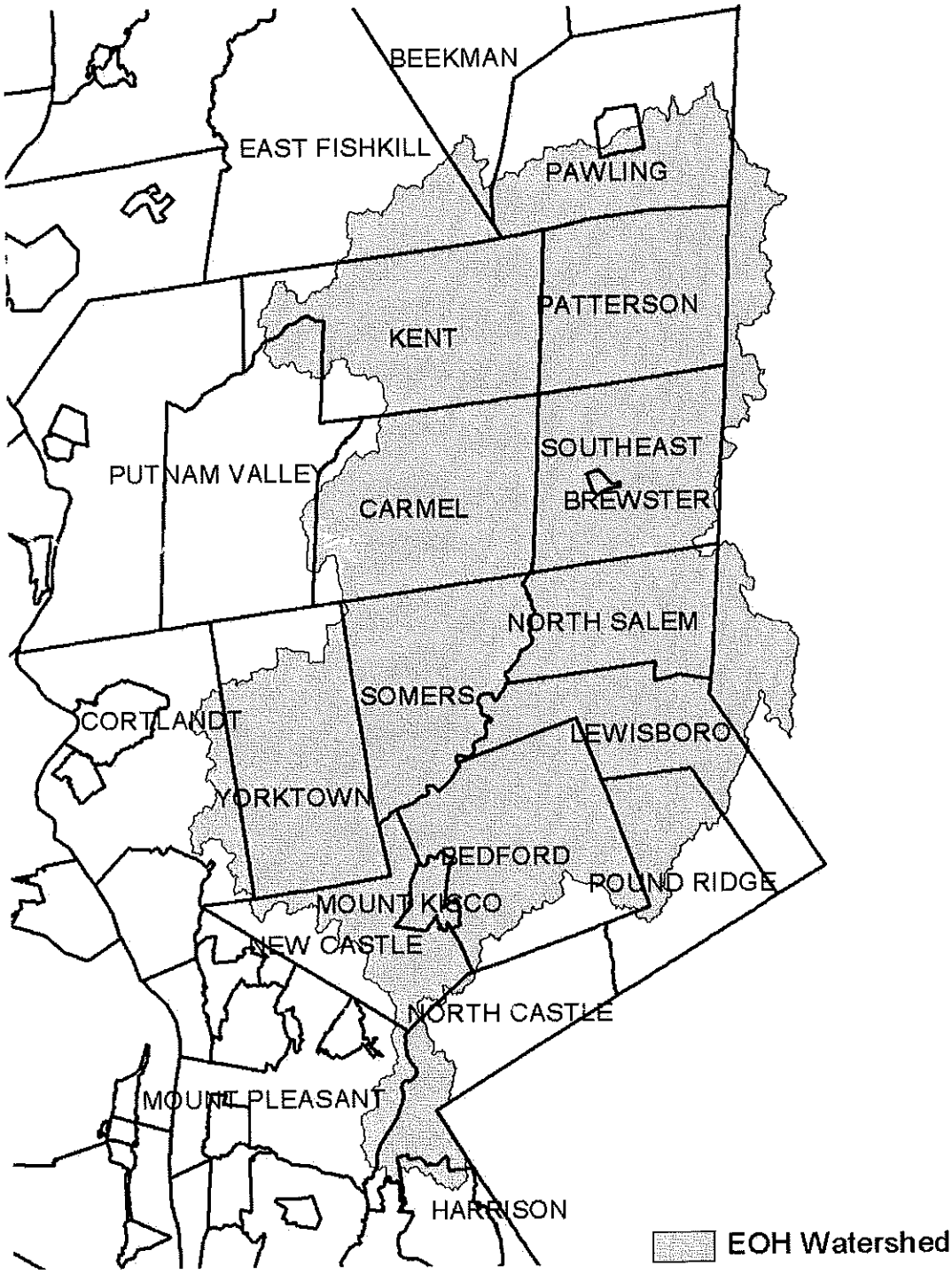


Figure 2 - Onondaga Lake Watershed

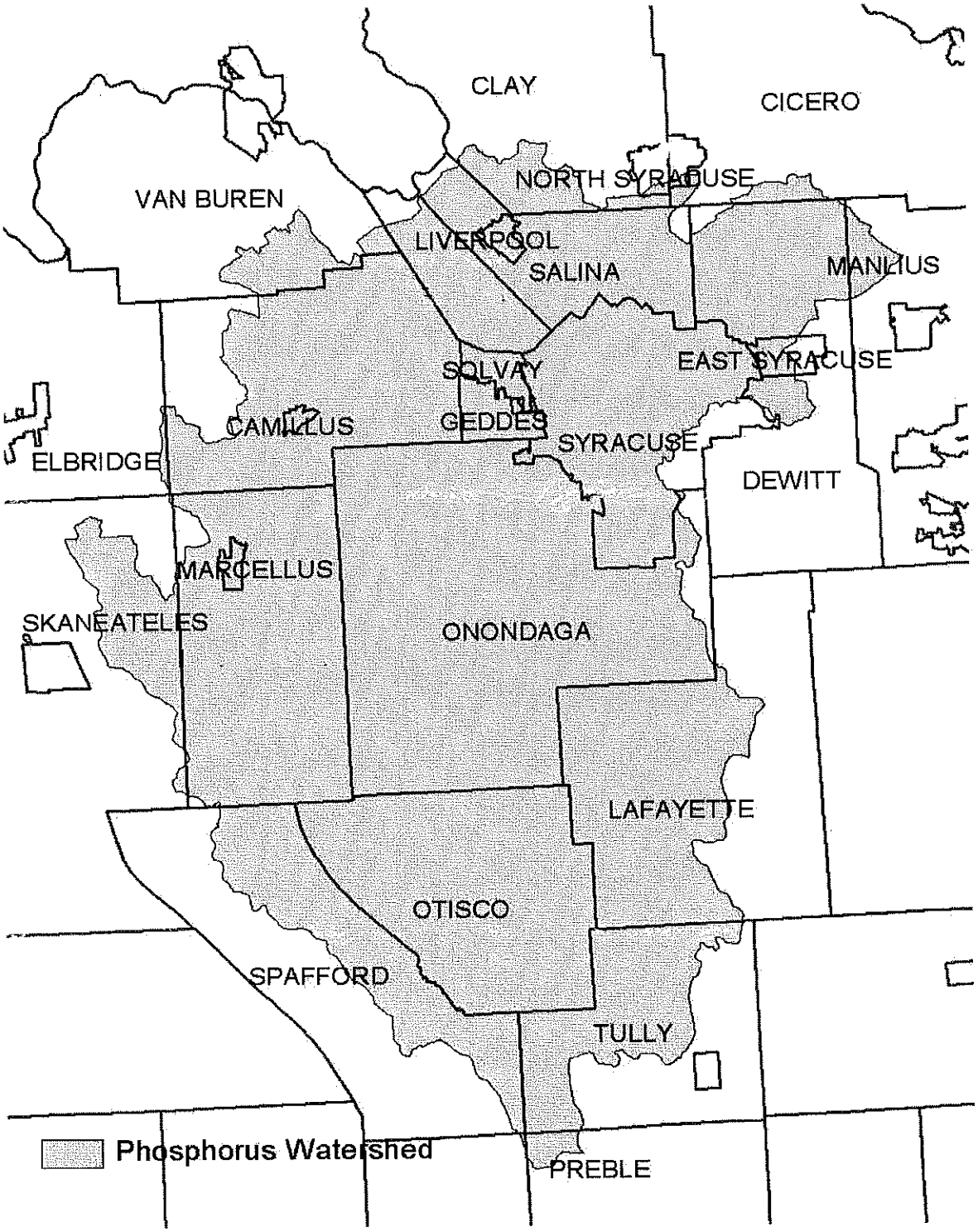


Figure 3 - Greenwood Lake Watershed

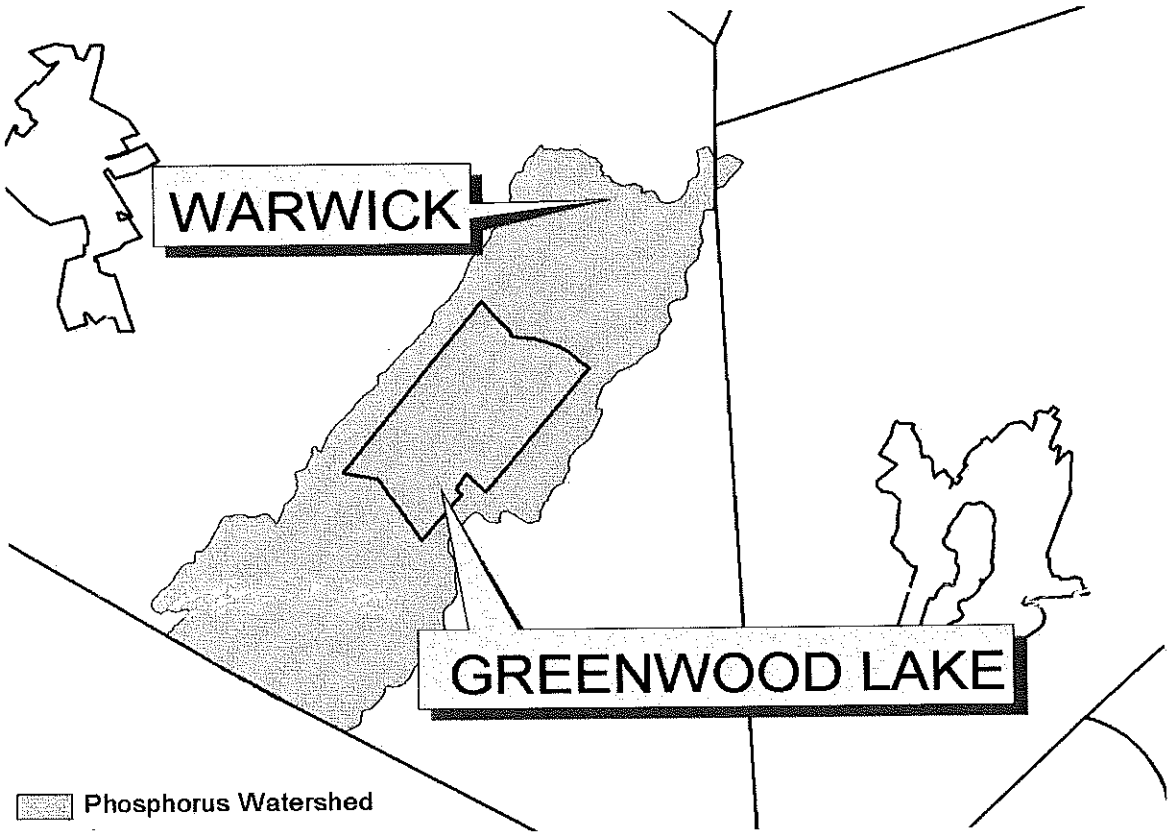
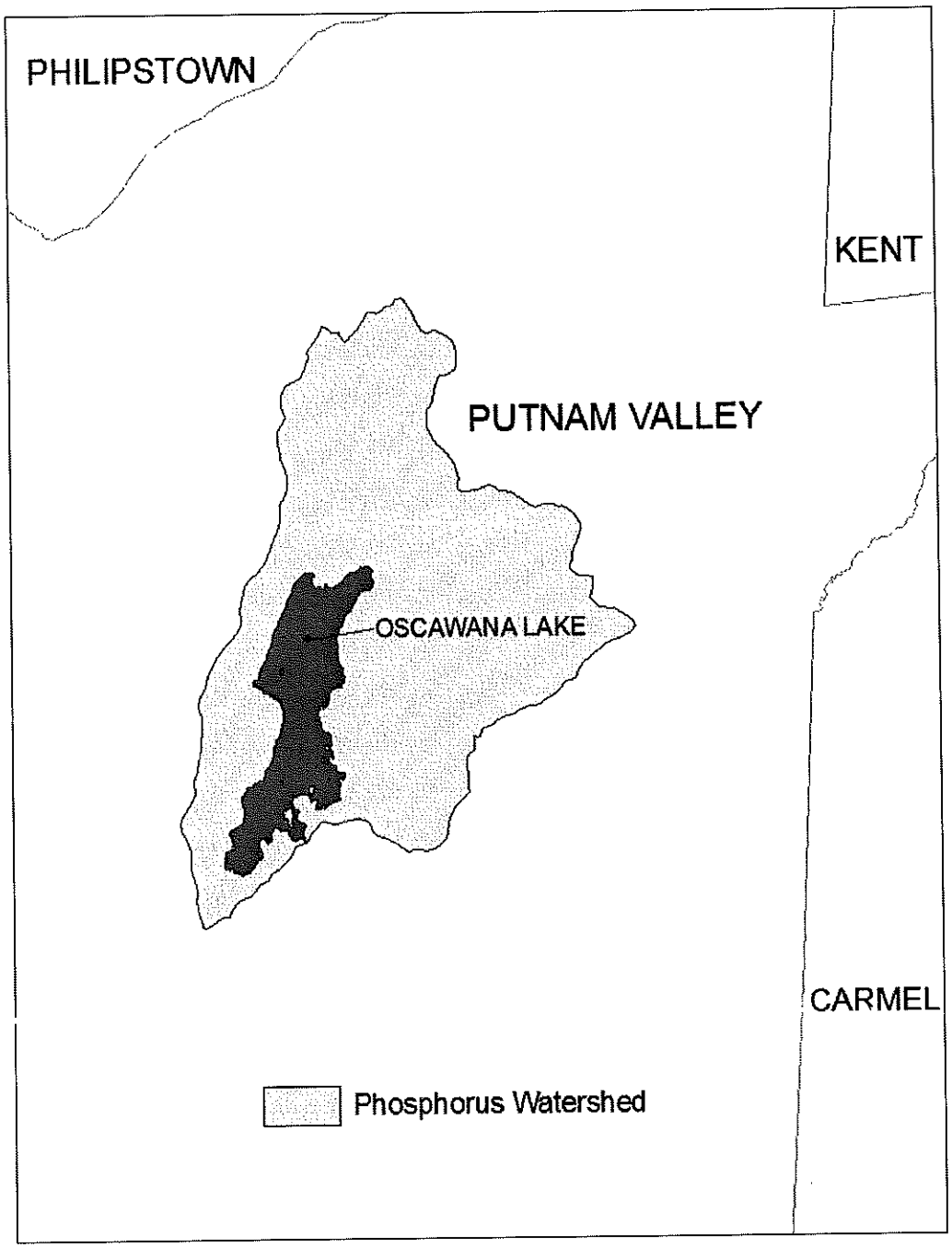


Figure 4 - Oscawana Lake Watershed



APPENDIX D

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivision construction activities that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond
Albany	Basic Creek Reservoir
Bronx	Van Cortlandt Lake
Broome	Whitney Point Lake/Reservoir
Broome	Beaver Lake
Broome	White Birch Lake
Chautauqua	Chautauqua Lake, North
Chautauqua	Chautauqua Lake, South
Chautauqua	Bear Lake
Chautauqua	Chadakoin River and tribs
Chautauqua	Lower Cassadaga Lake
Chautauqua	Middle Cassadaga Lake
Chautauqua	Findley Lake
Clinton	Great Chazy River, Lower, Main Stem
Columbia	Kinderhook Lake
Columbia	Robinson Pond
Dutchess	Hillside Lake
Dutchess	Wappinger Lakes
Dutchess	Fall Kill and tribs
Dutchess	Rudd Pond
Erie	Rush Creek and tribs
Erie	Ellicott Creek, Lower, and tribs
Erie	Beeman Creek and tribs
Erie	Murder Creek, Lower, and tribs
Erie	South Branch Smoke Cr, Lower, and tribs
Erie	Little Sister Creek, Lower, and tribs
Essex	Lake George (primary county listed as Warren)
Genesee	Black Creek, Upper, and minor tribs
Genesee	Tonawanda Creek, Middle, Main Stem
Genesee	Tonawanda Creek, Upper, and minor tribs
Genesee	Little Tonawanda Creek, Lower, and tribs
Genesee	Oak Orchard Creek, Upper, and tribs
Genesee	Bowen Brook and tribs
Genesee	Bigelow Creek and tribs
Greene	Schoharie Reservoir
Greene	Sleepy Hollow Lake
Herkimer	Steele Creek tribs
Kings	Hendrix Creek
Lewis	Mill Creek/South Branch and tribs
Livingston	Conesus Lake
Livingston	Jaycox Creek and tribs
Livingston	Mill Creek and minor tribs
Monroe	Genesee River, Lower, Main Stem
Monroe	Genesee River, Middle, Main Stem
Monroe	Black Creek, Lower, and minor tribs
Monroe	Buck Pond
Monroe	Long Pond
Monroe	Cranberry Pond
Monroe	Mill Creek and tribs
Monroe	Shipbuilders Creek and tribs
Monroe	Minor tribs to Irondequoit Bay
Monroe	Thomas Creek/White Brook and tribs
Nassau	Glen Cove Creek, Lower, and tribs
Nassau	LI Tribs (fresh) to East Bay
Nassau	East Meadow Brook, Upper, and tribs
Nassau	Hempstead Bay
Nassau	Hempstead Lake
Nassau	Grant Park Pond
Niagara	Bergholtz Creek and tribs
Oneida	Ballou, Nail Creeks
Onondaga	Ley Creek and tribs
Onondaga	Onondaga Creek, Lower and tribs
Onondaga	Onondaga creek, Middle and tribs
Onondaga	Onondaga Creek, Upper, and minor tribs
Onondaga	Harbor Brook, Lower, and tribs
Onondaga	Ninemile Creek, Lower, and tribs
Onondaga	Minor tribs to Onondaga Lake
Ontario	Honeoye Lake
Ontario	Hemlock Lake Outlet and minor tribs
Ontario	Great Brook and minor tribs
Oswego	Lake Neatahwanta
Putnam	Oscawana Lake
Putnam	Lake Carmel
Queens	Jamaica Bay, Eastern, and tribs (Queens)
Queens	Bergen Basin
Queens	Shellbank Basin
Rensselaer	Snyders Lake
Richmond	Grasmere, Arbutus and Wolfes Lakes
Saratoga	Dwaas Kill and tribs
Saratoga	Tribs to Lake Lonely
Saratoga	Lake Lonely
Saratoga	Schuyler Creek and tribs
Schenectady	Collins Lake

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Schoharie	Engleville Pond		
Schoharie	Summit Lake		
St. Lawrence	Black Lake Outlet/Black Lake		
Steuben	Lake Salubria		
Steuben	Smith Pond		
Suffolk	Millers Pond		
Suffolk	Mattituck (Marratooka) Pond		
Suffolk	Tidal tribs to West Moriches Bay		
Suffolk	Canaan Lake		
Suffolk	Lake Ronkonkoma		
Tompkins	Cayuga Lake, Southern End		
Tompkins	Owasco Inlet, Upper, and tribs		
Ulster	Ashokan Reservoir		
Ulster	Esopus Creek, Upper, and minor tribs		
Warren	Lake George		
Warren	Tribs to L.George, Village of L George		
Warren	Huddle/Finkle Brooks and tribs		
Warren	Indian Brook and tribs		
Warren	Hague Brook and tribs		
Washington	Tribs to L.George, East Shore of Lake George		
Washington	Cossayuna Lake		
Wayne	Port Bay		
Wayne	Marbletown Creek and tribs		
Westchester	Peach Lake		
Westchester	Mamaroneck River, Lower		
Westchester	Mamaroneck River, Upper, and minor tribs		
Westchester	Sheldrake River and tribs		
Westchester	Blind Brook, Lower		
Westchester	Blind Brook, Upper, and tribs		
Westchester	Lake Lincolndale		
Westchester	Lake Meahaugh		
Wyoming	Java Lake		
Wyoming	Silver Lake		

Note: The list above identifies those waters from the final New York State "2008 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated May 26, 2008, that are impaired by silt, sediment or nutrients.

APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

Region	COVERING THE FOLLOWING COUNTIES:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS	DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD, PO BOX 220 WARRENSBURG, NY 12885-0220 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

Appendix Q

Preliminary Construction Schedule and Sequencing

Construction Schedule/ESC Measures

All erosion control measures shall conform to the "New York State Standards and Specifications for Erosion and Sediment Control", dated August 2005.

General

1. Obtain plan approval and other applicable permits.

2. A pre-construction meeting shall be held between the contractor, developer, the project engineer and a representative for the Town of Mount Pleasant. The project engineer or certified professional responsible for all SWPPP compliance shall also be present.

3. Erosion control inspections shall be performed on a weekly basis and an inspection report must be completed for the site during construction. A log of all inspections and a copy of the current design plans shall be kept on site and be available for review by an individual performing a compliance inspection.

4. The soil erosion and sediment controls shall be modified by the contractor at the direction of the project engineer and/or a designated town representative as necessitated by changing site conditions. Any changes to the sequence of construction at the request of the contractor must be approved by the project engineer and the town engineer/representative. A qualified inspector shall be a person meeting the requirements listed in Part IV.C of the NYSDEC SPDES General Permit for Stormwater Discharge.

5. The construction sequence shall minimize the amount of exposed soil to the smallest practical area at any time and at no time shall this exceed 5.0 acres

Construction Sequencing:

General

During construction primary access will be from Carleton Avenue.

The intent is to construct the roads, achieve the desired lot grading, stabilize the slopes, and then install the utilities. The houses will be constructed when all site work is completed.

Construction Sequence Phase 1 (±2.70 acres); Estimated Duration -- 12 Weeks

During Phase 1, Road B from Carleton Avenue (Sta. 0+00) to Sta. 4+75 (i.e. intersection with Road A) and Road A from its intersection with Road B (Sta. 10+66) to Sta. 5+55 will be constructed. The retaining walls along lot 5, the walls on lot 2, and utilities will be also installed. House locations on lots 3, 4,5, and a portion of lot 2 will be rough graded.

1. Construction stake out: Road B from Sta. 0+00 to Sta. 4+75, and Road A from Sta. 10+65 to 5+55, driveways, rough house locations lots 2, 3, 4,and 5, temporary sediment control swale, retaining walls, plunge pool, and level spreader/flat swale;

2. Stake out limit of disturbance and vegetation to be retained. Install all silt fence at the limit of disturbance line as indicated on the plans. Install additional silt fences at the bottom of slope of each ¼ acre disturbed;

3. Install the stabilized construction entrance from Carleton Avenue;

4. Flag all trees to be removed during Phase 1. Install construction fence at limit of disturbance and tree protection measures around trees that are to remain;

5. Begin clearing operations. Only those trees designated and flagged for removal shall be cut down. No roadway construction should occur at this time other than providing access over a reasonable at grade route to the areas to be cleared. Stumps are to be ground into mulch or removed and disposed of off-site. Woodchips from clearing operations may be stockpiled to be used for erosion control during the winter months to blanket disturbed areas when turf establishment is impractical. Stockpiles shall not be placed that exceed 10% nor closer than 100 feet to a wetlands or water course;

6. Construct temporary level spreader/flat swale and plunge pool on lot 2. Temporarily stabilize by means of vegetation and/or erosion control mats all exposed earth;

7. Simultaneously rough grade road, lots and install water bars and temporary diversion swale from downstream to upstream. Temporarily stabilize by means of vegetation and/or erosion control mats all newly exposed earth slopes that will be subject to future disturbance. Areas that are constructed to final grades shall be stabilized using appropriate techniques, which meet the design standards found in the "New York State Standards and Specifications for Erosion and Sediment Control". As a minimum slopes and embankments shall be stabilized as follows:

    a. Grade to finished slopes.
    b. Scarify.
    c. Topsoil with not less than four (4) inches of suitable topsoil material.
    d. Seed with a grass type and rate appropriate for the specific soil type and slope as identified in the SWPPP.
    e. Mulch with not less than on (1) inch and not more than three (3) inches of straw (two tons per acre) and anchored in a suitable manner.
    f. All graded slopes greater than 2h:1v shall use a rolled erosion control product or other means necessary to provide permanent stabilization. Only photodegradeable erosion control mats shall be used.

8. Install utilities according to the plans; In addition, install inlet sediment device at each catch basin; Plug drainage pipes and catch basin inlets while construction proceeds;

9. The subbase for the proposed Road shall be placed and compacted;

10. Place bituminous concrete binder course;

11. Roadway shoulder and slope areas shall be fine graded, topsoil placed and permanent vegetative cover established;

12. All erosion and sediment practices will be inspected every 7 days and after ½" rainfall event by a qualified inspector. Needed repairs will be made immediately;

13. Install permanent vegetation on the any disturbed areas that had received only temporary stabilization measures during past operations. The permanent measures shall meet the requirements listed in Item 7.

Construction Sequence Phase 2 (3.10 acres); Estimated Duration -- 14 Weeks

During Phase 2 the construction of Road A will be continued to Washburn Road, detention basin (used as sediment basin during construction), retaining walls, sediment control swale and the utilities will be installed. House sites on lots 1, 8, 9, 10 and the balance of lot 2 will be rough graded.

1. Construction stake out: Road B from Sta. 5+55 to Washburn Road (Sta. 0+00), driveways, rough house locations on Lots 1,2, 8, 9, and 10, retaining walls on lots 8, 9, and 10, detention pond, plunge pool, and temporary sediment swale;

2. Stake out limit of disturbance and vegetation to be retained. Install all silt fence at the limit of disturbance line as indicated on the plans. Install additional silt fences at the bottom of the slope of each ¼ acres disturbed.

3. Flag all trees to be removed during phase 2. Install construction fence at limit of disturbance and tree protection measures around trees that are to remain;

4. Begin clearing operations. Only those trees designated and flagged for removal shall be cut down. No roadway construction should occur at this time other than providing access over a reasonable at grade route to the areas to be cleared. Stumps are to be ground into mulch or removed and disposed of off-site. Woodchips from clearing operations may be stockpiled to be used for erosion control during the winter months to blanket disturbed areas when turf establishment is impractical. Stockpiles shall not be placed that exceed 10% nor closer than 100 feet to a wetlands or water course.

5. Construct detention basin which will be used for sediment control during construction. Excavate basin and form embankment per specifications on plans. Install temporary sediment basin riser pipe, outlet pipe and level spreader.

6. Temporarily stabilize by means of vegetation and/or erosion control mats, all exposed earth slopes in areas that are to be used for sediment control measures during construction;

7. Simultaneously rough grade road, lots 1, 8, 9, 10 and the balance of lot 2, install storm sewer to detention basin and install water bars, plunge pool, and temporary diversion swales from downstream to upstream. Temporarily stabilize by means of vegetation and/or erosion control mats all newly exposed earth slopes that will be subject to future disturbance. Areas that are constructed to final grades shall be stabilized using appropriate techniques, which meet the design standards found in the "New York State Standards and Specifications for Erosion and Sediment Control". As a minimum slopes and embankments shall be stabilized as follows:

a. Grade to finished slopes.
b. Scarify.
c. Topsoil with not less than four (4) inches of suitable topsoil material.
d. Seed with a grass type and rate appropriate for the specific soil type and slope as identified in the SWPPP.
e. Mulch with not less than on (1) inch and not more than three (3) inches of straw (two tons per acre) and anchored in a suitable manner.
f. All graded slopes greater than 2h:1v shall use a rolled erosion control product or other means necessary to provide permanent stabilization.

8. Install retaining walls on lots 8, 9, and 10.

9. Finalize grading. Stabilize by means of vegetation and/or erosion control mats all newly exposed slopes Using the methods listed in item 7;

10. Install the remaining drainage lines and provide sediment device at each catch basin inlet.

11. Uncap drainage sewers installed in phase 1. All runoff will be directed to the detention basin, which will act as sediment basin during construction.

12. Install utilities (sanitary sewer connection on Washburn included) according to the plans.

13. The subbase for the proposed Road shall be placed and compacted.

14. Place bituminous concrete binder course.

15. Roadway shoulder and slope areas shall be fine graded, topsoil placed and permanent vegetative cover established.

16. All erosion and sediment practices will be inspected weekly and after rainfall events by a qualified inspector. Needed repairs will be made immediately.

17. Install permanent vegetation on the any disturbed areas that had received only temporary stabilization measures during past operations. The permanent measures shall meet the requirements lists in Item 7;

Construction Sequence Phase 3 (±2.55 acres); Estimated Duration -- 12 Weeks

Phase 3 consists of building Road B from Sta. 4+75 to Sta. 9+10, grading and stabilize slopes of lots 16, lot 15, partial grading on lot 6, lot 7 and lot 14, and installing utilities. House sites on lots 15, 16 and a portion of lots 6, 7 and 14 will be rough graded.

1. Construction stake out: Road B from Sta. 4+75 to Sta. 9+10, driveways, rough house location and level spreader/flat swale;
2. Stake out limit of disturbance and vegetation to be retained. Install all silt fence at the limit of disturbance line as indicated on the plans. Install additional silt fences at the bottom of the slope of each ¼ acres disturbed.
3. Flag all trees to be removed during Phase 3. Install construction fence at limit of disturbance and tree protection measures around trees that are to remain;

4. Install temporary level/spreaders on lots 16, 15 and 14 per the soil erosion and sediment control plans;
5. Begin clearing operations only those trees designated and flagged for removal shall be cut down. No roadway construction should occur at this time other than providing access over a reasonable at grade route to the areas to be cleared Stumps are to be ground into mulch or removed and disposed of off-site. Woodchips from clearing operations may be stockpiled to be used for erosion control during the winter months to blanket disturbed areas when turf establishment is impractical. Stockpiles shall not be placed that exceed 10% nor closer than 100 feet to a wetlands or water course;
6. Temporarily stabilize by means of vegetation and/or erosion control mats all exposed earth slopes;
7. Simultaneously rough grade Road, lots 15, 16 and a portion of lots 6, 7 and 14 and install water bars, temporary diversion swales and sediment traps from downstream to upstream. Temporarily stabilize by means of vegetation and/or erosion control mats at all newly exposed earth slopes that will be subject to future disturbance. Areas that are constructed to final grades shall be stabilized using appropriate techniques, which meet the design standards found in the "New York State Standards and Specifications for Erosion and Sediment Control". As a minimum slopes and embankments shall be stabilized as follows:

    a. Grade to finished slopes.
    b. Scarify.
    c. Topsoil with not less than four (4) inches of suitable topsoil material.
    d. Seed with a grass type and rate appropriate for the specific soil type and slope as identified in the SWPPP.
    e. Mulch with not less than on (1) inch and not more than three (3) inches of starw (two tons per acre) and anchored in a suitable manner.
    f. All graded slopes greater than 2h:1v shall use a rolled erosion control product or other means necessary to provide permanent stabilization.

8. Install utilities according to the plans;

9. Plug storm sewer at catch basins, install sediment device at each catch basin inlet;

10. The subbase for the proposed Road shall be placed and compacted;

11. Place binder course of bituminous concrete on the road;

12. Roadway shoulder and slope areas shall be fine graded, topsoil placed and permanent vegetative cover established;

13. All erosion and sediment practices will be inspected weekly and after rainfall events by a qualified inspector. Needed repairs will be made immediately;

14. Install permanent vegetation on the any disturbed areas that had received only temporary stabilization measures during past operations. The permanent measures shall meet the requirements lists in Item 7.

Construction Sequence Phase 4 (±2.80 acres); Estimated Duration -- 12 Weeks

In Phase 4 the final section of Road B shall be built along with grading on lot 13, lot 12, partial grading on lot 11 and lot 14, and utility installation House sites on lots 7, 11, 12, 13 and the balance of lot 14 will be rough graded.

1. Construction stake out: Road B, driveways, rough house locations on Lots 7, 11, 12, 13 and the balance of lot 14 and retaining walls on lot 13 and lot 12;

2. Stake out limit of disturbance and vegetation to be retained. Install all silt fence at the limit of disturbance line and other areas as indicated on the plans. Install additional silt fences at the bottom of the slope of each ¼ acre disturbed;

3. Flag all trees to be removed during Phase 4. Install construction fence at limit of disturbance and tree protection measures around trees that are to remain;

4. Begin clearing operations. Only those trees designated and flagged for removal shall be cut down. No roadway construction should occur at this time other than providing access over a reasonable at grade route to the areas to be cleared. Stumps are to be ground into mulch or removed and disposed of off-site. Woodchips from clearing operations may be stockpiled to be used for erosion control during the winter months to blanket disturbed areas when turf establishment is impractical. Stockpiles shall not be placed that exceed 10% nor closer than 100 feet to a wetlands or water course;

5. Temporarily stabilize by means of vegetation and/or erosion control mats all exposed earth slopes;

6. Install storm sewer toward the detention basin;

7. Simultaneously rough grade Road and lots, and install water bars, plunge pool and temporary sediment control swale, sediment traps from downstream to upstream. Temporarily stabilize by means of vegetation and/or erosion control mats at all newly exposed earth slopes that will be subject to future disturbance. Areas that are constructed to final grades shall be stabilized using appropriate techniques, which meet the design standards found in the "New York State Standards and Specifications for Erosion and Sediment Control". As a minimum slopes and embankments shall be stabilized as follows:

    a. Grade to finished slopes.
    b. Scarify.
    c. Topsoil with not less than four (4) inches of suitable topsoil material.
    d. Seed with a grass type and rate appropriate for the specific soil type and slope as identified in the SWPPP.
    e. Mulch with not less than on (1) inch and not more than three (3) inches of straw (two tons per acre) and anchored in a suitable manner.
    f. All graded slopes greater than 2h:1v shall use a rolled erosion control product or other means necessary to provide permanent stabilization.

8. Install utilities according to the plans. Install sediment device at each catch basin inlet;

9. Install retaining walls on lot 12, lot 13 and lot 14;

10. Finalize grading. Stabilize by means of vegetation and/or erosion control mats all newly exposed slopes as specified in item 7.

11. Uncap drainage sewers installed in phase 3. All runoff will be collected by the detention basin used as sediment basin during construction;

12. The subbase for the proposed Road shall be placed and compacted;

13. Place bituminous concrete binder course;

14. Roadway shoulder and slope areas shall be fine graded, topsoil placed and permanent vegetative cover established;

15. All erosion and sediment practices will be inspected weekly and after rainfall events by a qualified inspector. Needed repairs will be made immediately;

16. Install permanent vegetation on the any disturbed areas that had received only temporary stabilization measures during past operations. The permanent measures shall meet the requirements lists in Item 7;

Final Phase – No Additional Disturbance (Estimated Duration -- 2 Years)

The final phase consists of building the dwellings. No more than 4 dwellings shall be built at any given time. The work includes the structure construction, connection to utilities and installation of infiltration galleries and landscaping.

1. Construction stakeout: lot property lines, foundation footprint and infiltration galleries location;

2. Install sediment control according to the plans (at the toe of every slope);

3. Foundation excavation and installation;

4. Mulch and/or seed all exposed earth. Topsoil to be reused should be kept on the lot (on slopes no greater than 10% and outside wetland buffer) surrounded by silt fence;

5. Concrete slabs installation: termite treatment at basement and garage slabs;

6. Framing and other carpentry: floors, decks, roof plywood, outside doors and windows;

7. HVAC: indoor units and temporary heat;

8. Install plumbing, electric, alarm system, telephone, television;

9. Roofing;

10. Exterior finishes;

11. Insulation;
12. Drywall;
13. Inside finishes: install ceramic tile, carpet, hardwood floor;
14. Paint interior and exterior;
15. Install interior doors, kitchen and bathroom cabinets;
16. Connect appliances, plumbing, HVAC, etc.;
17. Exterior landscaping includes final grading and planting; stabilization of all disturbed soils.