

**FINDINGS SUPPORTING APPROVAL OF SPECIAL PERMIT
FOR THE WASTEWATER TREATMENT PLANT “PUBLIC UTILITY
FACILITY” IN THE OC DISTRICT**

Pursuant to Section 121-63 of the Zoning Code, the Planning Board considered the general criteria listed below before issuing this Special Permit. The Modified Project complies with each of these criteria for the following reasons:

- (a) Will comply with all land use district, overlay district, and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and of the land use district in which it is located.**

The proposed wastewater treatment plant (“WWTP”) is a public utility facility, a use allowed in the OC District subject to the issuance of Special Permit by the Planning Board and referral to the Zoning Board of Appeals. The Town’s Building Inspector/CEO determined that a WWTP owned by a private sewage-works corporation duly constituted under the New York Transportation Corporations Law qualifies as a “public utility facility.” The WWTP will be regulated by the NYSDEC and Dutchess County Department of Health (“DOH”). The WWTP will be designed to meet the NYSDEC intermittent stream standards and the NYSDOH’s supplemental bathing beach standards, which adds additional constituents to be reviewed and monitored by the NYSDEC and the WWTP operator. Treated wastewater will be directed to the Amenia/Cascade Brook or other water body as required by NYSDEC.

AQO requirements

Pursuant to Zoning Code § 121-15 (D), the Modified Project will meet the following requirements:

- (1) The manufacture, use, storage, or discharge of any products, materials or by-products subject to these regulations, such as wastewater, solid waste, hazardous substances, or any pollutant, must conform to the requirements of these regulations.*

The discharge of wastewater from the WWTP will meet these regulations.

- (2) Usage of water for proposed actions within the Aquifer Overlay (“AQO”) District shall be examined pursuant to SEQRA in accordance with the methodology set forth in Subsections F and G of this § 121-15.*

Usage of water for the WWTP was examined pursuant to SEQRA in accordance with the methodology specified for the AQO in Zoning Code § 121-15 (F) and (G). See 2015 Amended SEQRA Findings Section II (B) (4) (“Aquifer Overlay”).

- (3) In addition to the list of statewide Type I actions contained in § 617.4(b) of 6 NYCRR, all proposed actions resulting in discharges exceeding standards provided in 6 NYCRR Part 703.6(e) and amendments thereto (groundwater contamination standards), and all*

proposed actions where water consumption exceeds natural recharge, as defined in Subsections F and G herein, shall be designated as Type I actions under the implementing regulations of the State Environmental Quality Review Act (6 NYCRR Part 617), unless the action is listed as a Type II action under such regulations.

Overall, the Modified Project was designated a Type I action under SEQRA, and the SEQRA review included review of the WWTP.

- (4) *Installation of any underground fuel tank or tanks, whose combined capacity is less than 1,100 gallons, is prohibited in the Aquifer Overlay (AQO) District.*

The WWTP will have no underground fuel tanks.

- (5) *This § 121-15 shall not apply to customary agricultural practices conducted in conformity with applicable rules of the New York State Department of Environmental Conservation and the New York State Department of Agriculture and Markets which are in conformance with a whole farm management plan approved by the Dutchess County Soil and Water Conservation District.*

This provision does not apply to the WWTP.

- (6) *This § 121-15 shall not apply to any single-family, two-family, or multifamily residential use of land containing five or fewer dwelling units or to any home occupation unless such residential use or home occupation includes one of the activities listed in Subsection E below.*

This provision does not apply to the WWTP.

The WWTP will meet the general non-degradation standard for the AQO District specified in Zoning Code § 121-15 (E) (8) by compliance with all applicable standards, requirements, and permit conditions imposed by federal, state and county agencies, including the NYSDEC and the Dutchess County DOH.

The water treatment plant will house the control and instrumentation panels for the well pumps, transfer pumps, disinfection equipment, other treatment as necessary, all the piping, gauges and valves, flow meters, sample taps and other equipment that may be required by the Dutchess County Department of Health. The water treatment and control facility will also meet latest New York State Building Code requirements.

Please see letter (f), below, for additional discussion of groundwater protections and impacts.

Scenic Protection Overlay requirements

The WWTP and golf maintenance facility are located in the SPO District because they will be located on lands lying within 800 feet of the right-of-way of NYS Route 22 and within 500 feet of the Harlem Valley Rail Trail. In accordance with Zoning Code § 121-14.1 (D), the WWTP,

golf maintenance facility, golf course improvements and access road will be subject to site plan approval.

The building will be screened from NYS Route 22 as required by the SPO District. Otherwise, the WWTP will not significantly impact scenic character and will be aesthetically compatible with its surroundings. Additional screening has been added within the SPO District “green buffer” along NYS Route 22 (see Site Plan Drawing L3.14). The screening includes a combination of berms and installation of native trees. This screening will lessen the visibility of the facilities from NYS Route 22. The new location for the WWTP is in the Trail Protection Visual Protection Corridor of the SPO District. However, there is little visibility from the Harlem Valley Rail Trail to the facility since the portion of the Rail Trail closest to the facility is roughly 15 feet below the elevation of the WWTP and is on the eastern side of Route 22, which prevents views to the Modified Project Site. Conversely, the 4-rail equestrian style fence proposed around the golf maintenance facility and WWTP will not block visual access to land in a scenic road corridor.

The location of the WWTP building is presently an abandoned parking lot. Since construction will occur on previously disturbed soils, there will be minimal removal of native vegetation and no significant impacts to wildlife.

Combining the WWTP with the golf maintenance facility will cluster utility buildings and other structures in a location screened from public places and roads and removed from the main Project areas. This will also allow joint use of the existing NYS Route 22 entrance.

(b) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances.

The Modified Project will not generate off-premises noise, waste, lights, glare or any other condition that might be harmful. The WWTP will be contained within a structure at the edge of the Modified Project, near landfills, and away from any residences. In addition, this building will be designed to harmonize with the rest of the project architecture and mitigate the appearance of this facility.

The WWTP will not result in the discharge of any priority air pollutants, and will have no significant negative impact on air quality. The only potential source of air pollutants will be the WWTP emergency backup generator. However, this generator will operate infrequently and will not have a significant adverse impact on air quality. Odor issues will be mitigated by proper operation of aerated processes and by enclosing the treatment process inside a building or under covered tanks. The main treatment process tanks will be aerated and mixed to maintain oxygen levels and prevent septic conditions that lead to the generation of most offensive odors. Odor control technology options include activated carbon or a scrubber. All other portions of the WWTP process are expected to yield negligible odors and will be subjected simply to standard ventilation and climate control in the building. All ventilation will conform to the Ten States Standards, NFPA, and any other applicable standards. All pump stations within the site-wide collection system will employ standard odor control measures, including proper ventilation, and

timed pump-down of large pump stations so their contents do not reside in them for extended periods during times of low sewer flow and turn septic.

With respect to visual impacts, a combination of berms and new native trees has been added within the SPO District “green buffer” between the WWTP and NYS Route 22 to shield the structures and the parking areas. The tanks will be placed outdoors, with low-profile engineered covers for odor control. A building next to the tanks will contain the tertiary treatment processes (filtration and UV disinfection) and support facilities (office, chemical room, blower room, solids dewatering room, storage, etc.). The WWTP will be steel-frame, with roof and siding materials selected by the project architect to blend with the surrounding buildings and landscape. The low pressure sewer pump stations will be entirely subsurface, with only an at-grade access hatch for each. The community pump stations will be either entirely below-grade with an access hatch, or will consist of a small above-grade structure containing pumps and controls. Each of the community pump stations also will be equipped with an enclosed emergency generator with appropriate muffling, and will have sufficient landscaping, fencing, or architectural features to allow them to have a negligible visual impact.

All excessively noisy equipment such as large pumps, blowers, compressors, and generators, will be housed inside buildings, vaults, or noise-reducing enclosures to mitigate impacts at neighboring residences and properties. The aeration blowers for the treatment tanks will be the loudest equipment, and will be located either in a dedicated sound-proofed room within the WWTP building, or within individual noise enclosures within the building. All pumps associated with the treatment process will be submersible pumps, and therefore will be submerged in water and relatively quiet when operating. Piping will be designed to minimize noise associated with high velocity pipe flow in the building. The emergency generator for the WWTP will operate only sporadically and will not create a significant noise impact. The collection system pump stations will be subsurface and produce no discernible noise.

The design of the relocated WWTP complies with NYSDEC’s Design Standards for Intermediate-Sized Wastewater Treatment Systems--Statewide and Lake George Design Standards (2014). The minimum aerial separation distance from a treatment facility with wastewater treatment processes enclosed in a building is 150-feet from the treatment unit to adjacent property lines. The WWTP is closer than 150 feet to the property line of the HVLC Property. However, the WWTP is located further from the closest neighboring property when the NYS Route 22 property is included in the separation distance. The standards also include a required 200-foot radial distance to existing downwind dwellings (on or off the property). This recommended distance is intended primarily to minimize noise and odor impacts on surrounding properties. The new location has been preliminarily reviewed by the NYSDEC and determined to be acceptable.

- (c) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.**

The WWTP will be located near the edge of the Modified Project Site close to NYS Route 22 and will use an existing secondary entrance/exit located on the HVLC Property. Fewer than 10

trips per hour will exit the Modified Project Site at this location, and thus no traffic congestion is anticipated. The road will be newly constructed to the specifications in the site plan.

Given its location away from the main residential areas of the Modified Project Site, the WWTP will not impair pedestrian safety.

(d) Will be accessible to fire, police, and other emergency vehicles.

The WWTP will be located adjacent to NYS Route 22 near the existing entrance road, and thus will have excellent access for emergency vehicles. In fact, this entrance is designated as an emergency access point for the entire Modified Project. The south entrance gate will have keypad control with code provided to emergency service providers. The golf maintenance facility and main entry gatehouse will be able to control the gate.

(e) Will not overload any public water, drainage, or sewer system, or any other municipal facility.

The WWTP will be a self-contained system and will not affect any public system.

(f) Will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer.

The WWTP will be designed to meet NYSDEC intermittent stream standards and NYSDOH supplemental bathing beach standards, which adds additional constituents to be reviewed and monitored by the NYSDEC and the WWTP operator. Treated wastewater will be directed to the Amenia/Cascade Brook or as authorized by NYSDEC.

There will be no direct discharge of treated wastewater effluent to groundwater, and it is anticipated that the wastewater system for the Modified Project will not have a significant adverse impact on groundwater. Existing wells (which will not be used for potable water) may be used to recharge the irrigation pond. It should be noted that the Irrigation Pond is already a spring-fed water body, and some groundwater is therefore used for irrigation in that manner. This usage has a negligible impact on groundwater, however, since unused spring water would continue to flow off-site to the Amenia/Cascade Brook. The sanitary sewer collection system will be leak-tight, and will not have a significant adverse impact on groundwater quality.

The WWTP will return approximately 80% of the potable water withdrawals from wells in the form of treated wastewater that would be released into the Amenia/Cascade Brook to supplement the brook. The wastewater treatment technology for the WWTP will be selected to meet all effluent quality requirements as required by NYSDEC. The anticipated effluent quality values can be readily achieved. When met, these stringent standards will help preserve the water quality of the downstream Amenia/Cascade Brook (Class Ct) and downstream water bodies.

The relocation of the WWTP to the south of the golf maintenance facility area on the HVLC Property will reduce previously identified impacts to natural, forested steep slopes on the northern portion of the site, where the WWTP was originally sited.

- (g) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and its ability to be buffered or screened from neighboring properties and public roads.**

The WWTP will not be harmful to the area's hydrology, soils, vegetation, wildlife or natural surroundings. Please see response to letter (b), above, with respect to buffering and screening.

The relocation of the WWTP to the HVLC Property increases the distance between the WWTP and the nearest residence, reduces disturbance to "Forest Habitat" by approximately 1 acre, reduces steep slope disturbance, reduces fragmentation of contiguous forest habitat, increases open space within the RDO District; and decreases disturbance on the portion of the Modified Project Site located across US Route 44 from the prior location. The relocated WWTP also has improved vehicular access from NYS Route 22.

Additional screening has been added within the SPO District "green buffer" along NYS Route 22 (see Site Plan Drawing L3.14). The screening includes a combination of berms and installation of native trees. This screening will lessen the visibility of the facilities from NYS Route 22. The new location for the WWTP is in the Trail Protection Visual Protection Corridor of the SPO District. However, there is little visibility from the Harlem Valley Rail Trail to the facility since the portion of the Rail Trail closest to the facility is roughly 15 feet below the elevation of the WWTP and is on the eastern side of NYS Route 22, which prevents views to the site.

- (h) Will be subject to such conditions on design and layout of structures, and the provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.**

See discussion of items (a), (b) and (g) above. The golf maintenance facility parking area lights are expected to be pedestrian level lamp posts or bollard style lights due to the sensitive nature of the location of this facility. Full height street lights will not be used in the golf maintenance facility parking area.

- (i) Will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering nonresidential uses that are incompatible with residential use.**

The proposed WWTP does not affect retail uses in hamlets, and does not propose any kind of strip development. The location of the WWTP has been specifically selected to remove it from the residential areas of the Modified Project and screen it from other nearby residential areas. In addition, as noted in letter (b), above, the WWTP will be buffered from NYS Route 22 with a berm and screening with native trees and will be constructed with roof and siding materials selected by the project architect to blend with the surrounding buildings and landscape.

(j) Will not adversely affect the availability of affordable housing in the Town.

The WWTP will not affect affordable housing in Amenia as it will be used solely to accommodate development of the Modified Project.

(k) Will comply with applicable Site Plan criteria in Section 121-65(D) of the Zoning Code.

The proposed Modified Project will comply with the Town's site plan requirements, subject to any waivers that may be issued.

For additional findings related to the criteria discussed above, please see the 2015 Amended SEQRA Findings which are incorporated by reference into these findings.

**FINDINGS SUPPORTING GRANTING OF SPECIAL PERMIT
FOR GOLF COURSE IMPROVEMENTS, A GOLF MAINTENANCE
FACILITY AND TO STORE MORE THAN 500 POUNDS OF
FERTILIZERS, PESTICIDES AND/OR HERBICIDES IN THE GOLF
MAINTENANCE FACILITY**

Pursuant to Section 121-63 of the Zoning Code, the Planning Board considered the general criteria listed below before issuing this Special Permit. The Modified Project complies with each of these criteria for the following reasons:

(a) Will comply with all land use district, overlay district, and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and of the land use district in which it is located.

The golf course and golf maintenance facility are recreational business uses allowed in the OC District by special permit. The OC District's purpose is to allow, among other uses, service commercial facilities, such as these recreational business uses.

AQO requirements

In addition, the golf course improvements, golf maintenance facility and associated fertilizer and pesticide/herbicide storage are located in the Aquifer Protection Overlay District ("AQO"), the purpose of which is to "protect groundwater resources that provide both public and private drinking water supplies." (Zoning Code § 121-7). Therefore, the golf course improvements, access road, golf maintenance facility and fertilizer/pesticide storage meet the following requirements in Zoning Code § 121-15 (D):

(1) The manufacture, use, storage, or discharge of any products, materials or by-products subject to these regulations, such as wastewater, solid waste, hazardous substances, or any pollutant, must conform to the requirements of these regulations.

To address the requirements of Zoning Code § 121-15 (D) (1), the Applicant joined together with Audubon International (“AI”), an environmental organization that focuses on sustainable natural resource management, and AI prepared the Natural Resources Management Plan (“NRMP”) for the Modified Project Site. The NRMP defines how the Modified Project will be constructed and managed so that natural resource protection and human use of the property will be integrated. The NRMP addresses wildlife conservation and habitat enhancement, water quality management and conservation, waste reduction and management, energy efficiency, and an Integrated Pest Management (“IPM”) plan. The management techniques within the IPM plan, combined with other Best Management Practices (“BMPs”) for resource protection, are an important part of the NRMP for the Modified Project. The IPM plan also includes monitoring for water quality parameters and pesticides. In conjunction with the prevention and monitoring strategies outlined in the NRMP, these practices will help to minimize the Modified Project’s potential impact to terrestrial and aquatic resources.

To verify if the golf course and community lawns are managed as described in the NRMP, at least yearly the Town must receive an annual report on use of pesticides and fertilizers, irrigation, water quality monitoring, and other management methods agreed to in the NRMP. The Applicant will obtain and maintain Audubon International Signature Program (or equivalent) status for the golf course. Any changes to NRMP require Planning Board approval.

The substances will be stored in accordance with the NRMP Section 9.0 “Best Management Practices for the Maintenance Facility” - Subsection 9.1.1 “Pesticide Storage and Mixing.” All other chemical storage will be in a separate secure storage building as required by Zoning Code § 121-15 (E) (4) (a).

In compliance with Zoning Code § 121-15(E) (1) (l), the Applicant has sought special permit approval for storage of more than 500 pounds of fertilizers and pesticides/herbicides.

- (2) *Usage of water for proposed actions within the Aquifer Overlay (AQO) District shall be examined pursuant to SEQRA in accordance with the methodology set forth in Subsections F and G of this § 121-15.*

Please see 2015 Amended SEQRA Findings Section II (B) (4).

- (3) *In addition to the list of statewide Type I actions contained in § 617.4(b) of 6 NYCRR, all proposed actions resulting in discharges exceeding standards provided in 6 NYCRR Part 703.6(e) and amendments thereto (groundwater contamination standards), and all proposed actions where water consumption exceeds natural recharge, as defined in Subsections F and G herein, shall be designated as Type I actions under the implementing regulations of the State Environmental Quality Review Act (6 NYCRR Part 617), unless the action is listed as a Type II action under such regulations.*

The golf-related improvements were examined as part of SEQRA review for the Modified Project. Please see 2015 Amended SEQRA Findings.

- (4) *Installation of any underground fuel tank or tanks, whose combined capacity is less than 1,100 gallons, is prohibited in the Aquifer Overlay (AQO) District.*

The golf maintenance facility will have no underground fuel tanks with less than 1,100 gallons capacity, but instead will use above-ground storage tanks.

- (5) *This § 121-15 shall not apply to customary agricultural practices conducted in conformity with applicable rules of the New York State Department of Environmental Conservation and the New York State Department of Agriculture and Markets which are in conformance with a whole farm management plan approved by the Dutchess County Soil and Water Conservation District.*

This provision does not apply.

- (6) *This § 121-15 shall not apply to any single-family, two-family, or multifamily residential use of land containing five or fewer dwelling units or to any home occupation unless such residential use or home occupation includes one of the activities listed in Subsection E below.*

This provision does not apply.

As conditions of special permit approval, Applicant must obtain all required permits for storage and handling of fertilizers, pesticides, and herbicides. In addition, the Applicant must comply with the terms of the NRMP, which includes provisions for protecting groundwater. Pursuant to Zoning Code § 121-15 (E) (4) (b), the Applicant shall provide the Town with copies of all applicable permits provided by state and/or federal regulators and copies of all annual, incident, and remediation-related reports. Accordingly, the Applicant's pesticide storage will comply with the general non-degradation standard in Zoning Code § 121-15 (E) (8).

The golf maintenance facility will also meet latest New York State Building Code requirements.

Scenic Protection Overlay requirements

The golf maintenance facility is located in the SPO District because it will be located on lands lying within 800 feet of the right-of-way of NYS Route 22 and within 500 feet of the Harlem Valley Rail Trail.

The building will be screened from NYS Route 22 as required by the SPO District. Otherwise, the golf maintenance facility will not significantly impact scenic character and will be aesthetically compatible with its surroundings. Additional screening has been added within the SPO District "green buffer" along NYS Route 22 (see Site Plan Drawing L3.14). The screening includes a combination of berms and installation of native trees. This screening will lessen the visibility of the facilities from NYS Route 22. The location for the golf maintenance facility is in

the Trail Protection Visual Protection Corridor of the SPO District. However, there is little visibility from the Harlem Valley Rail Trail to the facility since the portion of the Harlem Valley Rail Trail closest to the facility is roughly 15 feet below the elevation of the golf maintenance facility and is on the eastern side of NYS Route 22, which prevents views to the site. Conversely, the 4-rail equestrian style fence proposed around the golf maintenance facility and WWTP will not block visual access to land in a scenic road corridor.

Construction will occur on disturbed soils and a former parking lot, so there will be minimal removal of native vegetation.

Combining the WWTP with the golf maintenance facility will cluster buildings and other structures in a location screened from public places and roads and removed from the main project areas.

(b) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances.

Improvements to the golf course are consistent with the existing land use and will not result in off-site effects. The golf maintenance facility will be screened from nearby roads and properties and will not result in off-site effects.

Fertilizer and pesticides will be stored inside a secure facility and will have no off-site effects. To address fire safety concerns, pursuant to New York General Municipal Law § 209-u (4), the Applicant will be required to file an annual report of all hazardous materials stored at the golf maintenance facility with the chief of the Amenia Fire Department on the form specified in GML § 209-u (7).

Please see letter (a), above, for discussion of protections to natural resources.

(c) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

The golf maintenance facility will use the existing entrance road on the HVLC Property on NYS Route 22, which will become a secondary access point. Fewer than 10 trips per hour will exit/enter the Modified Project Site at this location, and thus no traffic congestion is anticipated. The road will be newly constructed to the specifications in the site plan. Given its location away from the main residential areas of the Modified Project, the golf maintenance facility will not impair pedestrian safety.

(d) Will be accessible to fire, police, and other emergency vehicles.

The golf maintenance facility is located adjacent to NYS Route 22 near the existing entrance road on the HVLC Property and has excellent access for emergency vehicles. In fact, this entrance will serve as an emergency access point for the entire Modified Project. The south

entrance gate will have keypad control with code provided to emergency service providers. The golf maintenance facility and main entry gatehouse will be able to control the gate.

The golf course will be accessible via the south entrance road as well as through project roads that will be suitably designed to permit emergency access.

As discussed in letter (b), above, pursuant to New York General Municipal Law § 209-u, the Applicant will be required to file an annual report with the fire chief listing all hazardous materials.

(e) Will not overload any public water, drainage, or sewer system, or any other municipal facility.

The golf maintenance facility and golf course will use the WWTP and a private water supply system, and thus will not overload any public systems.

With respect to stormwater, the Applicant has prepared two separate Stormwater Pollution Prevention Plans (each a “SWPPP” and collectively, the “SWPPPs”): one for the “Silo Ridge Golf Course Golf Improvements,” covering reconstruction of the entire golf course including the driving range, and the other for the entire Modified Project (including all golf course work) (the “Modified Project SWPPP”). Each SWPPP independently complies with the NYSDEC requirements and has been reviewed by the Town Engineer, other Town Consultants and the NYSDEC.

The SWPPPs also include a detailed erosion and sediment control (“E&SC”) plan. The E&SC plan identifies specific measures that will be implemented to protect adjacent aquatic resources. This includes a phasing plan for soil disturbance.

In addition, the Applicant will be using pervious materials for overflow parking at the golf maintenance facility, thus reducing stormwater runoff. Design calculations in the Modified Project SWPPP take credit for certain on-site green infrastructure practices approved by NYSDEC, such as conservation of natural areas and sheetflow to riparian buffer. The runoff reduction provided by these green infrastructure practices alone is more than the minimum runoff reduction volume (RRv) required for the Modified Project under the New York State Stormwater Design Manual (“SMDM”). Other green infrastructure practices are also being utilized in the Modified Project, including tree planting, vegetated swales, and porous pavement, but no credit is being taken for them in stormwater management design calculations.

(f) Will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer.

Please see response to letter (a), above for discussion of the NRMP and compliance with Aquifer Overlay District requirements.

The golf maintenance facility uses the existing south entrance road on the HVLC Property, thus reducing the grading and clearing adjacent to NYSDEC Wetland AM-15 buffer and west of NYS Route 22.

- (g) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and its ability to be buffered or screened from neighboring properties and public roads.**

Construction and expansion of the golf course will improve an existing recreational business use, and is thus suitable for the property. In addition, given the heightened natural resource protections in the NRMP, the proposed golf course improvements will improve compliance with the goals and requirements of the Aquifer Overlay Protection District.

Pesticide and herbicide storage will be suitable for this property as an accessory use incidental to the golf course and golf maintenance facility. The golf maintenance facility will be designed to harmonize with the architecture of the project and natural surroundings. Please see discussion in letter (a), above, related to screening and buffering.

- (h) Will be subject to such conditions on design and layout of structures, and the provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.**

See discussion in items (a) and (g), above.

- (i) Will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering nonresidential uses that are incompatible with residential use.**

The golf course and golf maintenance facility do not involve a retail use or a strip commercial development. The golf course is compatible with residential uses, and is a major feature of the entire Modified Project. The golf maintenance facility will be effectively screened from residential areas and from NYS Route 22 as required in the SPO District. Please see discussion in item (a), above.

This consideration is inapplicable to pesticide storage, except buffering as discussed in item (a), above.

- (j) Will not adversely affect the availability of affordable housing in the Town.**

The golf course and golf maintenance facility will have no effect on the availability of affordable housing.

(k) Will comply with applicable Site Plan criteria in Section 121-65(D) of the Zoning Code.

The golf maintenance facility, golf course, and proposed pesticide storage will comply with the Town's site plan requirements, subject to any waivers that may be issued.

For additional findings related to the criteria discussed above, please see the 2015 Amended SEQRA Findings which are incorporated by reference into these findings.