

TOWN OF WAWARSING
PLANNING BOARD

108 CANAL STREET • P.O. BOX 671 • ELLENVILLE, NEW YORK 12428
845-647-7800
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In the matter of the

Mahamudra Buddhist Hermitage

Within are the SEQR Findings prepared in accordance with article 8 of the Environmental Conservation law, and adopted by the Town of Wawarsing Planning Board, Lead Agency, on June 24, 2008 regarding the above application. The Findings are hereby submitted for filing with offices and agencies listed in 617.12(b) and provided for information to other entities listed below.

The Name and address of the person who can provide additional information is:

Planning Board Chairman, Martin Lonstein
Town of Wawarsing Town Hall
108 Canal Street
P.O. Box 671
Ellenville, NY 12428

Brief Description of the Action: Development of an approximately 90.6 acre site, with access from Cragsmoor Road, into a Buddhist house of worship and related hermitage facilities. Total building area is approximately 67,457 gross square feet, in approximately 15 buildings. Site improvements include new access roads, subsurface sewage treatments systems, central water supply from drilled wells, stormwater management facilities, and landscaping.

SEQR Classification: Type I action

Location of the Action:

Town: Wawarsing

County: Ulster

Street address: Northwest side of Cragsmoor Road, approximately 0.5 miles northeast of its intersection with NYS Route 52. Property has approximately 2,000 feet of frontage on Cragsmoor Road

Tax map parcel: 98.1-1-53.200 (90.6 A); (formerly 98.1-1-15.110 and 98.1-1-15.200)

Size of parcel: approximately 90.6 acres.

**HAMLET OF CRAGSMOOR
TOWN OF WAWARSING, NEW YORK**

**FINDINGS STATEMENT
MAHAMUDRA BUDDHIST HERMITAGE**

I. INTRODUCTION

This document is a Findings Statement prepared pursuant to and as required by Part 617.11 of Title 6 NYCRR (the State-wide regulations implementing the New York State Environmental Quality Review Act). This Findings Statement pertains to the environmental review of the proposed Mahamudra Buddhist Hermitage, a center for worship project (the “Proposed Action”). This Findings Statement draws upon the facts and conclusions in the Draft Environmental Impact Statement (DEIS), filed by Dharmakaya, Inc. (the “Applicant”) on June 30, 2006 and the Final Environmental Impact Statement (FEIS), filed by the Applicant on June 26, 2007. Implementation of the proposed project will require approvals from all necessary local, state and federal agencies.

The Town of Wawarsing Planning Board (the “Planning Board”), as Lead Agency, is responsible for supervision of the environmental review process pursuant to the State Environmental Quality Review Act (SEQRA) and has jurisdiction to grant site plan and special permit for a house of religious worship approvals to the project.

The following provides key dates and a SEQRA history to-date:

- Preparation and submission of a DEIS regarding the Proposed Action by the Applicant on June 30, 2006;
- Preparation of a revised DEIS regarding the Proposed Action by the Applicant in October 2006;
- Acceptance of the DEIS by the Planning Board on October 24, 2006;
- Opening of a Public Comment Period on October 31, 2006 which ended on December 26, 2006;

- Holding of a Public Hearing on the DEIS by the Planning Board on November 30, 2006;
- Preparation of an FEIS regarding the Proposed Action on June 26, 2007;
- Acceptance of the FEIS by the Town Planning Board on March 25, 2008, and the filing of the FEIS and a Notice of Completion by the Applicant on April 15, 2008;
- Preparation and adoption of this Findings Statement by the Planning Board.

II. PROPOSED ACTION

A. Location

The project site is located in Ulster County, New York in the Hamlet of Cragsmoor within the Town of Wawarsing. The property, identified on Ulster County tax maps as parcel 98.1-1-53.200, is within the Residential Conservation Zoning District (R/C-3A). The site is roughly located east of Route 52, a State road which runs north-south and intersects with U.S. 209 in the Village of Ellenville, northwest of the project site and bordered by Cragsmoor Road to the east, Old Inn Road along a portion of the northern boundary and a number of privately owned residential properties on the remaining boundaries.

B. Site Character and Surrounding Uses

The 91-acre project site is predominantly wooded, with an open meadow on the north side of the property, fronting Old Inn Road (the location of the former gold course.) This portion of the property has been vacant since approximately 1965, when the inn and golf course were demolished, and the remainder of the site has never been developed. Land uses in the Cragsmoor area mainly consist of rural residential uses, and development remains low-intensity. Other land uses in the area include preserved land and religious and institutional uses.

The central portion of the property contains a ridge and several relatively flat areas, while the southern and western portions contain steep slopes and several small streams. In addition, a larger stream is adjacent to and runs parallel with a portion of Cragsmoor Road. The site consists mainly of minor to moderate slopes (5% to 15%), with some steeper rocky areas

(slopes of over 25%) along the small streams. Bedrock is exposed surficially throughout the project, and is typically 0 to 15+ feet below grade.

The site contains four distinct broad cover types: wetlands/water courses (1.40 acres), mature forests (49.59 acres), young woods (31.98 acres), and upland meadow (7.60 acres). Vegetative field studies identified 67 vegetative and cover types on the site, none of which are rare, threatened, or endangered plant species. A wildlife inventory yielded 56 species, including 37 avian species, 11 mammalian species, and 8 herptiles, none of which are threatened or endangered. Several species of special concern (Eastern Hognose Snake, Eastern Box Turtle, and Common Raven) were observed on the property.

The project site and much of the surrounding land is located within the Town of Wawarsing's R/C-3A District which permits single-family homes on minimum three-acre lots or two-family homes on lots equivalent to twice that minimum lot size.

Approximately 19.6 acres or 21.5% of the project site (northwest portion) is within Cragmoor Historic District, an area listed on the National Register of Historic Places. The district, designated in 1996, covers approximately 362 acres and contains 210 contributing features on 107 properties. The district extends northward to the Chapel of the Holy Name on Henry Road and southward to the former Cragmoor Inn gateposts on Cragmoor Road.

There are no contributing features of the historic district on the project site. The only contributing features of the Cragmoor Historic District that are in the vicinity of the project site are the former Cragmoor Inn, which was located across Old Inn Road from the project site, and the Cragmoor Inn gateposts, which are at the entrance to Old Inn Road from Cragmoor Road, off the project site.

Another listed historic district, *Chetolah*, is about a half-mile southeast of the project area on Vista Maria Road.

C. Project Description

The Project Applicant proposes to develop a 91± acre site with access from Cragmoor Road into a Buddhist house of worship and related hermitage facilities. Total building area is approximately 67,450 square feet, in 15 buildings. Site improvements include new access roads, subsurface sewage treatment systems, central water supply from drilled wells, stormwater management facilities, landscaping and off-site road improvements as approved by the Planning Board.

The Original Proposed Action described in the DEIS involved the construction of a total of 78,246 square feet in 17 buildings with associated site improvements.

D. Agency Jurisdiction(s):

Town of Wawarsing Planning Board

- Site plan review
- Special permit for a house of religious worship

Town of Wawarsing Highway Department

- Curb cut permit

Town of Wawarsing Building Department

- Building permit

Ulster County Health Department

- Approval of water and sewage disposal system
- Permit to operate a food service establishment

New York State Department of Environmental Conservation

- State Pollutant Discharge Elimination System (SPDES) permit for discharge to groundwater
- SPDES General Permit for stormwater discharges from construction activity, Permit No. GP-02-01
- Water supply permit

New York State Department of Health

- Permit to operate a temporary residence
- Permit to operate a food service establishment (administered by Ulster County Health Department)

E. History and Compliance with SEQRA Requirements

DEIS SUBMISSION

The DEIS for the Mahamudra Buddhist Hermitage was submitted by the Applicant, Dharmakaya, Inc. on June 30, 2006. The DEIS was accepted by the Lead Agency, the Town of Wawarsing Planning Board on October 24, 2006. The Proposed Action described in the DEIS was for the construction of a total of 78,246 square feet in 17 buildings, with associated site improvements, on a 91-acre site.

In addition to the Proposed Action, the DEIS evaluated three alternatives:

Alternative 1: No Action

Alternative 2: Residential Development Under R/C-3A Zoning District

Alternative 3: Alternative Site

The public comment period on the DEIS opened on October 31, 2006, and extended through December 26, 2006. During that time a public hearing on the DEIS was held on November 30, 2006. The public hearing was duly noticed, and all persons present were given the opportunity to provide comment. The public comment period was closed on December 13, 2006, two weeks after the public hearing, later extended to December 26, 2006. The Planning Board accepted written comments from the public during the comment period.

FEIS SUBMISSION

The Applicant submitted a FEIS for the project on June 26, 2007, which went through extensive review, comment, and additional information over an eight month period before being accepted on March 25, 2008. This FEIS included responses to the verbal and written comments that were made during the DEIS comment period and included modifications to the Proposed Action to respond to comments made by the public and the Planning Board's consultants during the public comment period. These modifications included:

- Elimination of two of the four proposed Sangha Residences.
- Reduction in total square footage of the proposed project from 78,246 square feet to 67,457 square feet, or approximately 14%.
- Reduction in total occupancy at full build-out of the Hermitage (on a day-to-day basis) from up to 107 people to a maximum of 85 people, or approximately

- 21%. The maximum number of day visitors on the special event days (six to eight times a year) would remain 143 people, resulting in a total maximum potential site population of about 228 people, compared with the total potential population of 250 people prior to the reduction in occupancy.
- Relocation of the Teacher's House further into the interior of the project site, from its previously proposed location close to Old Inn Road, to protect the viewshed from Old Inn Road down the former golf course fairway. The relocation ensures that neither the Teacher's House nor the Guest Teacher's House would be visible from Old Inn Road.
- Relocation of the Welcome House to a site just north of the proposed main parking lot, in the interior of the project site, from its previously proposed location close to Cragsmoor Road. This relocation substantially reduces views of the Welcome House from Cragsmoor Road, essentially eliminating any view of any part of the proposed project from this road, except for the entrance curb cut and ornamental gate.
- Reduction in the total number of parking spaces on the project site, from 112 spaces to 79, or approximately 29%. This reduction will decrease by approximately 25% the area of disturbance related to parking to 1.75 acres, or 1.93% of the total project site, from 2.35 acres, or 2.59% of the project site, as previously proposed.
- Proposed green space buffers along approximately 77% of the site boundary as follows: A buffer approximately 100 feet deep is proposed on the entire frontage of the site along Cragsmoor Road, and the entire frontage on Old Inn Road. A buffer about 200 feet deep is proposed along the southern and western site boundaries. A buffer continues at a depth of 100 feet along the northwest site boundary. The purpose of the buffer area is to provide landscaped buffer areas that generally limit placement of facilities above ground level within the buffer area and provide reasonable amounts of natural screening along areas viewed from public and private roadways. In total, the proposed buffers would cover an area of 26.6 acres, or 29% of the site.

Dharmakaya would have certain limited reserved rights within the buffer areas, including the right to place walking and meditation trails and religious statuary; to selectively prune vegetation; and to remove dead or diseased trees. Dharmakaya would also, upon approval by the Planning Board and in the manner shown on approved site plans, be allowed to place structures and facilities within the buffer areas, including access drives, entrance lighting and directional signage; water and stormwater facilities; septic and other underground utilities; and such other structures

and facilities as the Planning Board may deem appropriate in support of the use of the property and consistent with the function of the buffer areas.

The buffer areas would be noted on any approved site plans, with appropriate notes to implement the restrictions as approved by the Planning Board. In addition, the Applicant has proposed to file appropriate covenants and restrictions to implement the buffer restrictions and reserved rights as set forth in the special permit and site plan approval resolution, in a form approved by the Planning Board Attorney, additionally naming the Town of Wawarsing as a benefited party with ability to enforce the provisions of the covenants and restrictions. Additionally, should the Town Planning Board desire it and the Town Board accept it, the Applicant shall offer to the Town of Wawarsing a Conservation Easement, in form approved by the Town Attorney, setting forth the same substantive restrictions and reserved rights as in the covenants and restrictions, and granting the Town the ability to enforce such Conservation Easement. The documents creating the covenants and restrictions, and, if applicable, the conservation easement would be recorded no later than simultaneously with the issuance of the first Certificate of Occupancy for a building within the Dharmakaya project.

MODIFIED PROPOSED ACTION DESCRIBED IN THE FEIS

In response to public comments on the DEIS, the Applicant made numerous substantive reductions in size to the Proposed Action that was described in the DEIS. The purpose of these reductions, outlined above, was to address public concerns regarding the site plan described in the DEIS and enhance the site's consistency with the character and scale of Cragmoor. The Proposed Action described in the FEIS calls for the development of a combination of 67,457 total square feet of space, in 15 newly constructed buildings, for a Buddhist house of worship and related hermitage facilities. A total of 79 off-street parking spaces are provided, primarily in the main visitor parking lot in the southern portion of the project site. In addition, the project includes the development of site improvements including:

- New access roads
- Subsurface sewage treatment systems
- Central water supply from drilled wells
- Stormwater management facilities
- Landscaping
- Off-site road improvements as approved by the Planning Board

As discussed above, the Modified Proposed Action represents a significant reduction to the original Proposed Action, as described in the DEIS, to reduce the size of various project elements and otherwise decrease the impacts of the proposed project. Overall, the site plan modifications result in a reduction in final

build-out in terms of occupancy, number of buildings, total square footage and parking. The changes would create decreases in water usage, septic capacity, electrical loads, disturbed areas, parking and landscaping. The proposed changes also include the relocation of certain buildings, to further reduce visibility of the Hermitage from neighboring properties.

Specific changes that have been made to the Proposed Action are as follows:

- 1) Modify the number and square footage of proposed buildings.
 - Two of the four proposed Sangha Residences (for those preparing for or “decommissioning” from the three-year retreat) would be eliminated. This change would reduce square footage of the Sangha Residences by 50%.
 - Square footage of the Teacher’s House would be reduced from 4,973 square feet to 3,900, or approximately 22%.
 - The Bodhisattva Dharma Center’s square footage would be decreased from 18,500 square feet to 16,500, or approximately 11%.
 - Square footage of the Common House would be reduced from 5,000 square feet to 4,000, or approximately 20%.
 - The Welcome House’s square footage would be decreased from 2,500 square feet to 800 square feet, or approximately 68%.
 - Square footage of the Milarepa Center would rise from 20,652 square feet to 22,236, or about 7.7%, due to changes in the building floor plans.

The net result of the above changes is a reduction in the footprint of the proposed Mahamudra Hermitage from 78,246 square feet to 67,557 square feet, a decrease of approximately 14%.

- 2) Reduce the occupancy of the proposed buildings.
 - Due to the elimination of two of the Sangha Residences, occupancy of these buildings would decrease by half, from 40 to 20 people.
 - Occupancy of the Milarepa Center would decrease by two people, or about 6.3%.

The net result of these changes is a reduction in total occupancy at full buildout of the Hermitage (on a day-to-day basis) from up to 107 people to a maximum of 85 people, or approximately 21%. The maximum number of day visitors on the special event days (six to eight times a year) would remain 143 people, resulting in a total maximum potential site population of about 228 people. This is less than the total potential population of 250 people prior to the reduction in occupancy.

- 3) Relocate certain of the proposed buildings.
 - The Teacher's House would be moved southwest, further into the interior of the project site, from its currently proposed location close to Old Inn Road. This relocation would protect the viewshed from Old Inn Road down the former golf course fairway, and the Teacher's House would sit at a significantly lower elevation relative to Old Inn Road, approximately 30 feet lower. In addition, the Teacher's House will be moved approximately 225 feet further to the southeast from the neighboring residence, eliminating the need for the curb cut off of Old Inn Road previously proposed to provide access the Teacher's House; limited access off of Old Inn Road would be retained to provide secondary emergency access to the project site. While both the Teacher's House and Guest Teacher's House would remain within the Cragsmoor Historic District, the relocation of the Teacher's House would ensure that neither structure would be visible from Old Inn Road.
 - The Welcome House would be relocated to a site just north of the proposed main parking lot, in the interior of the project site, from its currently proposed location close to Cragsmoor Road. This change, along with a modification to the entrance access road, would substantially reduce views of the Welcome House from Cragsmoor Road, essentially eliminating any view of any part of the proposed project from this road, except for the entrance curb cut and ornamental gate.
- 4) Reduce the number of parking spaces provided.
 - The relocation of the Welcome House to the main parking lot will result in zero parking spaces needed for this building, compared with six spaces previously proposed.
 - The reduction in occupancy at the Sangha Residences and Milarepa Center, along with other changes, will decrease the number of parking spaces provided at the main parking lot by 27, from 94 spaces to 67. The above changes will result in a net reduction of total parking spaces on the project site, of 33, from 112 spaces to 79, or approximately 29%. This reduction will decrease by approximately 25% the area of disturbance related to parking to 1.75 acres, or 1.93% of the total project site, from 2.35 acres, or 2.59% of the project site, as originally described in the DEIS. Thus, the area of impervious surface related to parking has been significantly reduced.
- 5) Proposed Buffers.
 - The application shows proposed green space buffers along approximately 77% of the boundary as follows: A buffer approximately 100 feet deep is

proposed on the entire frontage of the site along Cragmoor Road, and the entire frontage on Old Inn Road. A buffer about 200 feet deep is proposed along the southern and western site boundaries. A buffer continues at a depth of 100 feet along the northwest site boundary. These buffers are substantially deeper than the applicable 50-foot yard requirement in the R/C-3A zoning district. The purpose of the buffer area is to provide landscaped buffer areas that generally limit placement of facilities above ground level within the buffer area and provide reasonable amounts of natural screening along areas viewed from public and private roadways. In total, the proposed buffers would cover an area of 26.6 acres, or 29% of the site.

Dharmakaya would have certain limited reserved rights within the buffer areas, including the right to place walking and meditation trails and religious statuary; to selectively prune vegetation; and to remove dead or diseased trees. Dharmakaya would also, upon approval by the Planning Board and in the manner shown on approved site plans, be allowed to place structures and facilities within the buffer areas, including access drives, entrance lighting and directional signage; water and stormwater facilities; septic and other underground utilities; and such other structures and facilities as the Planning Board may deem appropriate in support of the use of the property and consistent with the function of the buffer areas.

The buffer areas would be noted on any approved site plans, with appropriate notes to implement the restrictions as approved by the Planning Board. In addition, the Applicant has proposed to file appropriate covenants and restrictions to implement the buffer restrictions and reserved rights as set forth in the special permit and site plan approval resolution, in a form approved by the Planning Board Attorney, additionally naming the Town of Wawarsing as a benefited party with ability to enforce the provisions of the covenants and restrictions. Additionally, should the Town Planning Board desire it and the Town Board accept it, the Applicant has offered to the Town of Wawarsing a Conservation Easement, in form approved by the Town Attorney, setting forth the same substantive restrictions and reserved rights as in the covenants and restrictions, and granting the Town the ability to enforce such Conservation Easement. The documents creating the covenants and restrictions, and, if applicable, the conservation easement would be recorded no later than simultaneously with the issuance of the first Certificate of Occupancy for a building within the Dharmakaya project.

The changes summarized above result in reductions in occupancy, number and size of buildings, parking and the creation of substantial buffer areas, which when taken in total represent a significant reduction in project size and scope of the project, and assurance that approximately 29% of the site will remain as a natural buffer.

III. ENVIRONMENTAL IMPACTS OF PROPOSED ACTION

A. Land Use and Zoning

Potential Impacts and Proposed Mitigation

The Mahamudra Hermitage project site consists of approximately 91 acres on tax lot 98.1-1-53.200. The northern portion of the site is the former location of a nine hole golf course associated with the Cragsmoor Inn (formerly located across Old Inn Road from the project site). This portion of the property has been vacant since approximately 1965, when the inn and golf course were demolished, and the remainder of the site has never been developed. Land uses in the Cragsmoor area mainly consist of rural residential uses, and development remains low-intensity. Other land uses in the area include preserved land and religious and institutional uses. Much of Cragsmoor, including the northwest portion of the Mahamudra Hermitage project site, is located within the Cragsmoor Historic District, an area listed on the National Register of Historic Places. The district extends northward to the Chapel of the Holy Name on Henry Road and southward to the former Cragsmoor Inn gateposts on Cragsmoor Road. The portion of the project site within the historic district is approximately 19.6 acres, and contains the proposed construction of four buildings, which would house the hermitage teacher and any visiting teachers, as well as participants in short-term retreats. Another listed historic site, Chetolah, is located approximately half a mile southeast of the project site on Vista Maria Road.

The project would conform to the goals of both the Town of Wawarsing 1969 Development Plan and the Town's updated Comprehensive Plan by properly placing development in certain areas of the site, while allowing substantial portions of the property to remain untouched and in their natural undisturbed state. This approach would accomplish the open space goals of the two plans without the single-family net density usually inherent in cluster residential development.

In addition, the project would be in harmony with the policies and recommendations of both the Ulster County Open Space and Parks Plan of 1972 and the Ulster County Open Space Draft Plan and Program currently being developed. Under the recommendations of the Open Space Draft Plan and Program, the project site could potentially be considered as a "priority conservation area" – because of its location within the Shawangunks and the Cragsmoor Historic District – and a "priority growth area" – because of its vacant state and proximity to the existing, developed area of Cragsmoor. The proposed Mahamudra Hermitage would combine the goals of both recommendations by taking a cluster development approach, which would allow for significant open space but also provide for feasible, ordered development near the center of Cragsmoor.

Expected impacts associated with the proposed development are similar to those arising from any low-intensity development, and include small increases in traffic and demands for utilities, community services and facilities, as the existing vacant site does not currently generate any traffic or demand on the town's utilities and services. As with any development on vacant land, the proposed project would result in the creation of impervious surfaces and other development impacts. However, it would generate significantly less of these impacts than would potential residential development allowed under current zoning.

The Mahamudra Hermitage project has been planned to fit in with the community. The proposed use has lesser impacts than the single-family use, and is more desirable in view of its greater setbacks, greater preservation of large areas of contiguous open space and the fundamentally quiet nature of the proposed use. In addition, the Applicant has proposed significant permanent buffers around approximately 77% of the perimeter, covering approximately 29% of the land, to further screen and distance residents from the project, and vice versa. The size of the project has also been reduced, from a total of 78,246 square feet to 67,457 square feet, or 14%.

The project site is located within the Town of Wawarsing's Residential Conservation Zoning District (R/C-3A), which permits single-family homes, including individual mobile homes, on minimum three-acre lots. Two-family dwellings are also permitted on lots equivalent to twice the minimum lot size of the zoning district, and governmental uses are allowed. Churches, synagogues and similar houses of religious worship are permitted by special permit. Land surrounding the project site is predominantly zoned R/C-3A, with a small area located to the west of the site along State Route 52 zoned Highway and General Commercial District (B/H), and an area located further north of the site zoned Residential Resort District (R/R-40), requiring 40,000 square feet per dwelling unit.

The proposed project would comply with the standards of the R/C-3A zoning district within which is it located, as well as other accepted standards, including all New York State Building Code requirements. The Hermitage would significantly exceed the minimum lot area and all setback requirements, and would result in a total building coverage substantially less than the maximum permitted. Proposed construction would be located at significant distances (a minimum of 60 feet) from property boundaries, which will minimize impacts to surrounding land uses.

The proposed project qualifies for the issuance of a special permit as a house of worship in conformance with the R/C-3A zoning regulations. The primary function and use of the property is worship, and the majority of the space relates to the actual worship and meditation areas, together with necessary teaching space for those learning the methods of worship in the Buddhist tradition. A relatively

small percentage of the overall building space is devoted to living areas, and these are accessory to, and support, the main worship function.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on land use and zoning.

B. Community Character/Visual Resources

Potential Impacts and Proposed Mitigation

The Proposed Action is consistent with the character of Cragsmoor and is designed to complement and protect its rural and scenic qualities. The Mahamudra Hermitage would have significantly less impacts on community character than allowed single-family uses, given its greater setbacks, preservation of large areas of contiguous open space and the quiet nature of the proposed use. Permanent green space buffers covering approximately 29% of the property and around approximately 77% of the site perimeter are proposed to further screen and distance Cragsmoor residents from the project, and vice versa. As discussed above, the overall scale of the project has been reduced, from a total of 78,246 square feet to 67,457 square feet, or 14%. Two of the proposed buildings have been eliminated from the site plan, and the Teacher's House and Welcome Center, the proposed structures that previously were located closest to the site boundaries, have been relocated further into the interior of the property. These modifications are intended to lessen impacts on the Cragsmoor Historic District and views of the project site.

Hermitage retreatants will have little, if any, day-to-day impact on the hamlet of Cragsmoor. Retreatants will remain at the Hermitage throughout the duration of their stay. The same pattern of traffic will apply to the few days per year when additional guests are received. The proposed access entrance to the Hermitage (from Cragsmoor Road) is well before entering into the hamlet proper of Cragsmoor. Hence, Hermitage traffic will not impact the hamlet proper. Even on the isolated days with additional guests, the traffic levels will not exceed those extant on existing special events such as the annual Cragsmoor Day event held during the summer, which attracts hundreds of visitors to the Cragsmoor area. The as-of-right use of the property as a residential subdivision would generate more traffic than will the Hermitage use. It is not expected that any traffic relating to Dharmakaya will create a dangerous or disruptive environment.

The DEIS analyzed the project's potential impacts on five views to and from the Mahamudra Hermitage property:

- Bear Hill Nature Preserve
- Cragsmoor Road
- Old Inn Road
- Sam's Point Preserve
- Lake Maratanza

In response to public comments on the DEIS, additional visual analysis was conducted for Bear Hill and the Long Path. Visual impacts have been addressed through a combination of mitigation measures as prescribed by the DEC Program Policy, including screening, relocation, low profile and downsizing. Aesthetic impact as defined in the DEC Program Policy clearly indicates that "Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment of and/or appreciation of the appearance of an inventoried resource."

No potential visual impacts were determined to exist from Sam's Point Preserve and Lake Maratanza to the project site. Regarding views from Bear Hill, the largest proposed building (the Bodhisattva Dharma Center) will sit at grade elevation 1,720 feet, approximately 230 feet below the summit elevation of Bear Hill. Although portions of the Hermitage buildings will be visible from Bear Hill, per DEC Program Policy and the definition of Aesthetic Impact, this view will not be negatively impacted, because of a number of factors including but not limited to: 1) proposed new green buffers and maintenance of existing natural green buffers; 2) the predominant low single-story profile of most building massings; 3) the cluster development approach to the site's planning which provides for the grouping of buildings into centers, preserving substantial areas of the property in their natural state; 4) as a result of factor 2 and 3 as mentioned above, and given the 91-acre size of the property, the proposed buildings are in scale with the property size and do not appear 'over built'; and 5) utilization of building materials, finishes, colors and design characteristics which blend with the existing natural environment.

Regarding views from Cragsmoor and Old Inn Roads, views have been limited in several respects. With the proposed relocation of the Teacher's House, only portions of the Milarepa Center (not the entire project) will be visible from Old Inn Road, i.e., only those portions of the buildings not fully screened by existing and new trees and landscaping. Hence, a stark contrast to the surrounding historic community will not occur. The Milarepa Center has been designed and sited to step down the natural grade slopes, and it has also been designed as a "quad," surrounded by buildings, which will obscure the view of retreatants from Old Inn Road (and vice versa). This type of planning for building siting and configuration will be carried out for all buildings on the site to minimize visibility. Additionally,

as discussed above, the Applicant has proposed a 100-foot-wide buffer along Old Inn Road, which will provide additional screening and distancing. The Welcome House has been downsized from 2,500 square feet to 800 square feet and has been relocated further back into the site (approximately 280 feet from Cragmoor Road) and within the previously proposed parking area. The required disturbance and visibility associated with the previous location has been eliminated. In addition, new landscape buffer plantings have been proposed along Cragmoor Road and at the proposed parking lot and stormwater pond to supplement the existing vegetation within the proposed buffer. The Applicant's proposed buffer areas will assure continuation of large setback areas to buildings, and will generally protect the existing vegetative screening within the buffer. Although a portion of the disturbed area of a proposed stormwater pond at the northern portion of the site is located partially within the proposed 100-foot buffer along Cragmoor Road (dictated by design considerations), there is still not a significant impact to views from the roadway. A buffer of approximately 65 feet remains and will maintain existing vegetation and trees, along with providing new proposed buffer landscaping. In addition, the closest building to Cragmoor Road (the Common House) is approximately 500 feet from the road at that point. Existing landscaping will be supplemented by the proposed new landscape screen plantings. The buffer areas will provide additional screening of any of the structures within the site from public roadways and assurance that such areas will remain free from construction of substantial above-ground structures in the future.

Regarding views from Long Path, three-dimensional computer simulations in both leaf-on and leaf-off conditions, verify that the project as viewed from Long Path will not present any negative aesthetic impact to this viewshed. While the visual simulations show that some of the proposed buildings will be visible from the Long Path, there is no significant adverse impact on these views. As is clearly indicated by the leaf-on simulation, the proposed Hermitage buildings will be substantially obscured during such spring, summer and fall seasonal conditions. During the winter season, the leaf-off simulation still shows a substantial amount of screening. The buildings appear in a spread-out configuration, providing spatially quiet visual separations between buildings. The Long Path trail is approximately one mile from the proposed Hermitage site. Hence, the buildings appear small in size from this distance, in appropriate scale and harmony with the surrounding landscape and with other visible structures within the view shed. In reference to the DEC Guidelines, the simulations support the conclusion that the construction of the proposed Hermitage will present no adverse impact to the Long Path view shed.

The DEIS also analyzed potential visual impacts from the lighting proposed to be used on the project site. No visual impacts from proposed lighting are anticipated, since project site lighting will be low-keyed to eliminate hot spots, glare and lumen overflow onto adjacent properties. This approach will reflect the proposed functional use of the site (worship through quiet meditation). Hence, lighting will

be provided by low landscape and site walk fixtures, bollards and other low profile fixtures designed to shroud and direct light downward, with specific controls limiting light spread and throw. In addition, fixtures will provide light in conformance with the requirements of the Town of Wawarsing Zoning Code, should such requirements exceed those described above.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on community character.

C. Flora and Fauna

Potential Impacts and Proposed Mitigation

The proposed Mahamudra Hermitage site lies within the Shawangunk Ridge habitat complex, encompassing diverse upland and wetland communities. This ridge is noted as important as a migration corridor for raptors, other migratory birds and mammals. A vegetation inventory included identification of broad vegetation or habitat cover types that involved identifying plant, shrub, and tree species on the site. Cover type surveys were conducted by investigating the habitats on the site to identify and classify each. Within each cover type, visual searches for herbaceous and woody plant species or parts thereof – including leaves, bark, twigs, seeds, flowers, fruits or other identifiable plant structures – were conducted to identify and document plant material on the site. Plants were identified to species level when possible.

The vegetation inventory positively identified 67 species on the site. No rare, threatened, or endangered plant species were identified on the site. The regionally significant pitch pine-oak-heath community that occurs on much of the Shawangunk Ridge occurs on the property in an area near Old Inn Road. There are 4 distinct broad cover types identified on the site during the field investigation:

- Wetland/Watercourse – 1.40 acres
- Mature Forest – 49.59 acres
- Young Woods – 31.98 acres
- Upland Meadow – 7.60 acres

Field surveys were conducted for wildlife species and included mammals, birds and herptiles (reptiles and amphibians). Special surveys were also conducted to identify and locate state and federally listed species of special concern and threatened and endangered species and their appropriate habitats. Multiple methods were used in these surveys, increasing the potential accuracy of surveys.

The wildlife inventory yielded 56 species, including 37 avian species, 11 mammalian species, and 8 herptiles to date. This list includes only species actually observed from the site. No threatened or endangered species were observed on the site. Several species of special concern (Eastern Hognose Snake, Eastern Box Turtle, and Common Raven) were observed on the property. Currently, New York State listed Species of Special Concern are given no additional protection by the NYSDEC, but the data is used as an accounting tool for these species.

In response to public comments on the DEIS, additional field surveys were conducted on July 24, 2007, and August 8, 2007, meaning that flora and fauna analysis covered all seasons of the year. During these additional field surveys, no additional species of special concern or threatened, endangered, or rare species were observed. Furthermore, herptiles are active from March through June and are generally not seen during the mid-summer period because of the risk of becoming desiccated. Breeding birds are generally most active from April through June. Flowering plants are recognizable from mid-April through September.

In addition, in response to concerns regarding the timber rattlesnake, the Applicant retained an expert in conducting rattlesnake habitat assessments, who conducted a study of the project site and determined that there were no potential rattlesnake denning or associated basking habitat on the property and stated “it is highly unlikely that timber rattlesnakes use this property.”

Direct impacts to wildlife from the proposed development will primarily be temporary displacement during construction. Some species found on the site are habituated to human disturbance and have already adapted to proximal human habitation. These species will remain on the site, likely in the same numbers once construction is completed.

Some wildlife species currently found on the site are intolerant of human disturbance or habitation, such as forest interior songbirds. Some individuals may attempt to move into adjacent habitats, where they will have to compete with resident individuals of the same species (conspecifics) to occupy the remaining habitat. Impacts from actions on the proposed development portion of the site however are not considered significant since only 39% of the site will be impacted and 80% of that area will be landscaped with native vegetation.

No state or federally listed threatened or endangered species were found on the site. Eastern Box Turtle, Eastern Hognose Snake and the Common Raven, all species of special concern, were observed while on the site. Impacts to these species are not expected to occur from the proposed development since approximately 61% of the site will remain in its current state with additional revegetation occurring on a large portion of the proposed development area.

The proposed Mahamudra Hermitage development and its appurtenant features, like all development, will necessarily require clearing of a total of 30.38 acres of natural vegetation. Earth moving (excavation, filling, and grading), operation of heavy machinery, construction; and alteration to existing drainage patterns, addition of impervious surfaces, changes in traffic patterns and increased human activity will occur on the subject property.

The bulk of the site disturbance will take place during Phase I of the project, with the construction of Roads A and B, installation of the infrastructure and construction of the Milarepa Center. The Applicant has acknowledged the responsibility to limit disturbance to no more than 5 acres of land at a time. Work during Phase I will be broken down into sub-phases so that the disturbance does not exceed 5 acres at any one time. The sub-phases will be as follows:

Sub-phase A:

Construct Road A and portion of Lower Parking Lot included in Phase I, install a temporary sedimentation pond in the vicinity of Detention Basin #2, and install other erosion control measures such as anti-tracking devices, silt fences, temporary diversion swales, water bars. Total area of disturbance – 3.7 acres.

Sub-phase B:

Construct Road B to intersection with Road D, install temporary sedimentation pond in the vicinity of Detention Basin #3, and install other erosion control measures such as silt fences, temporary diversion swales, water bars. Total area of disturbance – 4.1 acres.

Sub-phase C:

Construct Milarepa Center Buildings, Road D, SSTS for Milarepa, and pathways. Total area of disturbance – 4.3 acres.

Sub-phase D:

Construct Road B to its intersection with Old Inn Road, plus Road F, and install other erosion control measures such as silt fences, temporary diversion swales, water bars. Total area of disturbance – 3.0 acres.

During the construction of the road segments defined under each sub-phase, infrastructure improvements such as water supply, drainage, electric, telephone and cable will be installed for that segment. At the completion of each sub-phase and prior to the start of the next sub-phase disturbed areas will be stabilized as required by NYSDEC with paving, plantings, etc.

The Applicant is applying for special permit approval for the Dharmakaya project as a whole, and the SEQRA analysis has covered the entire project. However, the

Applicant is initially seeking site plan approval for Phase I only. Site Plan approval must subsequently be granted for all subsequent phases prior to any construction in those phases. Subsequent phases have been initially established as described in the DEIS and listed below. In general, each phase will involve the construction of the individual building complexes or groupings of related building uses. These too will contain sub-phases so as to limit the disturbance to less than 5 acres at any one time. Phase IV will involve a total disturbance of more than 5 acres, but as is proposed for the Phase I work, the site plans will detail the staging of the work with sub-phases so as to limit the disturbance at any one time to less than 5 acres. The anticipated phases and the total disturbance associated with the construction of each are as follows:

Phase II:	Naropa Meditation Center, Road C, and SSDS:	3.7 acres
Phase III:	Teacher & Guest Teacher Houses, Sangha Residences and Common House, and SSDS:	3.6 acres
Phase IV:	Bodhisattva Dharma Center, Balance of Lower Parking Lot, Welcome Center & Detention Basin #1:	8.0 acres

Construction of each of these phases and the individual building complex sites within each phase are independent of each other once Phase I is complete. The construction can take place in almost any order, and could also be further subdivided into smaller phases or sub phases without adverse environmental effects. The only phase that is dependent on another is the construction of the balance of the lower parking lot and detention basin #1. Since these components of the site serve other buildings, these facilities should be constructed prior to or simultaneously with construction of the Bodhisattva Dharma Center.

Although the above has been proposed for the future construction phasing of the site, there is no environmental reason why changes to the sequence of the building construction cannot be made for any of the phases subsequent to Phase I.

Approximately 80% of the 30.38 acres of impact area will be landscaped with native vegetation to minimize impacts from the proposed work. The cultural habitat types are planned to be of significant value to wildlife potentially equal to the natural cover types. Overall, only a modest decrease in natural wildlife habitat value is anticipated to result, and the species richness of the local wildlife community should not be negatively impacted.

The closed canopy in the forested area will be partially cleared to allow for development. The forest areas on the site appear to have been previously logged, due to the relative size of the trees, and most likely were used as pasture. A large area of the forest will be preserved, leaving protection for forest interior species from invasion of and competition with edge species.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on flora and fauna.

D. Topography, Steep Slopes, Soils and Sanitary Sewage Disposal

Potential Impacts and Proposed Mitigation

TOPOGRAPHY AND STEEP SLOPES

The Mahamudra Hermitage project site lies on a shoulder of Bear Hill just east of the Shawangunk Mountain ridge line, creating a topography that slopes downhill from the north portion of the property to the south. The highest part of the parcel is found where it fronts on Old Inn Road, where the elevation is 1,831 feet. There is also a small “knoll” located east and slightly south of the Old Inn Road frontage at elevation 1,794 feet. From each of these high areas, the land slopes downward to the south and east with varying grades. The lowest elevation on the property, 1,535 feet, is found at the southwest corner. At the southeast corner adjacent to Cragmoor Road the elevation is 1,562 feet. Elevations vary approximately 296 feet across the property.

Slopes of 0% to 15% slopes, which comprise approximately 50% of the parcel area, are generally found along the “shoulder” line of the parcel running from the north-northwest to the southeast corner. Slopes of 15% to 25%, which make up about 38% of the parcel, fall on either side of the gentler slopes. The remaining 11% of the site, the greater than 25% slopes, are generally found along the western portion of the parcel and adjacent to Cragmoor Road and an old logging road that traverses the parcel.

The layout of the Hermitage facilities has been designed to minimize construction within the areas of steeper slopes. Areas that will not be regraded include a band along the southwest and south perimeter of the site and the northeast portion, including the area of designated wetland/watercourse.

Approximately 30.38 acres, or 33.5% of the site, will be regraded and temporarily exposed during construction of the proposed Hermitage, although construction will be phased, and only limited portions of the site will be under construction at any one time. The regrading will occur from about midway along the eastern side (Cragmoor Road) of the site northwesterly to the northern boundary adjacent to Old Inn Road. The work is needed to develop the road system, building platforms, drainage basins and SSDS systems. It is estimated that approximately 12 acres, or 38% of the total area of disturbance, is a 15% or greater slope.

In general, all limits of disturbance lines will be delineated and fenced to help retain natural buffer areas on the site. Disturbance of any portion of the site will be kept to a minimum, at no time exceeding 5 acres of unstabilized, disturbed area. Erosion and sediment control measures will be installed at the onset of work, and in areas of steep slopes will be fortified with items such as double rows of silt fencing, soil stabilization matting and other drainage control measures. Temporary and final stabilization methods such as seeding will be completed as

soon as is practical. Finally, all steep slopes will be stabilized before the end of the construction season.

Permanent stabilization will occur within 15 days of establishing final grade, and will be achieved by using a mixture of grasses, groundcovers, shrubs and trees as appropriate. In areas where final grade will not be achieved within 60 days, temporary soil stabilization (i.e., temporary turf establishment and/or mulching) will occur within two days of disturbance. Soil will be stockpiled in level areas of the site to minimize erosion, but will not be stockpiled in areas with greater than 10% slopes.

Erosion and sediment control measures for the proposed project will include a construction sequence narrative for the full scope of site work specified within the plans and sediment and erosion control measures as shown on the Schematic Site Plans. Provisions for the installation of a silt fence, anti-tracking apron, naturalized riprap and temporary diversions will be incorporated. Erosion and sediment control will be an integral part of construction management.

The contractor will be required to install all sediment and erosion control measures and maintain them throughout the entire construction process. These measures will be monitored during construction as required by the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP- 02-01).

SUBSURFACE GEOLOGY AND SOILS

The project site is located in the Hudson Lowland area in an unnamed region of the Valley and Ridge province lying just east of the Shawangunk region. The Hudson Lowland area consists of varying elevations, rock types and rock structure that have been previously folded and faulted at least once during mountain building. In this particular region, Ordovician sandstones, shales and silts have been twice folded and faulted. The bedrock geology in the project area is comprised of two formations. The first, which is found in the western half of the site, has been described in the Bedrock Geology - Lower Hudson Sheet, available from the NYS Education Department as Austin Glen Formation (Oag) part of the Trenton Group. This sedimentary rock type was formed by lithification of ancient compressed and mildly heated interbedded layers of mud and sandstone sediments during the mid-Ordovician geologic period.

The eastern half of the site is underlain by the Bloomsburg Formation, a shale and conglomerate formation. The bedrock in this area is the Shawangunk Conglomerate, made of Silurian and early Devonian sediments that are dark-gray, medium to coarse grained sandstone and conglomerate with some siltstone and a shale. The formation was reworked by the wave action along the shores of a sea on the west side of the mountain and formed into hard rock.

Bedrock is exposed surficially throughout the project, and is typically 0 to 15+ feet below grade. This conclusion is based on the soil types and observations made during the soils testing program for the proposed septic systems during which 61 deep test pits varying in depth from 4 feet to 7 feet were dug. Rock was not encountered in any of the test pits. Furthermore, when the two wells were drilled for the site (located in the northwest center of the parcel), rock was not encountered until a depth of about 40 feet.

Soils and surface rock identified have been mapped and described in the “Soil Survey of Ulster County” by the U.S. Department of Agriculture, Soil Conservation Service. On-site soils include Bath gravelly silt loam (BgC), Bath and Mardin very stony soil (BRC), Volusia very stony soil (VSB), and Nassau-Bath-Rock outcrop (NBF).

Extensive soils tests were conducted for the design of the subsurface sewage disposal systems (SSDS). The tests consisted of percolation tests to determine the permeability of the soils and the digging of deep test holes to observe soil types and look for evidence of soil mottling. Each of the 59 deep test pits exhibited soil mottling, an indication of the high groundwater table at beginning at varying depths. On average, mottling began at a depth of approximately 20”. However, only 24, or less than half of the deep test pits, encountered groundwater at the time of testing. Of those 24, the median depth to the ground water was 72”. The test pits were dug mainly in the area of the proposed SSDS’s, which generally fall within the Bath gravelly silt loam (BgC) and Bath and Mardin very stony soil (BRC) soil types. These soils cover 89.2% of the entire site and are the main soil type found in the areas proposed for construction.

It is not expected that there will be a need for blasting to develop the Hermitage site. Soils tests were conducted as part of the SSDS design, and rock was not encountered in any of the test pits. Furthermore, when the two wells were drilled for the site (located in the northwest center of the parcel), rock was not encountered until a depth of about 40 feet.

The proposed plan has been designed to minimize development in steeper areas of the site. The plan will also control runoff during construction to minimize the down stream impacts, and to establish permanent stabilization as soon as is practicable. Soil limitations related to development are taken into consideration in the planning of a project. The limitations presented for a particular soil can be overcome with careful project planning, design and management.

SANITARY SEWAGE DISPOSAL

The Cragmoor area is not serviced by a public or central sewage treatment system. Buildings in the area and most of Ulster County depend upon individual subsurface sewage disposal systems (SSDSs) for the treatment of sanitary waste. The surrounding properties in general, have SSDSs that consist of a septic tank

with fill areas for the treatment of effluent. Permitting for SSDSs is through the Ulster County Health Department, Environmental Sanitation Division.

SSDSs are proposed for the treatment of sanitary sewage generated by the Hermitage. The design and permitting of SSDSs is based on the results of soil percolation tests and the findings of deep test pits. Based on the soil test results, fill systems are proposed for the SSDSs. Each building center (i.e. Naropa, Milarepa, etc.) will have its own primary and secondary (100% expansion) system, with the exception of the Teacher's and Guest Teacher's Houses, which will be combined into one. The fill systems will consist of 3 feet of run of bank gravel placed on undisturbed soil. The absorption area required for each fill system is based on the maximum design flows for each building center. Due to the total design flow rate for the Hermitage, a SPDES Permit will be required from the New York State Department of Environmental Conservation.

With the exception of the system serving the Teacher House, the fill systems are located in the central portion of the site on areas where slopes do not exceed 15%. The system serving the Teacher's and Guest Teacher's Houses is located west of the Teacher's House.

The proposed mound systems will follow the standard design and configuration prescribed by New York State and the Ulster County Health Department. In addition, the results from the mounding analysis undertaken by the Applicant's hydrogeologist indicated that the proposed effluent disposal systems are feasible (from a hydrogeologic standpoint) when the appropriate design practices are incorporated in the proposed disposal systems.

The major concern with any SSDS for the treatment of sanitary sewage is that the proper system is selected and designed for a size commensurate with the anticipated flows and the underlying soil conditions. To help reduce anticipated flows to the SSDSs, all facility buildings will utilize water saving fixtures, including waterless urinals, low flow toilets, flow restrictors on faucets and showers, and water saving appliances such as clothes and dish washers.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on topography, steep slopes, soils and sanitary sewage disposal.

E. Hydrology, Groundwater Resources and Water Supply

Potential Impacts and Proposed Mitigation

HYDROLOGY

As described above, the western half of the project site is underlain by the Trenton Group, specifically the Austin Glen Formation, which consists of black shales. The fractures exhibited in the fine-grained bedrock units are few and mostly closed fractures. These units are resistant to weathering. The unit likely exhibits low to moderate permeability based on the porosity of the bedrock unit, and secondary permeability caused by the presence of interconnected fractures can be low to moderate. Water is contained in fractures, joints, bedding planes, solution cavities and other secondary openings in the bedrock units. Wells completed in this unit generally have moderate potential to produce high well yields; commonly wells targeted at favorable locations yield between 25 to 100 gallons per minute (gpm).

The eastern portion of the site is underlain by the Bloomsburg Formation, a shale and conglomerate formation. The bedrock in the area underlying the site is the Shawangunk Conglomerate, which consists of light-gray to dark-gray, medium to coarse grained sandstone and conglomerate with some siltstone and shale. The unit generally exhibits low to moderate primary permeability based on the porosity of the bedrock units, and secondary permeability caused by the presence of interconnected fractures can be low to high. The rock units are generally brittle, forming numerous open fractures. The unit is highly resistant to weathering. Water is contained in fractures, joints, bedding planes, contacts and other secondary openings in bedrock units. Wells completed in this unit have moderate potential to produce high well yields; typical well yields range from 25 to 150 gpm.

To evaluate the bedrock aquifers of the site and their potential developing highyield water wells, a fracture-trace analysis was prepared using a combination of topographic maps and stereographic aerial photographs. The fracture-trace maps include delineation of faults, fracture-trace joint systems, old river and stream courses, and major unconformities. These features frequently are indications of fractured or weathered zones within the bedrock, and their identification is useful in not only selecting favorable well sites, but also zones of potential impacts in the aquifer.

GROUNDWATER

The annual precipitation for Ulster County is about 49 inches per year. A large portion of the annual precipitation is returned to the atmosphere by evaporation, transpired by vegetation and returned to streams and lakes as surface runoff. Only a small portion of the total precipitation infiltrates the soil to eventually reach and recharge the ground-water system in the bedrock. Recharge rates determined from long-duration studies in New York and western Connecticut have been used to estimate the available recharge to the proposed development. A groundwater study of the Beacon-Fishkill area indicates that the average recharge rate for

glacial-till covered bedrock is approximately 8 inches during average years and 5 inches for the 1-year-in-30 drought. A similar U.S. Geological Survey (USGS) study for western Connecticut has shown recharge rates of about 7 inches for till-covered metamorphic rocks during average precipitation years. A more recent USGS study of northern Westchester County indicates that the average recharge to till-covered bedrock is 8.45 inches annually. In evaluating the groundwater resources for the Hermitage, a more conservative USGS annual recharge estimate of 7 inches per year during average conditions was used.

WATER SUPPLY

The Cragmoor area is not serviced by a public or central water supply system. Buildings within the area depend upon individual wells to supply drinking water. The surrounding properties each have individual wells of varying depth and age. In general, newer wells are relatively deep (in excess of 100 feet) and tend to supply adequate water at all times. There are reports, however, that some residences, particularly those with older, shallower wells located further up the mountain and a distance from the proposed Hermitage site, experience some problems with supply during times of drought.

The Applicant's hydrogeological consultant evaluated potential impacts to neighboring wells, by monitoring the water level in 10 homeowner wells surrounding the site during pumping of test wells on the Dharmakaya property. Well 1 was pumped at seven times the anticipated demand for a 72-hour period. Well 2 was pumped at more than three times the anticipated demand for 24 hours continuously. Both wells were tested after a prolonged period of low precipitation from May through September 2005. The Planning Board also hired an independent professional engineering firm to review the Applicant's consultant report and a hydrogeological report prepared by the Cragmoor Association's consultants. The tests conducted by the Applicant's consultant were intended to exaggerate the impact of the Dharmakaya wells on the aquifer, to provide an extremely conservative assessment of the safe yield of Wells 1 and 2. After the testing, the Applicant's consultant concluded that the data indicated that Dharmakaya's groundwater withdrawals, estimated at 10,200 gpd or 7 gpm from on-site wells, will not likely impact off-site wells. The only tested wells that showed measurable impacts from the pumping tests were those at 49 and 71 Old Inn Road. These were the off-site wells closest to the site. The wells further away showed no measurable impact, even from pumping which far exceeded the actual proposed pumping rates on the Dharmakaya property.

In addition, the water demand rates have been revised from 10,200 gpd as given in the DEIS to 8,520 gpd, to reflect the proposed reduction in size of the project and the concomitant reduction in population proposed for the development.

Although the well study prepared by the Applicant's consultant concludes that under the normal pumping operations of the Hermitage that there will most likely

be no impact on off-site wells, the Applicant will monitor for a two-year period following full build-out of the proposed project the two wells which were impacted during the testing. A two-year time frame is typically used and accepted for post-development monitoring programs, since it is considered sufficiently long enough to collect water-level data so that seasonal variations in regional waterlevels can be reviewed and compared with off site impact, if any from pumping the proposed onsite supply wells. The rapid water-level response in the wells impacted (49 and 71 Old Inn Road) during the aquifer tests indicated that any significant offsite impacts would be observed within the build out period and following two years of post development monitoring.

This additional monitoring will determine any significant impacts, if any, under normal operation of the proposed well sources to meet the water demands of the project. If it is found that there is a significant impact, the applicant will provide remedial measures such as the drilling of new wells to serve those dwellings.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on hydrology, groundwater resources and water supply.

F. Surface Water and Wetland Resources

Potential Impacts and Proposed Mitigation

SURFACE WATER

An unnamed stream, which forms the headwaters of the Platte Kill, runs through the northeast corner of the project site. It enters the site at the extreme northeast corner by Cragsmoor Road and then continues south approximately 400 feet along the eastern boundary line to a culvert under Cragsmoor Road. The stream then continues south on the western side of Cragsmoor Road, off of the Hermitage property. This stream joins the Platte Kill just south of NYS Route 52 at the Ulster-Sullivan County border. The Platte Kill ultimately connects to the Shawangunk Kill, which in turn terminates at the Hudson River.

The streambed is a well-defined, flat, shallow channel with adjacent wetland areas associated with it. This stream is designated Class B(T), Water Index Number H-139-13-15-4, as per correspondence with the Division of Environmental Permits, Region 3, NYSDEC. This classification is also referred to as a "protected stream," and thus subject to the stream protection provisions of the Protection of Waters regulations.

The best usage of a Class B(T) fresh water stream is for swimming and other contact recreation, but not for drinking water. The "T" designation indicates that it may support a trout population. According to 6 NYCRR, Part X, Section 701.8, Class B are primary and secondary contact recreation and fishing. These waters are suitable for fish propagation and survival. There is currently no recreational use of this stream within the project site.

WETLANDS

A wetland delineation was completed on the site, including the review of NWI maps and NYSDEC Freshwater Wetland Maps for previously identified wetlands on the site. The analysis also included a review of the Ulster County Soil Survey to determine if soils on the site were conducive to wetland formation. To identify the wetlands, the site was walked and the general characteristics of the property observed.

In addition to the wetland area in the vicinity of the unnamed stream, two other wetland areas and a small vernal pool were delineated. One of these additional wetland areas is about 600 feet south of where the unnamed stream crosses under Cragmoor Road, and runs approximately 200 feet northwest into the property, where it terminates at an old logging road. The second additional wetland area is situated along the western side of the property, approximately 600 feet south west of Old Inn Road. It runs from the western property line about 300 feet north and east into the property. The vernal pool is situated in a former sand trap from the golf course that existed pre-1965. It is located about 720 feet south of Old Inn Road and approximately 30 feet to the east of proposed Road "B."

As designed, the project will avoid disturbance of the identified wetlands beyond the coverage afforded by the Nationwide Permit 39 for incidental discharges of dredged or fill material into non-tidal waters for the construction of institutional developments. Furthermore, no work is planned within the immediate vicinity of the unnamed stream.

With respect to the vernal pool, disturbance within the 100 foot offset is limited to the construction of a portion of Road B with the edge of the road being approximately 30 from the vernal pool at its closest point and the well house. The use of Road B in this area by vehicles is very limited as it will only provide access to the Guest Teacher's House, the well house and emergency vehicles. Furthermore, the materials proposed for Road B's construction will be of natural material that will be seamless to the wildlife on the site and will not have curbs to allow amphibian migration from the wooded areas to the pool and back so that the vernal pool will remain viable. Within the 100' to 750' zone prescribed as an area where construction should be limited to less than 25%, the proposed Hermitage will create less than 5% of impervious area, well within the guidelines.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on surface water and wetland resources.

G. Stormwater Management

Potential Impacts and Proposed Mitigation

The project site is situated in a watershed of approximately 152 acres that in general drains from the north toward the south. Within the overall watershed, 36.7 acres drain in a general southeast direction and under Cragmoor Road to an unnamed tributary of the Platte Kill, a portion of which traverses the northeast corner of the property. The other 115.5 acres drain south, off the property in small, semi-defined channels and ultimately to the Platte Kill. The Platte Kill itself connects to the Wallkill River, a tributary to the Hudson River. None of the site is within the New York City reservoir watershed.

Without on-site stormwater detention control, the increase in impervious surfaces from the proposed Hermitage's buildings, driveways, parking areas and landscaping, would result in an increased volume and rate of stormwater runoff from the project site. To mitigate any increases in peak runoff rates, several detention basins have been proposed. The first basin is located north of the Welcome Center and detains runoff from sub-basin B. The basin has approximately 100,000 cubic feet of storage. The second area of detention, located south of the main parking lot, consists of two ponds, one with a volume of 77,300 cubic feet and the second a volume of 79,250 cubic feet.

While the original plans analyzed in the DEIS showed a nominal increase in runoff at discharge point D, the revised drainage design shows no increase in peak runoff for any design storm (1-, 10-, and 100-year) in any of the drainage basins.

Several Stormwater Management Practices (SMPs) are incorporated into the stormwater management system design to maintain water quality. The methodology used for the design of the SMPs will follow the guidelines contained in New York State Stormwater Design Manual, August 2003, to meet the Phase II Stormwater Regulations.

Where appropriate, low-impact design principles have been incorporated into the design of the stormwater management system. Road curbing has been eliminated to promote sheet flow of stormwater from paved surfaces into lawn areas, grassed swales and vegetated filter strips. This allows for natural infiltration and filtering of runoff through vegetated areas. Additionally, pervious paving materials will be used wherever practical on-site for roads/driveways and walkways – again to allow for natural infiltration of runoff.

Several SMPs will be used to mitigate water quality. These include wet ponds/micropools, dry swales, plunge pools, vegetated filter strips and dry wells. Since the proposed detention ponds and cisterns to reduce peak runoff rates, plus the stormwater quality measures of include wet ponds/micropools, dry swales, plunge pools, vegetated filter strips and dry wells are all standard Stormwater Pollution Prevention measures as prescribed by NYSDEC, they will mitigate any adverse stormwater impacts resulting from the proposed Hermitage construction.

The Stormwater Management Plan was modified to reflect the reduced impact of the revised layout and expanded to contain additional stormwater information and data. More detailed sizing computations for management of stormwater quality have also been included in the revised SWMP. Further design details will more appropriately be included in the site plan application to the Planning Board for site plan review.

Dharmakaya will be responsible for maintenance of the stormwater management features on the site plan. A maintenance schedule for each proposed stormwater measure will be included the site plans as part of the Site Plan approval by the Town Planning Board.

Findings

The Town of Wawarsing Planning Board of Trustees, upon due consideration of the Draft and Final EIS and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse stormwater management impact.

H. Traffic

Potential Impacts and Proposed Mitigation

No-Build traffic volumes were generated using the existing traffic volumes and projecting them to 2011, using a growth factor. Based on the 1990 and 2000 U.S. Census Data, it was determined that the Town of Wawarsing experienced a 4.4% growth rate from 1990 to 2000. Therefore, for this analysis a growth factor of 0.50% per year was applied. Even with the growth factor, most of the approaches would continue to operate at Level of Service (LOS) A or B. Only the intersection of Route 52 and Route 209 experiences LOS C operations during the AM and PM peak hours, and LOS D during the Saturday peak hour.

A traffic impact analysis was prepared for the DEIS and reviewed by the Planning Board and its consultants. The traffic impact analysis evaluated conditions on the roads most likely affected by project generated trips, which included intersections along NYS Route 52, NYS Route 209, South Gully Road, Cragmoor Road, Hansburg Road, Clark Road and Old Inn Road. The counts were conducted in

May 2006. Updated counts were conducted at the end of June in 2007 to coincide with Cragsmoor Day. Both sets of traffic counts include any vehicles traveling to and from Sam's Point Preserve.

The peak-hour volumes used in the original traffic study are nearly identical to the updated 2007 counts. Only the Saturday peak hour counts on Cragsmoor Road taken in June 2007 are significantly higher than those used in the report. However, the sensitivity analysis performed for the FEIS shows that there is significant excess capacity on Cragsmoor Road to accommodate this increased traffic volume. The sensitivity analysis revealed that the volumes in the build conditions could be doubled and there would be no effect on the overall intersection service levels shown in the DEIS for all of the intersections studied with the exception of the one at Route 209/52, where an increase of approximately 30% of the build volumes would be required to affect this intersection's overall LOS.

The results of the traffic impact analysis show that the project-generated trips have only a minimal effect on traffic conditions, with the one exception at the intersection of Route 52 and Route 209. During the weekend peak period, operations at this intersection would degrade from LOS D in the No-Build to LOS E and LOS F as vehicles are traveling to and from the special events. During the remaining time periods, the NYS Route 52 and NYS Route 209 intersection would continue to operate at LOS C or better with very little change in delay when compared to Future No-Build Conditions.

With the proposed project in place there would be increases in traffic volumes. While the increased volume will not significantly impact traffic conditions at the study area intersections, certain movements at the Route 52 and Route 209 intersection will continue to operate at poor levels of service as were predicted in the No-Build scenario. As part of the project's design and implementation program, it is recommended that the design team's traffic engineer send his findings regarding the signal timings at the Route 52 and Route 209 intersection to the Town of Wawarsing and New York State Department of Transportation so that the signals can be adjusted to assure that the phasing is consistent with both existing travel patterns and the expected increase in traffic generated by the Mahamudra Hermitage. Signal coordination at this intersection with the adjacent signal at Canal Street and Main Street would help to significantly reduce existing peak hour congestion and improve peak hour traffic conditions.

The DEIS also included an analysis of accident data to determine whether the proposed project would have an impact on accidents in the vicinity. An evaluation of the latest three years of accident information revealed no identifiable patterns or clusters of accidents that would be exacerbated by the additional traffic generated by this project.

Very little pedestrian traffic would be generated by the project. Participants in the long- and short-term retreats would not leave the site during their stay and instead would use paths developed on-site for any meditative walks. This would also carry over into the special event days, during which participants would be fully occupied while at the Hermitage attending teachings and meditation activities. On rare occasions, teachers or staff could choose to walk off-site; however this would not significantly impact the local roads.

Within the site, pathways will be developed to connect structures within each building center, such as between the six buildings at the Milarepa Center. The paths will be constructed of stone pavers and similar surfaces, and will provide handicapped access as required. Between the various building centers pedestrian access will be via the internal roads or paths similar in nature to those used around the structures. On special event days, access by attendees from the main parking area to the Bodhisattva Center will be by a direct path between the two. Because of the nature of the Hermitage's use, there will be minimal pedestrian traffic from one building center to another.

The slight increase in vehicular traffic along Cragmoor Road from the Hermitage, together with the relatively minor amount of pedestrian traffic on the road, would not significantly affect pedestrian operations and safety.

During the development of the project, construction related traffic would access the site from Cragmoor Road. Daily construction activities at the peak of the activity could take place between the hours of 7 AM and 6 PM, Monday through Friday, and 8 AM and 5 PM on Saturdays. The majority of the contractors would be expected to arrive at the site between 7 AM and 8 AM and will generally depart between 6 PM and 6:30 PM. Deliveries will generally occur between 8 AM and 3 PM, at various times throughout that time period. Since the offsite weekday peak traffic hours are between 7 AM and 8 AM and between 4:15 PM and 5:15 PM, the majority of contractors would be arriving during the off-site road network's peak traffic time and therefore would have an impact on operating conditions. The majority of the contractors departing from the site would be during off-peak hours. The same can be said of deliveries of materials to the construction site, which would generally happen between 8 AM and 3 PM, after the morning peak and prior to the afternoon peak hours.

During the demolition, clearing and heavy construction phases of the proposed project, surplus material (if any) would be hauled from the site and construction equipment would be delivered to the site using adjacent roads. Typically, site grading is adjusted to achieve a balanced site, thereby minimizing the need for exporting or importing earth material. Construction workers would drive to and from the site using passenger vehicles and small trucks. After the heavy construction phase is complete, small trade contractors would make up the primary traffic to and from the site.

The proposed project, as revised, includes a total of 79 parking spaces, located primarily within the main parking lot, with 67 spaces. Additional spaces have been provided at the Common House, with 6 spaces, plus an additional 2 parking spaces each of the at the Milarepa Meditation Center, the Teacher's and Guest Teacher's Houses.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on traffic.

I. Community Facilities

Potential Impacts and Proposed Mitigation

POLICE

The Mahamudra Hermitage site is not patrolled regularly by the Ellenville Police Department, but is under the jurisdiction of the Ulster County Sheriff and the New York State Police at the Ellenville station. Thus, the proposed project is unlikely to have a significant adverse effect on the Ellenville Police Department. In addition, based on the proposed quiet religious use of the site, the project is also unlikely to significantly impact on the New York State Police of Ulster County Sheriff's Office. The planned use of the project site is to provide a center of worship focused on retreats of different lengths, which involves an environment of quiet meditation and study. The Hermitage will not be a place of spontaneous visitation; all participants will be required to pre-register, and there will be no walk-ins. This anticipated calm, quiet activity will be unlikely to result in any need for the criminal or non-criminal investigations that the State Police conducts, and the relatively limited amount of traffic going in and out of the project site is not likely to generate a significant need for motor assistance. In addition, the reduced scale and population of the proposed project will further limit potential impacts to these police agencies.

EMERGENCY COMMUNICATIONS AND MANAGEMENT

The Ulster County Emergency Communications/Emergency Management office indicated that, as long as there were no plans for the storage of large quantities of hazardous materials or fuels on the project site, and no buildings were constructed in flood-prone areas, there were few emergency management issues.

FIRE PROTECTION AND RESCUE SERVICES

The Cragmoor Fire District has said the proposed project will have a financial impact on the district due to the increased calls resulting from the projected population increase and higher assessed value of the property. The district said the proposed project would increase the total population in the fire district to approximately 1,025 people, which would increase the expected number of calls by approximately 24%, translating to an additional 15 (plus or minus) calls. These additional calls are expected to increase the fire district budget from its current level of \$85,000 by approximately \$20,400. Using information provided by the Town of Wawarsing Assessor, the fire district calculated that the assessed value of the Hermitage would be approximately \$225,000 times \$100 per \$1,000 of assessed value for taxes paid to Fire and EMS, for a total of \$22,500.

The actual impact of the proposed project on the Fire District budget will likely be substantially less than the above calculation, for several reasons. First, the fire district's calculations were based on a maximum site occupancy of 250 people, far in excess of the actual estimated population of the site. Even as originally proposed, the proposed maximum day-to-day population was only 107 people, less than half of the figure used for evaluation. The 250 figure represented a peak reached only on eight days out of 365. If the District had used the appropriate figure, the resulting population increase would have only been approximately 13.8%. The figure has now been reduced still further, since the Applicant has reduced the maximum daily occupancy to 85 people and the maximum occupancy on special event days to 228 people. Under the revised proposal, the day-to-day maximum population would result in an increase of about 11% to the existing Cragmoor Fire District population, assuming maximum occupancy at all times. In reality, the population at most times may be expected to be under the maximum.

The impacts of the increased population in an institutional setting such as the proposed Hermitage are substantially less than the impacts of that population in the context of conventional subdivision development. In its calculation of potential financial impacts, the fire district assumed that the impact of the Hermitage population would be the same as the population of a conventional single-family subdivision. In fact, the proposed Hermitage is a unique institutional use, and given the quiet nature of the use, it would generally result in fewer calls to the fire district than would a traditional subdivision containing the same number of people.

A number of factors support the conclusion that the Dharmakaya project would have far fewer impacts than a conventional residential project. Almost all proposed buildings (except the Teachers House, the Guest Teachers House and the Welcome House) will be equipped with a sprinkler fire protection system in compliance with the requirements of the New York State Building Code and reference standard NFPH 13. The sprinkler systems will be supplied from water storage tanks buried below grade. Storage tanks will be provided as necessary to service the sprinkler systems for each building or building complex to be

sprinklered. In addition, the Applicant has agreed to provide a network of fire hydrants at each building complex. The fire hydrant network is being provided as a backup for the sprinkler system at the request of the fire district, exceeding the requirements of the New York State Fire Code Section 508. The fire hydrant network will also obtain water supplies from the water storage tanks. The capacity for the water storage tanks will be as was previously discussed with the Fire District. The tank capacity will be designed to provide adequate water supply for the required water flows for the hydrant and/or sprinkler systems. This was discussed, in concept, to be approximately 300 gal/min for a duration of 120 minutes with the exact criteria to be determined during the completion of this component of the projects design. The Applicant's provision of these important life safety and fire prevention measures in compliance with required codes, and in cooperation with the Cragmoor Fire District additional requirements, will further substantially reduce the impact on the district's fire protection resources.

In order to perform a detailed and accurate analysis of impacts on the Fire District, the Applicant's consultants evaluated an itemized budget of the Cragmoor Fire District to determine which items would be affected by the projected population increase. Certain expenses in any fire department budget are static and independent of the number of calls served, such as facilities maintenance, bond service, administration and insurance. The budgeted items that were determined to be potentially affected (i.e. the non-fixed expenses) were totaled, and then multiplied by the potential maximum day-to-day population increase of 13.8% as proposed under the site plan as originally proposed.

Based on the above evaluation methodology and summary of fire protection measures, the Applicant has proposed to make a voluntary annual goodwill contribution to the Cragmoor Fire District, representing a fair offset to the impacts of the project on the Fire District, beginning upon the issuance of the first Certificate of Occupancy, and increasing as additional buildings are built up to an Annual Maximum Contribution at total build-out of the project. The Annual Maximum Contribution shall be defined as \$2,400 as of the date of the issuance of the first building permit on the project, and shall be increased by \$100 each year thereafter. The Applicant will begin making yearly payments upon receipt of a Certificate of Occupancy from the municipal Building Department for occupancy of the first building, constituting a pro rated portion of the Annual Maximum Contribution, which amounts shall be increased, in a pro rata proportion based on the percentage of approved occupancy for subsequent construction phases as they are completed, up to the Annual Maximum Contribution upon completion of total project build-out. After total buildout, when the Annual Maximum Contribution is reached, the yearly payment shall continue to increase at the rate of \$100 per year during the life of the project.

Again, this methodology was based on the projected population increase resulting from the original site plan; the modified site plan will result in a somewhat reduced population increase. As noted above, the modified site plan will reduce

the day-to-day population of the Hermitage to a maximum of 85 people from 107 people as initially proposed. This population of 85 people represents the maximum possible number of people on-site (with the exception of the up to eight specialevent days per year). The actual number of people on-site on a normal basis will likely be significantly less than 85, and will generally average 40 to 50 people. However, the Applicant is still proposing to pay the Annual Maximum Contribution amount per year, even though the maximum potential population has been reduced since the original calculation.

In addition, after consultation with the Cragsmoor Fire District Board of Commissioners, the Applicant has also proposed to allow the Fire District to access the fire hydrants and underground fire protection reserve storage tank water supply located on the Hermitage property in the case of any fire emergency at a nearby structure or in the surrounding area. This water access would only be for emergency situations, not on any regular basis. The Ulster County Chief Fire Coordinator's Office indicated that, while it will support any reasonable concerns voiced by local emergency response agencies, it does not see a need for additional staff or equipment due to the proposed project. Based on the Fire Coordinator's comments, the relatively few proposed buildings on the site, the projected use and the number of site occupants, the proposed project is not expected to have a significant impact on Ellenville First Aid and Rescue. The reduction in scale of the proposed project subsequent to the DEIS will further lessen any potential impacts on either the Fire Coordinator's Office or Ellenville First Aid and Rescue.

PUBLIC WORKS

The proposed project will increase the number of vehicle trips on the road; however the increase in trips is not significant, and is therefore not expected to materially increase the demand for street maintenance services in the project area above that which is presently undertaken. In addition, the project's demand on street maintenance is expected to be substantially less than that of a possible as-of-right residential development. The interior roads of the project site will be privately owned and maintained, thus not increasing demand on county or local services.

HEALTH SERVICES

Based on the existing capacity within the network of health-care facilities available in the region, the projected increase in local population that would result from the development of the Mahamudra Hermitage is not anticipated to significantly affect existing health and hospital services (demand for services, increased capital costs) in the region. The 10 regional hospitals discussed in the DEIS have a total capacity of approximately 1,800 beds, which is adequate to serve the existing needs of the community as well as the proposed project. Emergency medical/ambulance service is provided by Ellenville First Aid and Rescue, as discussed earlier in this section.

SOLID WASTE

The DEIS indicated that the Mahamudra Hermitage, at full capacity, is expected to generate approximately 2 tons of solid waste per month. This amount has decreased somewhat with the reduction in scale and population of the proposed project. The transfer station supervisor at the Kingston Transfer Station indicated in the DEIS that the station's capacity averaged approximately 350 tons of solid waste per day and about 2,100 tons per week. As of February 2006, the station had an application pending to increase the capacity to 3,500 tons per week. Given the transfer station's existing capacity and the expected capacity increase, the proposed project is not expected to have any adverse impact on the station's resources.

SCHOOLS

The number of children, if any, on the project site is expected to be minimal. All of the longer-term retreats are not open to children or people with children. As noted below, the majority of daily work activities on the site will be performed by students and other participants at the Hermitage, rather than permanent employees living on site who could have children. Many of the teachers and staff will be ordained monks and nuns that do not have children. Therefore the minimal potential presence of children on site will be short-term in nature only, and there is expected to be minimal impact to the Ellenville Central School District. Based upon the applicant's intended use as a meditation retreat center for adults, the lack of employees, the monastic nature of many of the staff and teachers, it is likely that there would be from zero to three school-aged children on-site who could be attending public school, even at full build-out. This is a conservative estimate, based upon the expected limited number of non-monastic staff on-site, and the experience with other, similar, meditation centers.

OUTSIDE SERVICE PROVIDERS

At the Mahamudra Hermitage, all cooking and food preparation, laundry, grounds keeping and other housekeeping-related duties are expected to be performed by program participants on the site or other support staff who are involved in the teaching programs. Program supplies such as food and fuel would need to be delivered by outside providers, but program staff would also procure necessary supplies from area stores.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on community facilities.

J. Socioeconomic/Fiscal Impacts

Potential Impacts and Proposed Mitigation

POPULATION

Under the proposed Hermitage site plan, the Naropa Center would house up to 24 people at full build-out. If these individuals participating in the long-term retreat were considered permanent residents, based on the 2000 population of Cragmoor (474 people), those 24 individuals would represent an increase to the hamlet's population of only approximately 5%; for the Town of Wawarsing as a whole, these 24 individuals would represent less than 0.2% of the total population. These long-term residents of the Hermitage would not be leaving the site and would therefore have no interaction with the outside community. The remainder of the occupants would be shorter-term retreatants or those transitioning into or out of the three-year retreat.

The temporary population of the Hermitage would increase during the special worship events held up to eight times a year, when anticipated visitation would result in short-term maximum populations of up to 228 people. These additional visitors for special occasions would be day visitors, on-site for a few hours on specific days. The special events, like all other activities on the site, would relate to teaching, meditation practice, prayers and other worship activities within the Bodhisattva Dharma Center. These teachings would only be open to participants who sign up in advance. They would not be open to the general public, or "dropins," but would be simply larger organized teaching/meditation sessions, similar to all other programmatic aspects of the site, just shorter in duration and slightly larger in attendance.

Because of the extremely short-term nature of these additional visitors, any significant socioeconomic impact is unlikely. The visitors would come to the Cragmoor area expressly to attend the special events, and would then likely return to their points of origin. Any socioeconomic impacts – i.e. patronizing of local businesses and visits to area attractions are likely to be positive in that they would add slightly to the area economy.

As discussed above, the Hermitage is expected to generate between 0 and 3 school-aged children on-site who could be attending public school, at full buildout. This is a conservative estimate, based on the expected limited number of nonmonastic staff on-site and the experiences of similar retreat centers. According to the 2005 annual report of New York State Board of Regents and the NYS Education Department (New York, the State of Learning: Statewide Profile of the Educational System), the total expenditures per pupil unit for the Ellenville Central School District were \$16,031.31 in 2004. Of this amount, the state contributed approximately 45%, or \$7,214, leaving \$8,817.31 of the responsibility for total expenditures per pupil unit at the local school district level. Based on this

calculation and the estimated 0-3 school-aged children resulting from the Hermitage, these generated school children would cost the Ellenville Central School District up to approximately \$26,333 annually to educate.

Under the existing R/C-3A zoning, the project site could accommodate up to 25 single-family homes. The DEIS assumed a multiplier rate for total persons generated by single-family detached housing for three- and four-bedroom homes of 3.06 and 3.76, respectively, for New York State. Using this multiplier range, a 25-unit subdivision would have a total population of approximately 77 to 94 people, all of whom would be classified as permanent residents and a portion of whom would likely be school-aged children.

In addition, the DEIS includes multiplier rate for school-aged children generated by new housing. The multiplier rate for all public school children generated by single-family detached housing 3- and 4-bedroom homes in New York State is 0.63 and 1.00, respectively, students per new residential unit (June 2006). Using this multiplier range, a 25-unit subdivision would generate approximately 16 to 25 school children. Based on the \$8,817.31 responsibility for total local expenditures per pupil unit in 2004, these 16 to 25 school children would cost the Ellenville Central School District approximately \$141,077 to \$220,433 to educate. This cost is significantly greater than the projected cost to educate the school children (if any) generated by the Hermitage.

Thus, although the 85 maximum ongoing Hermitage occupants would be greater than the potential population of an as-of-right residential development, the Hermitage occupants (most of whom would be short-term) would have less impact because of the minimal presence of school children, the low impact on community services and the overall quiet use of the project site.

FISCAL IMPACTS

It is expected that the Applicant will seek a tax exemption, based on its religious use of the property, after the proposed project is implemented. The granting of such an exemption would eliminate the tax income previously received by the Town (\$6,274). The significance of this loss would be evaluated in light of the amount of demands for public services imposed by the applicant's land use, as discussed above. The conclusion above is that the proposed project would impose very few demands for community services. The key demand would be for intermittent emergency services (police, fire, ambulance).

To estimate the property tax revenue that could be generated by an as-of-right residential development, the Applicant's consultant first estimated the sales price of new homes within the Cragmoor area at \$300,000. This estimate was based on real-estate research and listings of single-family homes within Cragmoor at the time of the DEIS. According to the Town of Wawarsing Tax Assessor, property taxes paid on a new \$300,000 home in Wawarsing would amount to

approximately \$8,800 per year. Therefore, using a \$300,000 estimated sales price, the 25-unit as-of-right residential development would have a market value of approximately \$7.5 million and would generate approximately \$220,000 in property taxes per year. This estimate is based on the estimated sales prices of potential single-family homes in the Cragmoor area, and is not a definitive projection of expected tax revenue.

While the potential property tax revenue of \$220,000 generated by an as-of-right residential development would provide a benefit to the Town of Wawarsing's tax rolls, such a subdivision would also create additional demand on community services and infrastructure in the area. The estimated 16 to 25 school children generated by the potential as-of-right development would cost approximately \$141,077 to \$220,433 to educate, as calculated above. After subtracting this educational cost from the estimated tax revenue, approximately \$78,920 to -\$443 remains to cover the additional costs associated with the development on roadways and other infrastructure, and community services such as fire, police and emergency services.

According to the Budget Supervisor and Municipal Bookkeeper for the Town of Wawarsing, the cost of roadway repair and maintenance (general repair, miscellaneous brush and weed removal, and snowplowing) for the entire Town, with the exception of the Village of Ellenville, was \$448,000 for Fiscal Year 2006. On a per capita basis (9,920 people, or the population of Wawarsing minus population of Ellenville) the cost of roadway maintenance and snowplowing is \$45.16. Thus, the cost of roadway maintenance and snowplowing for a 25-unit as-of-right subdivision with an expected population of 77 to 94 residents would be approximately \$3,342 to \$4,245, leaving \$75,578 in revenue for the projected population of 74 residents and a deficit of \$4,688 for the higher projected population of 94 residents; it can be assumed that the as-of-right subdivision would contain a mix of three- and four-bedroom units and therefore a small net revenue would remain to cover the cost of all other municipal services. Roadway maintenance and snowplowing would be a cost to the subdivision as new roads within the subdivision would be public; however roads within the proposed project will be private and therefore will not result in additional need for maintenance or snow removal.

As discussed above, the Applicant has proposed a voluntary goodwill annual contribution to the Cragmoor Fire District, beginning upon the issuance of the first Certificate of Occupancy, and increasing as additional buildings are built up to an Annual Maximum Contribution at total build-out of the project. The Annual Maximum Contribution shall be defined as \$2,400 as of the date of the issuance of the first building permit on the project, and shall be increased by \$100 each year thereafter. The Applicant will begin making yearly payments upon receipt of a Certificate of Occupancy from the municipal Building Department for occupancy of the first building, constituting a pro rated portion of the Annual Maximum Contribution, which amounts shall be increased, in a pro rata

proportion based on the percentage of approved occupancy for subsequent construction phases as they are completed, up to the Annual Maximum Contribution upon completion of total project build-out. After total build-out, when the Annual Maximum Contribution is reached, the yearly payment shall continue to increase at the rate of \$100 per year during the life of the project. In addition, the reduction in scale and population of the project has lessened demands on all community services.

EMPLOYMENT

Construction of the first phase of the proposed project is expected to employ approximately 36 skilled tradesmen for about 12 to 15 months. Future construction phases, which are expected to follow in about three to seven years, would require additional construction employment. Wawarsing's employment level is well below the state and county averages, and its percentage of construction employment is also lower than Ulster, Sullivan and Orange County figures. In 2000, 8.5% of Wawarsing's total employment consisted of construction jobs, compared with 9.9% for all of Ulster County, 11.1% for Sullivan County and 10.2% for Orange County. The addition of approximately 36 jobs – particularly in a category where Wawarsing is lacking – is a project benefit. Any future service jobs created would be minimal, as housekeeping, laundry and grounds keeping work are expected to be performed by retreat participants and support staff within the Dharmakaya organization. The temporary construction jobs, however, should help to offset the impact of the incremental population increase generated by the proposed project.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse socioeconomic/fiscal impact.

K. Cultural Resources (Historical and Archeological)

Potential Impacts and Proposed Mitigation

In 2006, a Phase 1A Literature Review and Sensitivity Analysis and a Phase 1B field reconnaissance level archaeological survey were prepared by the Applicant's cultural resources consultants evaluating the potential for the project site to contain prehistoric (archaeological) or historic cultural resources. The Phase IA and IB work was performed in accordance with the requirements of the State Environmental Quality Review Act (SEQR) 6NYCRR, part 617 of the New York State Environmental Conservation law and to meet the standards of the New York Archaeological Council (1994), as well as relevant federal standards (36 CFR 61).

As part of the initial research for the Phase 1A Literature Review, the consultants examined the archaeological site maps housed at Peebles Island, Waterford, New York. These files indicate that no prehistoric sites have been reported within the boundaries of the project area; however, there are prehistoric sites in the vicinity. NYSM 8648, identified as an "Indian village," is located over a mile (1.6 km) to the west, at the foot of the western edge of the Shawangunk Ridge near the Delaware and Hudson Canal. The information for this site is anecdotal, with and no other information available. The other prehistoric site, NYSM 7592, is located a little less than 2 miles (3.2 km) northwest of the project area. Recorded in 1933, the site is listed as "Tice's Field." The property owner reported finding "knives," a pestle, and a broken base stem. Again, the information for this site is anecdotal, and no more useful information is available. In addition to the NYSM sites noted, there are two OPRHP prehistoric sites within a 2-mile radius. OPRHP A111.19.00291 is the Cragmoor Rockshelter, located approximately one-third of a mile (0.536 km) north of the project area. This site is within the Cragmoor Historic District. The Cragmoor Rockshelter is located along the base of an escarpment at an elevation of 1,900 feet and within 100 feet of a water source. One stray find, recorded as a Late Archaic Normanskill projectile point (c. 4,000 BP), was recovered. This site was not professionally excavated per se, but was identified by an "avocational archaeologist." OPRHP A111.19.00292 is a professionally excavated prehistoric site located about 2 miles to the northeast of the project area. This site is the Lake Maratanza-Sam's Point Preserve, located on the mountaintop, only 10 feet from the lake's shore. Recovered artifacts are described as a single Orient Phase projectile point and "surface evidence."

In addition to the prehistoric sites noted, there are two associated historic OPRHP sites within a 2-mile radius of the project area (OPRHP A111.19.00297 & A111.19.00298). Both of these sites are part of the Sam's Point Interpretive Center survey, located approximately 1½ miles east of the project area. OPRHP A111.19.00297 is listed as "Berry Picker Shacks and Midden," and is described as two collapsed shacks with an associated trash midden. These shacks and the associated midden have been dated to the mid-20th century, toward the end of the period when a local berry picking industry flourished. OPRHP A111.19.00298 is the associated "Botsford Farmstead and Store Midden," adjacent to OPRHP A111.19.00297. This structure was dated to 1899; however, research indicates the original building was built in the 1850s, and possibly stood in a different location. In addition to the historic sites noted, there are two National Register Listed historic districts within a 1-mile radius of the project area. The Cragmoor Historic District is directly north of the project area, and extends to the north and west for approximately 1 mile in each direction. This historic district covers a very large area, and includes a total of 273 buildings, sites, structures, and objects, with structures dating from the Early Republic to Early 20th Century and Colonial Revival periods. The other historic district is located approximately a ½-mile southeast of the project area on Vista Maria Road. This district is called "Chetolah," and was originally the estate of artist George Inness, Jr. It represents

an eclectic turn-of-the-century summer home of an artist in the well-established Cragmoor art colony. The estate includes 10 structures in good to deteriorated condition.

Based on the presence of streams and lithic resources within the project area and the existence of prehistoric sites in the general vicinity, the potential for the site to contain prehistoric archeological remains could not be ruled out upon completion of the Phase IA Literature Review and Sensitivity Analysis. In addition, although map research indicated that historically no structures were located within the boundaries of the project area, there were other structures, likely dwellings, in the vicinity of the project area. It was possible that middens associated with these structures might have extended onto the project area.

For these reasons, the Applicant's consultant recommended that a comprehensive Phase IB Archeological Field Reconnaissance Survey be conducted. The consultants conducted this Phase IB in February 2006. The scope of work for the Phase IB was developed to determine whether any prehistoric activity could be documented on the level portions of the property site and to identify the presence of any middens associated with structures in the vicinity of the project area.

The scope of the Phase IB specifically included the following:

- A walkover and visual inspection of the site to assess areas of potential sensitivity for prehistoric cultural remains.
- The excavation of a stratigraphic control test to establish the stratigraphy of the site and to identify the depth and composition of the sterile glacially deposited sub soils.
- Systematic visual inspection of the land surface to rule out the presence of exposed bedrock, rock faces and overhangs.
- Shovel testing in the areas identified as having a potential sensitivity for prehistoric remains.
- Photographic documentation of the overall site.

Following completion of the Phase 1B survey, no archeological sites were identified, and no cultural materials of any kind were found. The survey concluded that no further investigation is warranted. Hence, any proposed construction will have no impacts.

A portion of the Mahamudra Hermitage project site lies within the Cragmoor Historic District. This portion of the historic district contains the proposed construction sites for the Teacher's House, the Guest Teacher's House and the Naropa Center. The Guest Teacher's House and the Naropa Center are both proposed to be constructed within the existing forest, completely obscuring any view from existing neighboring properties along Old Inn Road. The Naropa Center will be fully obscured from all project site view points as well. The Guest Teacher's House may be partially visible from portions of the project site's

upland meadows area. The Teacher's House has been relocated southwest, further into the interior of the project site, to protect the viewshed from Old Inn Road down the former golf course fairway, and the structure would sit at a significantly lower elevation relative to Old Inn Road, approximately 30 feet lower. In addition, the Teacher's House will be moved approximately 225 feet further to the southeast from the neighboring residence. Thus, while both the Teacher's House and Guest Teacher's House would remain within the historic district, the relocation of the Teacher's House would ensure that neither structure would be visible from Old Inn Road. Additional construction within the historic district will include the Road B extension to Road E and final termination at Old Inn Road, wells and a Well House accessory structure, and miscellaneous underground infrastructure construction including the water distribution system, SSDS, etc. Directly adjacent to the eastern historic district boundary is the proposed construction site for the Milarepa Center. Views of the Milarepa Center will be substantially obscured from the contributing 1920 and 1905 structures within the historic district boundaries by existing tree cover, but the Center will be partially visible from an existing residential structure not within the historic district. A discussion of the proposed architectural design approach is included below.

The architectural styles within the Cragmoor Historic District present an eclectic design assemblage including variations on Queen Anne Farm House, gambrelroofed "Dutch Colonial," Cottage, Shingle Style, Asian-influenced style, as well as non contributing and recently constructed buildings.

Neither the Teacher's House nor the Guest Teacher's House will be visible from within the Cragmoor Historic District. However, the Milarepa Center will have some impact, albeit limited, on the historic district based on its partial visibility. Hence, compatible designs are proposed that will relate spatially and architecturally to the existing collection of buildings through out the historic district.

Building materials will be chosen from those currently within the historic district, as illustrated for the Milarepa Center. For the largest proposed Milarepa building, Building C, the length of the building's massing (approximately 150 feet) has been mitigated by breaking the plan and roof line, visually creating three building elements and accentuating the central group meditation space by the use of a higher gabled "pagoda" style roof line. The Milarepa Center's original design was a single building of approximately 18,500 gross square feet. This original concept was restudied and substantially reduced in apparent bulk size to a collection of six separate buildings totaling 22,236 gross square feet. This change was made in response to concern regarding the size of the single building concept. Use of differing roofing materials and colors (roofing shingles and standing seam metal roofing) further divide the overall building massing to bulk forms compatible with those found in the historic district and the neighboring residential buildings.

Roof massing, slopes, and configurations are in character with existing historic district examples. The proposed material pallet consisting of simulated wood siding and trim moldings, and field stone are in keeping with the materials used throughout the historic district. The window sizes, groupings and configurations proposed reflect the elegantly simple window designs found in much of the historic district architecture. The above design philosophy and concepts will apply to all proposed project buildings except for the Bodhisattva Dharma Center.

As demonstrated above, the use of compatible designs that relate spatially and architecturally to the existing collection of buildings located throughout the district will mitigate any potential impacts to the Cragmoor Historic District occurring as a result of the proposed project, and will assure that no materially adverse impacts occur. Any special permit and site plan approvals will incorporate these required design standards. These obligations will be binding on the applicant and enforceable by law by the Town.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on cultural resources.

L. Noise

Potential Impacts and Proposed Mitigation

Site clearing and other construction of the proposed project may result in some short-term noise-related impacts. Noise levels will diminish in intensity as site preparation, excavation work and foundation development are completed. The project applicant proposes to limit construction to the hours of 7:00 a.m. to 6 p.m., Mondays through Fridays, and 8 a.m. to 5 p.m. on Saturdays, with no construction activities occurring on Sundays. Because some short-term noise levels at adjacent property lines may, without mitigation, exceed levels permitted under the Town of Wawarsing Noise Control Law, the following mitigation measures will be used:

- Noise damping practices will be used during construction to minimize the impact on surrounding properties.
- All mechanical construction equipment will be maintained in good working order to minimize noise levels.

The quantitative measurement of short-term noise levels after mitigation cannot be exactly determined; however, the proposed mitigation is expected to be sufficient to bring the short-term noise levels below the level permitted under the Noise Control Law.

In terms of long-term impacts, the proposed project will consist of worship focused use on a vacant site. The project would not introduce a new point source of noise; in fact the stated goal of the project applicant is to provide an environment for the practice of Buddhist meditation and study, which requires quiet. Nor would the project introduce a land use that is inconsistent and significantly different than existing uses in the project area. The project would not increase vehicular trips to such an extent as to significantly increase ambient noise levels within the vicinity of the sensitive receptors.

The primary uses being introduced are those of worship space, meditation and study areas, and accessory living, dining area, and open space. These uses are themselves considered sensitive receptors. All are inherently quiet uses. The residential buildings would be subject to current NYS Building Code, and would be constructed in a manner that would attenuate exterior noise levels. New construction would include double-glazed windows, insulation and wall construction acoustically designed to limit noise. Therefore, no significant adverse long-term impacts are anticipated.

Findings

The Town of Wawarsing Planning Board, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse noise impact.

M. Unavoidable Impacts

Potential Impacts and Proposed Mitigation

There are several temporary, construction-related impacts that could result from the proposed project, although these impacts can be largely mitigated and are therefore not considered significant. Development of the proposed project is expected to occur in phases; the first development/construction phase is expected to take approximately 12 to 15 months. This first phase, which will consist of the Milarepa Meditation Center and associated support facilities, as well as site infrastructure such as interior roads, drainage facilities, water distribution and septic systems, will be the largest phase of the proposed project. Based on the modified site plan, this phase will involve approximately one-third of the total project building square footage and approximately 50% of the total site disturbance. This phase is expected to last between 12 and 15 months.

Future phases are expected to be developed over a period of time. Phase II is to include the Naropa Center for long-term retreats, and is expected to begin in 2008. Phase III is to include the Welcome House and the guest teacher's house, along with some of the Sangha Residences. This phase has an estimated construction start date of 2012. Phase IV is to consist of the Bodhisattva Dharma

Center and the Welcome Center, plus the balance of the parking, and is expected to begin in 2015, with a construction period of approximately 12 months. While the Bodhisattva Dharma Center is the largest building of the proposed project, its size has been reduced by nearly 11% under the modified site plan, and this construction phase will represent about 24% of the total project building square footage and approximately one-quarter of the total disturbance.

An estimate of total build-out ranges from three to seven years, although this schedule may be extended in accordance with funding and retreat participation in the Hermitage. No blasting is expected to occur during any phase of construction, and the project will not require relocation of any existing projects or facilities. Depending upon success of its programming and fundraising efforts, Dharmakaya intends to complete all phases of construction in a seven year period. Construction phases would be limited to 12 to 18 months, with quiet periods in between phases with no construction activity. This measured development pace is congruent with the low-impact nature of the proposed use, and will minimize construction-related impacts.

Potential short-term, construction-related impacts, and mitigation measures for these possible impacts, include the following:

- Noise Controls: Site clearing and construction of the proposed buildings and interior roads may result in some short-term noise-related impacts, although these are not expected to be severe. Noise levels would diminish in intensity as site preparation, excavation work and foundation development are completed. Noise dampening practices would be used during construction to minimize the impact on surrounding areas. Again, no blasting is expected to occur during any construction phase. All mechanical construction equipment would be maintained in good working order to minimize noise levels. Construction would be undertaken in accordance with Town of Wawarsing requirements.
- Fugitive Dusts: The movement and activities of construction equipment on the site could potentially cause an increase in airborne dust on the site and the immediately adjacent areas. To minimize dust generated during construction, dust control measures and other best management practices would be employed, including dust covers on trucks, regular watering down of exposed areas and minimization of disturbed areas.
- Traffic and Equipment: There would be temporary, short-term impacts to traffic in the surrounding area, due to construction-related vehicles (trucks, construction workers) arriving and departing the site. The quantity and frequency of truck traffic will vary depending on the nature of the construction operation. During certain construction operations, (for example, pouring of concrete and paving) there would be heavier-than-usual truck traffic in the vicinity. All trucks associated with the various

stages of project construction would access the site via Cragmoor Road. A staging area would be set up on the site for all loading and unloading of materials. Because relatively few truck trips are anticipated during peak hours, significant impacts from construction vehicles are not expected.

There are no significant long-term adverse environmental impacts that cannot be avoided or otherwise adequately mitigated if the proposed action is implemented.

Findings

The Town of Wawarsing Planning Board upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have significant adverse unavoidable impacts.

N. Other SEQRA Impacts

Potential Impacts and Proposed Mitigation

GROWTH-INDUCING, CUMULATIVE AND SECONDARY IMPACTS

The proposed project is a house of religious worship with accessory facilities for lodging and food service for retreatants on an approximately 91-acre vacant site in the Hamlet of Cragmoor. The proposed project would be consistent with the existing land use patterns to the north, northeast and south of the site, and would further the objectives of the Wawarsing Development Plan of 1969 and the Draft Comprehensive Plan by retaining open space and promoting orderly development. No growth-inducing, cumulative, or secondary impacts are anticipated to occur as a result of the proposed project. The project is a place of deep quiet for prayer and meditation. It will not be a place for casual or “drop-in” visits, nor does it provide “services” that spawn residential or commercial growth. It will not encourage other types of development. It does not demand large levels of service which would spawn growth of other industries or services.

ENERGY USE AND CONSERVATION

The proposed project requires a minimal extension of energy transmission or supply systems to serve the project. As indicated in the DEIS, based on estimated electrical loads, the proposed project is expected to have a connected electrical load of approximately 1,330 kVA. This load will be somewhat reduced by the decrease in total building square footage and population provided in the modified site plan. Because Central Hudson Gas and Electric Co. already supplies electricity to the site, only an upgrade and extension for those lines is expected to be necessary. Existing and projected supplies of electricity and gas by Central Hudson Gas and Electric are expected to be adequate to serve the project's

anticipated demands, and it is not anticipated that additional electricity producing structures or facilities will be required. Construction vehicles and equipment will consume fuel, as will vehicles of residents traveling to and from the site.

In conclusion, the incremental amount of energy that will be consumed is not considered significant. The existing and projected supplies of energy resources are adequate to serve the construction and operation of the facility, and it is not anticipated that the project will pose any adverse impacts to the use and conservation of energy.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

There are several resources, both natural and built, that would be expended in the construction and operation of the proposed project. These resources include building materials used in construction of the project; energy in the form of gas and electricity consumed during construction and operation of the building; and the human effort required to develop, construct, and operate the various components of the project. They are considered irretrievably committed because their reuse for some other purpose other than the project would be highly unlikely.

The proposed project also constitutes an irreversible and irretrievable commitment of the site as a land resource to religious uses, rendering land use for other purposes unfeasible. However, as noted previously, the religious use is allowed in this area under the Town of Wawarsing Zoning Code by special permit.

UNAVOIDABLE ADVERSE IMPACTS

The proposed project will not result in any significant unavoidable adverse impacts that cannot be adequately mitigated if the proposed action is implemented.

Findings

The Town of Wawarsing Planning Board of Trustees, upon due consideration of the Draft and Final EIS, and the information derived from public hearings and Planning Board meetings during the course of this SEQRA review, find that the Proposed Action will not have significant adverse other SEQRA impacts.

GENERAL FINDINGS

The Town of Wawarsing Planning Board finds that:

1. The Board has given due consideration to the relevant environmental impacts, facts and conclusions contained in the Draft and Final Environmental Impact Statements.
2. The Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.
3. This Findings Statement provides a rationale for the Board's decision(s).
4. The Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.
5. The Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the Environmental Impact Statement; and
6. Consistent with the social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
7. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Town of Wawarsing Planning Board

Name of Agency

Signature of Responsible Official

Title of Responsible Official

Name of Responsible Official

Date

Address of Agency

A Copy of this Notice is sent to:

Lead Agency

Town of Wawarsing Planning Board
Town Hall
108 Canal Street
Ellenville, NY 12428

Involved Agencies

Town of Wawarsing Zoning Board of Appeals
Town Hall
108 Canal Street
Ellenville, NY 12428

Town of Wawarsing Code Enforcement Officer
Town Hall
108 Canal Street
Ellenville, NY 12428

Ulster County Health Department
300 Flatbush Avenue
Kingston, NY 12401-2740

Ulster County Department of Public Works
Division of Highways and Bridges
317 Shamrock Lane
Kingston, NY 12401

Ulster County Planning Department
County Office Building
P.O. Box 1800
244 Fair Street
Kingston, NY 12402

New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561

New York State Office of Parks, Recreation and Historic Preservation
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

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Ellenville, NY 12428

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Town Hall
108 Canal Street
Ellenville, NY 12428

Town of Wawarsing Highway Department
Town Hall
108 Canal Street
Ellenville, NY 12428

Village of Ellenville
81 Main Street
Ellenville, NY 12428

Nature Conservancy
Eastern New York Chapter
Shawangunk Ridge Program
108 Main Street
New Paltz, NY 12561

Cragsmoor Association
5 Dellenbaugh Road
P.O. Box 157
Cragsmoor, NY 12420

Cragsmoor Historical Society
P.O. Box 354
Cragsmoor, NY 12420

Shepstone Management Company
100 Fourth Street
Honesdale, PA 18431

Preservation League of New York State
44 Central Avenue
Albany, NY 12206-3002

Cragsmoor Fire District
66 Sam's Point Road
Cragsmoor, NY 12420

National Trust for Historic Preservation
Northeast Regional Office
7 Faneuil Hall Marketplace
Boston, MA 02109

Ulster County Emergency Communications/Emergency Management
Ulster County Fire Coordinator
238 Golden Hill Lane
Kingston, NY 124601-6440

New York State Police
Troop F, Zone 3, Ellenville Station
Route 209, P.O. Box 28
Ellenville, NY 12428

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Environmental Conservation
Environmental Notice Bulletin
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