

**SECOND AMENDED  
FINDINGS STATEMENT  
State Environmental Quality Review Act**

January \_\_\_\_, 2021

Pursuant to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act and its implementing regulations at 6 NYCRR Part 617 (collectively "SEQRA"), the Village of Warwick Planning Board, as lead agency, makes the following second amended findings related to the action noted below:

**Name of Action:** Warwick Meadows: Phase IV – Residential Condominium Development

**Location:** Intersection of Brady Road and Sheffield Drive in the Village of Warwick, New York (Tax IDs: Lots 218-1-91, 92, 93, 94 & 96 and 219-1-2.2).

**Lead Agency:** Village of Warwick Planning Board

**Contact:** James Patterson, Planning Board Chairman, Village Hall, Main Street, Warwick, NY 10990, (845) 986-9880

**SEQRA Classification:** Type I

**Final EIS Filed:** November 13, 1985

**SEQRA Findings Adopted:** April 17, 1986

**1<sup>st</sup> Amendment to Findings Adopted:** January 21, 2010.

**2<sup>nd</sup> Amendment to Findings Adopted:** January \_\_\_\_, 2021

**DESCRIPTION OF ACTION:** Warwick Commons Stage 5, LLC (the "Applicant" or "Project Sponsor") has proposed a condominium residential development on property located at the intersection of Brady Road and Sheffield Drive in the Village of Warwick, New York. The property consists of 6 tax lots identified as Lots 218-1-91, 92, 93, 94 & 96 and 219-1-2.2 (the "Project Site"). The development includes construction of 90 condominium units (82 one-car garage units and 8 two-car garage units) with a total of 180 bedrooms in 14 buildings with related infrastructure. In addition to the dwelling units, the Project includes a club house with a pool, access drives, utilities, sidewalks, lighting, parking, landscaping and related improvements (collectively the "Project"). The Project proposes 253 parking spaces providing for residents, visitors and clubhouse parking. The Project is proposed to be serviced by municipal water and sanitary sewer systems and Sheffield Drive, an existing private road, which will be rebuilt to serve the Project. Sheffield Drive will be offered for dedication to the Village. An emergency access gate will be installed across Sheffield Drive near the Project Site's eastern property line. On-site stormwater management will be provided for the Project as required by the Village and NYS Department of Environmental Conservation ("NYSDEC") stormwater regulations.

The Project Site contains approximately 15.3 acres of land with frontage on Brady Road along its western boundary, Warwick Meadows residential condominium community to the north, a residential subdivision with single-family homes along Ridgefield Road to the east, a residential subdivision with single-family homes to the west and vacant land to the south. The Project Site is located within the R (Residential) Zoning District.

**PROJECT HISTORY:** The Project was originally Phase IV of a larger multiple-phased residential community called Warwick Meadows which was approved by the Village of Warwick Planning Board (the “Planning Board”) in 1986. At that time, the Project Site was located in the MR (multi-family residential) zoning district and complied with all the zoning bulk requirements of that district. After approval, the other three phases of the community were constructed along with critical infrastructure necessary for Phase IV. Project improvements that have already been constructed on the Site include Sheffield Drive (with a stream crossing), grading, various utility lines, parking areas and some stormwater controls. In addition, certain critical improvements were constructed in the other phases of the community to support the development of Phase IV. These improvements included access roads, the Brady Road/Sheffield Drive intersection, various utility lines and stormwater management areas.

In 2006, the Applicant’s predecessor applied for amended site plan approval for Phase IV to, among other things, vary the location of certain buildings to remove them from new wetlands that had emerged on the Site and to upgrade stormwater controls to comply with new NYSDEC regulations. In 2009, the zoning law was changed and the zoning district on the Project Site was changed from MR to R (residential). In 2012, the Planning Board granted an amended site plan approval for Phase IV under the prior zoning code as a grandfathered use and that approval has been extended numerous times every year by the Planning Board and remains valid today.

The Applicant is now seeking a second amended site plan approval for Phase IV (ie, the Project). In general, the revised Project seeks to readjust the site layout and design of the condo units to improve their marketability to meet current demands. Importantly, the Project will also provide a number of benefits by improving public safety and reducing environmental impacts over the amended site plan that was approved in 2012. These benefits include the following, among others:

- 1) A reduction in 26 condo units from the 2012 approved site plan. However, the number of bedrooms (180) remains the same as the 2012 plan;
- 2) A reduction from 15 to 14 condo buildings from the 2012 approved site plan;
- 3) Increased setbacks over the 2012 approved site plan on the eastern and northern side yards to buffer the Project from neighboring homes. Increased building separation over the 2012 approved site plan;
- 4) A revised stormwater design to achieve compliance with the current 2020 NYSDEC stormwater regulations which changed further since the 2012 approved site plan and are now more protective of the environment;
- 5) Installation of a new emergency access gate at the east end of Sheffield Drive to prevent “cut through” traffic from using the Ridgefield Road neighborhood. This gate provides a safer neighborhood for the residents and their children without reducing emergency access or social connectivity between neighborhoods;

- 6) Reconfigure an unsafe 6-way intersection at Sheffield and Brady Roads to provide a safer 4-way intersection over the 2012 approved site plan;
- 7) Avoiding wetland and stream impacts;
- 8) Providing new high-quality architectural design over the 2012 approved architectural design;
- 9) Providing a new clubhouse and pool as recreational amenities for the residents over the 2012 plan; and
- 10) As required by the 2012 site plan approval, the Applicant will repair the existing dam on the adjacent property owned by the Warwick Meadows Homeowners Association (“HOA”). The repairs will bring the dam into compliance with the dam safety regulations of the NYSDEC and resolve an existing Notice of Violation for the dam.

The Applicant is also seeking a lot line adjustment to readjust the existing lot lines on the Project Site to simplify the lot configuration from the 2012 approval and to reduce potential impacts on neighbors. The Site currently contains 6 lots, which will be reduced to 4 lots with the lot line change. One of these lots will contain Sheffield Drive which will be offered for dedication to the Village. The Project also complies with the zoning bulk requirements for the R zoning district (Use Group G).

**SEQRA FINDINGS STATEMENT:** On April 17, 1986, the Planning Board issued its original SEQRA Findings Statement (the “Findings Statement”) based upon its review and consideration of a draft environmental impact statement (“DEIS”) and final environmental impact statement (“FEIS”) prepared to assess the potential environmental impacts of all phases of the Warwick Meadows residential community including Phase IV. A copy of the original Findings Statement is attached hereto as Exhibit A and is incorporated herein by reference.

The Findings Statement concluded that Warwick Meadows would have unavoidable impacts in the following areas: (1) an increase in demand for water and sewer; (2) irreplaceable loss of farmland; (3) a permanent change in use of the land; (4) an increase in demand for public services such as police, ambulance, fire protection, school, health services, and recreation; and (4) an increase of traffic volume on local streets. However, the Findings Statement then determined that Warwick Meadows, with respect to these impacts, minimizes or avoids adverse environmental impacts to the maximum extent practicable by incorporating as conditions those mitigation measures identified in the Findings Statement. Notwithstanding these Findings, the Board remained concerned over the following issues: (1) traffic; (2) unsafe roadway conditions; (3) soil erosion and sedimentation control; (4) storm water runoff; (5) stream disturbances; (6) water supply and distribution; and (7) sewage treatment.

**1st AMENDED SEQRA FINDINGS:** As noted above, in 2006, the Applicant’s predecessor applied for amended site plan approval to make certain changes to the layout of Phase IV. The SEQRA regulations provide that if subsequent project modifications or changes require the lead agency to modify its decision on a project (ie, like issuing an amended site plan approval), the original SEQRA Findings may be amended and filed. 6 NYCRR Part 617.11(a). To that end, on January 21, 2010, the Planning Board adopted its “1<sup>st</sup> Amended SEQRA Findings” which evaluated the proposed changes to the layout of Phase IV. A copy of that 1<sup>st</sup> Amended Findings is attached hereto as Exhibit B and is incorporated herein by reference.

In those amended findings, the Planning Board once again considered the unavoidable impacts and areas of concern noted in the original Findings Statement to determine whether they remained a matter of concern. The Board then concluded that the proposed changes to Phase IV will not cause any significant adverse environmental impacts. Based on these findings, the Board issued an amended site plan approval for these changes in 2012.

**2<sup>ND</sup> AMENDED SEQRA FINDINGS:** A second amendment of the original SEQRA Findings is now necessary to consider the potential environmental impacts of the Applicant's further proposed changes to Phase IV as described in the Project's application materials (the "2<sup>nd</sup> Amended SEQRA Findings").

Once again, the findings below consider the unavoidable impacts and areas of concern noted by the Planning Board in both the original SEQRA Findings and the 1<sup>st</sup> Amended SEQRA Findings. Each impact and area of concern is discussed separately below. Moreover, these findings also consider other potential environmental impacts of the Project beyond those specifically noted on the Board's prior SEQRA findings (see item #12 below).

As demonstrated in these findings, the Board concludes that the Project will not result in any significant adverse environmental impacts. In fact, the Project actually reduces and further mitigates environmental impacts over those previously reviewed and approved for the 2012 site plan. See SEQRA Consistency Chart (dated September 25, 2020) comparing the Project's impacts to those from the project approved in 2012. Also, the Project improves public safety and is more protective of the environment than the 2012 site plan approval.

**1) *As to the increase in the demand for water and sewage services***

**Water:** The Project will yield an estimated daily flow demand of 20,550 gallons (GPD) as identified in the Project Sponsor's "Engineer's Report Water/Sewer". The 1986 FEIS determined that water supply was adequate, but storage and distribution facilities were not for the Project. Since the date of the FEIS, the Village's water and sewer infrastructure has been upgraded by construction of the following improvements: (1) A water tower in Ridgefield; and (2) Ownership of the water mains and sewer mains have been taken over by the Village.

Based on the above, in 2012, the Planning Board found in the 1<sup>st</sup> Amended SEQRA Findings that "adequate capacity for water and sewer currently exists within the village to service the current proposed project" and water supply is no longer a concern. Based on the foregoing, the original \$1200 per unit fee is no longer necessary to mitigate the Project's impacts on water supply.

The Village's water treatment plant has sufficient capacity to provide water to the Project. The proposed water supply has been adequately sized; three (3) branches of 8" DIP water main is proposed to provide water service to the proposed residential development. A total of 90 potable service lines will branch off the proposed 8" mains to serve each unit. The Village's Department of Public Works has indicated that a "will serve" letter will be provided

While the Project will reduce the number of dwelling units from what was previously approved in 2012, the Project's demand for water will actually increase slightly by 750 gpd due to the addition of a new clubhouse and pool to serve the Project's residents. This minor increase is not

considered significant given that there is sufficient water service capacity in the Village and the importance of providing on-site recreational amenities for the Project residents which will likely reduce demand on Village recreational services.

**Wastewater:** The Project will yield an estimated daily wastewater flow of 20,550 gallons (GPD) as set forth in the Project Sponsor's Engineer's Report Water/Sewer. The Project will not discharge wastewater into the ground. No septic systems or subsurface disposal systems will be used on the Site. The Village's wastewater treatment plant has sufficient capacity to provide sewer service to the Project. The Village's Department of Public Works has indicated that a "will serve" letter will be provided.

While the Project will reduce the number of dwelling units from what was previously approved in 2012, the Project's demand for sewer service will actually increase slightly by 750 gpd due to the addition of a new clubhouse and pool to serve the Project's residents. This minor increase is not considered significant

**FINDING: Adequate capacity for water and sewer currently exists within the Village to service the Project and no mitigation is required. Therefore, no significant adverse water or sewer impacts will result from the Project.**

**2) *As to the irreplaceable loss of farmland***

The Project Site is located in Orange County Agricultural District #2. No active farm operations are known to exist within 500 feet of the Project Site. The Site has been targeted for residential development since the 1986 and 2012 site plan approvals and is no longer actively farmed or will be actively farmed in the future due to the existing Site approvals, surrounding uses and Project Site location. The 1<sup>st</sup> Amended SEQRA Findings found that "the loss of farmland previously identified is no greater or lesser as a result of the current proposal in as much as this project was part of the previous approval." The impact on farmland will be the same as previously reviewed and approved by the Planning Board in 2012 and, therefore, no significant adverse impacts will occur.

**FINDING: The loss of farmland previously identified in the prior SEQRA and 2012 site plan approvals is no greater or lesser as a result of the Project. No significant adverse impacts to farmland will result from the Project.**

**3) *As to the permanent change in the use of the land***

The 1<sup>st</sup> Amended SEQRA Findings determined that "the permanent change in use of the land is no greater or lesser than the loss identified in the previous Environmental Impact Statement and Findings Statement." Thus, because the Project still maintains the land for the same residential use, the Project is consistent with prior SEQRA and 2012 site plan approvals.

In fact, the Project will not have a significant adverse impact on land and is expected to reduce earth work related to the 2012 site plan approval given that each unit is designed in accordance with existing grades. No blasting or significant earth moving is anticipated for the Project. Construction will entail typical regrading and earthwork in order to maintain positive drainage away from the buildings and create level building and parking areas. The building layout has been

designed to utilize any slopes on the Site by creating “walk-out” basements or garage under type units, when possible, and other features to reduce the amount of earth work and impact to land on the Site. Retaining walls have been used in various places on the Site to reduce grading and earth work as well as potential disturbance to wetland areas. Erosion control measures will be implemented during construction, as required by State law to minimize the erosion of land.

**FINDING: The permanent change in use of the land is not significantly greater or lesser than the change identified in the previous SEQRA and 2012 site plan approvals. No significant adverse impacts to land will result from the Project.**

**4) *As to the increases in demands public services such as police, ambulance, fire protection, school, health services, and recreation***

**Open Space and Recreation:** The Project will not result in any loss of recreational opportunities or any reduction of open space as designated in a governmental open space or recreational plan. The Project Site is privately owned and is not used for public recreation. While the Project will result in the loss of approximately 5.55 acres of vacant land, it will also preserve approximately 9.57 acres of open space consisting of a stream corridor and federal wetlands. This open space can be utilized as a recreational resource by residents of the Project. The Project also proposes a new club house and a pool which will provide recreational amenities to residents in the Project. The Project will create a minor decrease of 0.36 acres of greenspaces on the Site (3.6% decrease) as compared to the 2012 site plan approval. This slight decrease is due to the addition of the new clubhouse and pool. This minor decrease is not considered significant or adverse given the importance of providing these on-site recreational amenities.

**Impact on Human Health:** No impact too human health will result from the Project. All construction and operational activities will be undertaken in accordance with and in compliance with all pertinent environmental and land development regulations and related permit and approval procedures and requirements. The Project will be serviced by municipal water and sewer and no septic system will be used.

**Consistency with Community Character and Plans:** The Project is located in a residential zoning district and is surrounded by another condominium development and neighborhoods of single-family homes. The Project is consistent with this existing community character. The Project proposed high-quality architecture which is a substantial improvement over the architecture approved as part of the 2012 site plan approval. This architecture is consistent with the community’s character.

The Project is also consistent with prior community plans for the Site. The Project was originally Phase IV of a larger multiple-phased residential community called Warwick Meadows which was approved by the Planning Board in 1986 and 2012. The other three phases of the community have already been constructed. Amended site plan approval was granted for Phase IV in 2012 and that approval has been extended numerous times by the Planning Board and remains valid today. Based on those previous approvals, certain improvements for the Project have already been constructed on the Project Site including Sheffield Drive (with a stream crossing), grading, various utility lines, parking areas and some stormwater controls. In addition, certain

improvements were constructed in the other phases of the community to support the development of Phase IV or the Project. These improvements included access roads, the Brady Road/Sheffield Drive intersection, various utility lines and stormwater management areas.

The Project layout is generally consistent with the Village's prior SEQRA and site plan approvals for the Site.

**Consistency with the Village of Warwick Comprehensive Plan:** The Village of Warwick Comprehensive Plan (the "Comprehensive Plan") was adopted in January of 2004. The Comprehensive Plan discusses the following recommendations:

- "New growth should be directed toward the Village in a manner consistent with the Village's existing development patterns." See Comprehensive Plan p. 26.
- "With growth and development inevitable in the surrounding Town, property at the edge of the Village will become increasingly attractive as prospective developers and residents seek the benefits of Village services and amenities. Such growth patterns, if not managed, will aggravate all of the other challenges of the Village. If properly managed, development coupled with open space preservation can enhance the Village and maintain its economic and environmental vitality." Comprehensive Plan, p. 34.
- Each land-use recommendation is based upon the principles of Traditional Neighborhood Design: this design standard accommodates higher density clustering, mixed-use development, and pedestrian and vehicular connectivity between neighborhoods. See Comprehensive Plan, p. 35 [Recommendations].
- "Mandate clustering and other techniques for permitting flexible lot size for new residential neighborhoods while preserving green areas." Comprehensive Plan, Page 35 [Recommendations].

The Project is consistent with the above Comprehensive Plan principles. The proposed condominium development is a residential development that is consistent with the Village's existing development patterns. Prior phases have already been constructed adjacent to the Project. The Project Site is bordered by another condo development and neighborhoods of single-family homes. The Project which is a clustered condominium development that provides for open space and setbacks from existing uses, is consistent with the mix of residential development on this edge of the Village. The Project also provides new housing opportunities in the Village which will increase the Village's tax base.

The 1<sup>st</sup> Amended SEQRA Findings determined that "[t]he present layout for the project is substantially the same as the one approved in 1986 and referenced in the 1986 FEIS. As such the layout is not a current concern." Even though the Project reduces units, reduces residential buildings and increases setbacks, the Project layout is generally consistent with the prior SEQRA and site plan approvals.

**Impact on Public Services:** Related to fire, police, ambulance, school, health services and recreation, the 1<sup>st</sup> Amended SEQRA Findings determined that "the increases contemplated are no greater or lesser than the increases in demands identified in the previous Environmental Impact Statement and Findings Statement." The Project has less units (with the same number of bedrooms) than the project approved in 2012 and will be constructed to current New York

Building and Fire Codes. In addition, based on government studies, the Project is expected to generate 13 to 26 +/- school-aged children. The Project is estimated to generate between \$350,000 to \$415,000 in real property taxes annually for the local school district which will off-set the cost to educate any new children from the Project.

**Fiscal Analysis:** As noted above, the Project will generate significant new tax revenues for the Village, the local school district and other taxing jurisdictions. The Tax Assessor was consulted to confirm the anticipated assessed value and projected tax revenue associated with the Project. According to the Tax Assessor, the Project would be assessed based on the rental income approach since it is expected to be a condominium form of ownership. Utilizing that methodology, the Assessor estimated that the annual tax contribution would be in the range of \$550,000 to \$650,000 paid as follows:

<b>Tax Type</b>	<b>Tax Rate (per \$1000)</b>	<b>Estimated Tax Revenue</b>
Town of Warwick	\$59.08	\$125,000-150,000
Village of Warwick	\$34.16	\$75,000-85,000
Warwick School	\$165.81	\$350,000-415,000
<b>Total</b>	<b>\$259.05</b>	<b>\$550,000-650,000</b>

Considering that the Project Site is currently unimproved and vacant land, the Project will significantly increase tax revenues which will off-set any potential cost increases to local public services from the Project.

**FINDING:** Any increased demands to public services from the Project are no greater or lesser than the increases in demands identified in the prior SEQRA and 2012 site plan approvals. Based on the foregoing discussion, the Project will not significantly increase the demands for public services or significantly or adversely impact such services.

5) ***As to an increase of traffic volume on local streets***

The Project will not create any significant adverse traffic impacts. To evaluate these potential impacts based on current traffic conditions, a Traffic Impact Study (dated August 12, 2020) (“TIS”) was prepared by Maser Consulting. The TIS was reviewed by the Village Engineer. The TIS concludes that:

Based on the above analysis, similar Levels of Service and delays will be experienced at the area intersections under the future No-Build and future Build Conditions. Certain signing, striping, and sight distance improvements are recommended to improve current conditions. Thus, the Warwick Commons development traffic is not expected to cause any significant impact in overall operations.

Specifically, the TIS recommended the following limited mitigation measures for the Project: (1) minor traffic signal timing adjustments at S. Street Extension and NYS Route 17A; (2) updated and refreshed pavement markings at Brady Road and Country Lane; (3) update and refreshed

pavement marking at the intersection of Brady Road and Cascade Road; (4) clearing and pruning of vegetation along Brady Road to ensure that sight distances comply with AASHTO standards looking north and south along the road. To address this issue, the 2012 site plan approval also required sight-line easements to be provided on the Project Site on either side of the Brady Road/Sheffield Drive intersection. The Project proposes the same sight-line easements. The size and location of these proposed sight easements have not been changed from the 2012 project approval.

The 1<sup>st</sup> Amended SEQRA Findings noted that, at that time, traffic impacts were no longer a concern. Specifically, the Findings stated there were installed “two traffic lights, one at Route 17A and Route 94 and the other at Route 17A and Galloway Road as a result of which the mitigation measures have been implemented and that the [prior traffic] concern has been alleviated.”

The Project’s updated TIS did not identify any of the traffic issues raised in the original SEQRA Findings or the 1<sup>st</sup> Amended SEQRA Findings as a concern today. Moreover, based on current traffic conditions, the updated TIS concluded that the Project is not expected to cause any significant adverse traffic impacts.

**FINDING: The increases in traffic volumes from the Project are no greater or lesser than the increases in traffic volume identified in the prior SEQRA and 2012 site plan approvals. Moreover, based on the updated TIS, no significant adverse traffic impacts will result from the Project.**

#### **6) *Emergency Access Gate.***

An emergency access gate will be installed at the eastern end of Sheffield Drive as part of the Project. This gate was not part of the 2012 site plan approval. As a result, the potential environmental impacts of this gate were evaluated by the Planning Board. The gate will ensure that traffic does not use Sheffield Drive to travel through the Ridgefield Road neighborhood and use it as a “cut through” to Ball Road and Route 17A. The new gate will provide a safer situation by reducing unnecessary traffic through the Project and Ridgefield Road neighborhoods. In 2012, the Village Board closed Sheffield Drive due to safety concerns over “cut through” traffic as demonstrated by residents of the Ridgefield Road neighborhood. The gate simply allows for this status quo to be maintained.

The details and specifications of the gate have been reviewed by the Village Engineer and are included in the site plans. In an emergency, the gate can be opened by EMS personnel. During a snowstorm, the gate can be opened by the Village DPW to allow for efficient snow plowing. The fire department and the DPW have both reviewed the gate and expressed no concerns. The gate will still allow residents of both neighborhoods to walk and ride their bikes around the gate thereby maintaining a social connectivity between neighborhoods. Appropriate signage will be posted at the western end of Sheffield Drive to notify drivers that Sheffield Drive is not a through road and is gated.

As directed by the Planning Board, the gate will remain closed during construction of the Project and before dedication of Sheffield Drive (and the gate) to the Village. Upon acceptance of dedication, the Village would own the road and the gate and the Village could open and/or close the gate, as necessary, based on changing field conditions, seasonal traffic variations or changes in circumstances.

**FINDING: Based on the foregoing, the proposed emergency access gate will not create any significant adverse environmental impacts.**

**7) *As to unsafe roadway conditions:***

The 1<sup>st</sup> Amended SEQRA Findings stated with respect to unsafe roadway concerns:

the recommended signing to limit direction of travel in and out of Ball Road, both toward Route 17A and Brady Road, has not been installed but that on account of current traffic, people who reside and use the road are not being adversely affected by the two way traffic patterns and that this condition is no longer a concern. For the same reasons the recommended elimination of the hairpin-turn at the intersection of Brady and Ball Road, the recommended one-way traffic on Ball Road, and the noted lack of sidewalks on South Street extension are no longer concerns to the Board.

In addition, the 2012 site plan approval created a 6-way unsignalized intersection consisting of Brady Road, Sheffield Drive, Magnolia Lane and Country Lane. A 5-way unsignalized intersection presently exists in this location today. If left in its current configuration, this 6-way intersection would be difficult and unsafe to navigate. However, the Project improves the safety at this intersection by reconfiguring it to create a safer 4-way intersection with stop-sign control. The Project will improve the travel conditions on the Project Site and be more protective of public safety.

**FINDING: The Project will not create any significant adverse impacts to road safety.**

**8) *As to Soil Erosion: (soil erosion and sedimentation control; storm water runoff; stream disturbances)***

**Stream Disturbance:** A NYSDEC Class C(T) stream flows through the Project Site and currently under Sheffield Drive. No work will occur in or next to the stream as part of the Project. The stream corridor will be protected with construction fencing to avoid any unintentional incursions into the stream during construction.

**Stormwater Management and Erosion Control:**

In the 1<sup>st</sup> Amended SEQRA Findings, the Planning Board determined that the 2012 approved site plan was now “designed to meet current storm water runoff regulations and these issues are no longer a concern.” As explained below, the same conclusion applies to the Project today. Since the 2012 approval, the stormwater regulations have been revised again (latest permit 2020) to be more protective of the environment. The Project will comply with these updated regulations. The Project will implement stormwater and erosion controls identified in the SWPPP that are

compliant with the most recent regulations. In fact, the new stormwater design will be more protective of the environment.

On-site stormwater mitigation has been designed following an on-site soil investigation. Surface and subsurface mitigation devices were designed for the Project. Where highly porous soils were found, infiltration devices were designed. Storm water infiltration is the best way to provide runoff reduction in keeping with the current stormwater requirements. Stormwater mitigation is discussed in detail in the SWPPP.

Currently, there is no stormwater mitigation on the Project Site and stormwater runs off the Site without any controls. The Project will improve this existing condition and benefit the environment by installing a modern stormwater management system on the Site to collect and treat stormwater before it is directed to the stream. This will benefit the stream and its adjacent wetlands.

During and after construction of the Project, stormwater will be managed, treated and discharged in accordance with the requirements set forth in the most recent NYSDEC State Pollution Discharge Elimination System (“SPDES”) general stormwater permit and the Project’s stormwater pollution prevention plan (“SWPPP”).

During Project construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State’s water quality standards. Measures will include, but not be limited to installation of silt-fencing to control disturbed area; stockpiling soils and vegetative soil stabilization; seeding and mulching of all disturbed surfaces; dust control (as necessary); and ongoing inspection and maintenance of erosion control measures to ensure their effectiveness until all disturbed surfaces are stabilized. All erosion and sediment measures are designed to comply with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. The Project’s SWPPP has been reviewed and accepted by the Village Engineer.

**FINDING: Based on the foregoing, the Project has been designed to meet current stormwater regulations and this issue is no longer a concern. As a result, the Project will not result in any significant adverse impacts to stormwater management or erosion control.**

**9) *As to the Dam:***

As part of the Project, the 2012 site plan approval required a permit to be obtained from the NYSDEC Dam Safety Division to repair an existing Class B dam located on neighboring property owned by the Warwick Meadows Homeowner’s Association (the “HOA”). A NYSDEC permit was issued authorizing the repair work on the dam. However, the Applicant’s predecessor never completed the dam repair work. The NYSDEC permit has since expired and the NYSDEC has issued a Notice of Violation (“NOV”) to the HOA for the dam due to its non-compliance with the NYSDEC’s dam safety regulations.

In the 1<sup>st</sup> Amended SEQRA Findings, the Planning Board found that the safety of the dam is of paramount concern to the public health, safety, and welfare and accordingly determined the following:

- “The applicant has agreed to remediate the dam in whatever manner is deemed to meet current safety issues and construction standards as may be required by the NYSDEC; and
- The applicant has agreed to submit a “Dam Remediation Site Plan” to the jurisdictional overview of the Village Engineer so as to alleviate to the extent possible interference with access and egress to other lands of adjoining property owners; safety of access and egress to the public highway; and downstream soil disturbance.
- The foregoing agreements of the applicant are sufficient mitigation of concerns related to the condition of the existing dam such as to remove the issue from further environmental concern.”

The Applicant has agreed to repair the dam in accordance with the same requirements outlined by the Planning Board in the 1st Amended SEQRA Findings and the 2012 site plan approval. The dam is under the jurisdiction of the NYSDEC and that agency will determine what specific repairs are necessary for the dam to comply with the current dam safety regulations. The Applicant will obtain a NYSDEC dam permit to undertake this work.

It should be noted that the Applicant had originally proposed to decommission the dam to reduce the HOA’s long-term costs related to maintaining and repairing the regulated dam in compliance with the NYSDEC stringent dam safety regulations including annual reporting and inspection requirements.

To be as conservative as possible, the Applicant’s professional engineer prepared a hydraulic model and analysis for two (2) dam modification scenarios - the previously approved dam repairs and improvements and a dam decommissioning alternative. The analysis of both scenarios is included in the SWPPP. The supporting documentation and calculations in the SWPPP demonstrate that under each dam modification scenario, the peak stormwater flows for the Project Site have been mitigated and the NYSDEC NOV has been addressed. As a result, both scenarios will not create any significant adverse stormwater impacts at the dam downstream from the Project Site.

**FINDING: The Planning Board continues to find that the repair of the dam remains a paramount concern to the public health, safety and welfare. Because the Applicant has agreed to repair the dam in accordance with the prior SEQRA and 2012 site plan approvals, there are no changes to the Project that would create any new or significant adverse environmental impacts. In addition, as noted in the SWPPP, both dam modification scenarios will not create any significant adverse impacts on the environment.**

## 10) *As to layout*

The 1<sup>st</sup> Amended SEQRA Findings concluded that “the present layout for the project is substantially the same as the one approved in 1986 and referenced in the 1986 FEIS. As such the layout is not a concurrent concern.” As discussed above, the revised Project seeks to further adjust the site layout and design of the condo units to improve their marketability to meet current demands. Notwithstanding these minor changes, the Project is generally the same layout as approved in 2012. As discussed throughout these findings, the changes to the Project result in less potential environmental impacts and improved public safety than reviewed and approved in the previous SEQRA and 2012 approvals. As a result, the Project’s layout is not a current concern.

**FINDING: The present layout for the Project is generally the same as the one approved in 1986 and again in 2012. Importantly, the layout reduces environmental impacts and improves public safety over the 2012 approved project. Therefore, no significant adverse impacts will result from the Project’s layout.**

## 11) *As to the Wetlands*

The 1<sup>st</sup> Amended SEQRA Findings made the following conclusions related to wetlands on the Project Site: (1) there were no regulated wetlands affecting the property in 1986, as such, they were not addressed in the FEIS; and (2) due to changes in wetland regulations, the wetlands that do exist on the property are now regulated and their existence is a current and new concern. The 1<sup>st</sup> Amended SEQRA Findings further concluded that “[t]he current application has been designed to avoid incursion upon the wetlands and they are adequately protected by the current amended site plan. As such this issue is not a concern.” As explained below, the same conclusion applies to the Project today.

To determine the present limits of the wetlands or other water bodies on the Project Site and to evaluate the Project’s impacts on these wetlands, the Applicant prepared an updated Wetland Delineation Report (dated February 2020) (the “Wetland Delineation”) using the most current federal and State wetland methodologies and regulations. The Wetland Delineation identified three federal wetland areas on the Project Site regulated by the US Army Corps of Engineers (“ACOE”). These wetlands were labelled as Wetland Areas #1, #2, and #3 and contain 0.40 acres, 0.30 acres, and 0.05 acres of wetlands respectively. The delineated wetlands are all located along the stream and are shown in the Wetland Delineation. No NYSDEC regulated wetlands were identified on the Project Site.

The Project uses small retaining walls in certain areas to avoid impacts to ACOE wetlands. Therefore, a federal wetlands permit is not required for the Project. The wetlands will be protected with fencing to avoid any unintentional incursions during construction.

**FINDING: The Project’s design completely avoids and protects all wetlands and therefore no significant adverse environmental impacts to wetlands will result from the Project.**

## 12) **Additional Environmental Impacts Evaluated for the Project**

- a. **Impact of Geological Features:** There are no unique or unusual landforms on the Site that will be impacted by the Project. No surface or shallow bedrock exists on the Site. No

blasting is anticipated as a result of the Project.

- b. Impact on Flooding:** The Project will not have any significant adverse impacts on flooding. All storm water from the Project Site will be collected, managed and treated by a stormwater management system in compliance with the most current NYSDEC General SPDES permit for stormwater discharges and the SWPPP. The Project Site is located outside any designated flood hazard area in an area where there is a minimal flooding during 100-year and 500-year storm events. There is no known flooding on the Project Site.
- c. Impacts on Air:** The Project will not result in any significant adverse impacts on air quality. The Project does not include a State regulated air emission source or involve any activity that will have more than a minimal impact on air quality. As noted in the traffic study, all studied intersections will continue to operate at overall acceptable levels of service and efficiency.
- d. Impact on Plants and Animals:** The Project will not have any significant adverse impact on plants or animals. Portions of the Project have already been developed to support the Project. This development includes, among other things, Sheffield Drive, parking areas, stormwater controls and utility lines. The rest of the Project Site contains vacant land consisting of wooded areas and successional fields. There is no rare vegetation or critical wildlife habitat on the Project Site. The Project Site is not part of a wildlife refuge, preserve or sanctuary nor is it adjacent to any such areas. The Project will actually reduce the amount of vegetative cover removed from the Site by 0.38 acres over the 2012 approved site plan.

Information from State and federal agencies demonstrate that there is limited potential for rare, endangered or threatened plants and animals to be present on the Site. Correspondence from the NYSDEC Divisions of Fish and Wildlife, New York Natural Heritage Program concludes that “[w]e have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.” Information obtained from the United States Fish and Wildlife Service (“USFWS”) indicates that there are no critical habitats for listed species on the Project Site. No rare or protected species were observed or are known to exist on the Project Site

- e. Impact on Aesthetic Resources:** The Project will not be visible from any officially designated federal, state, or local scenic or aesthetic resource, nor will it impact any officially designated scenic views. The Project is located in the residential zoning district and is consistent with existing land uses in the vicinity of the Project Site.

As discussed above, the Project is a proposed condominium development that is consistent with the Village’s existing development patterns around the Project. Aesthetic and architectural considerations for the Project are addressed through a proposed building design intended to be respectful of the existing community character and local architectural styles. The Project will contain a high-quality architectural design, which embraces a modern-day design and represents an upgrade from the 2012 design. In addition, appropriate landscaping will be installed to provide screening and buffering on all sides, including trees, shrubs, ground cover plantings and ornamental grasses to help

soften any aesthetic impacts from the Project.

Compared to the approved 2012 Project, the Project has a reduction of units and increased setbacks to ensure that appropriate buffering is provided for the neighbors.

Because the changes proposed by the Project are designed to mitigate visual impacts (reduction in units and buildings, increased setbacks, high-quality architecture and landscaping) no significant adverse aesthetic impacts will occur.

- f. Impact on Historic and Archeological Resources:** The Project will not impair the character or quality of any important historical and/or archaeological resources.” The original SEQRA Findings reviewed the Project Site for historical and archeological impacts and found that none existed. No historic buildings or sites listed on the State or National Registers of Historic Places are located on or near the Project Site. The Project Site is not located in or adjacent to an historic district. The New York State Office of Historic Preservation (“SHPO”), the State agency responsible for reviewing impacts to historic and archeological resources, reviewed the Project and issued a letter stating that the Project “will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.
- g. Impact on Critical Environmental Areas:** The Project will not have any impacts on any critical environmental areas (CEAs) designated by NYSDEC because the Site does not contain any CEAs. Nor are any CEAs located adjacent to or nearby the Project Site.
- h. Impact on Energy:** The Project will require the use of energy—specifically electricity and natural gas—for heating, cooling, lighting and other purposes, which will be supplied by Orange and Rockland electrical and gas. This energy usage will be similar in amount to the energy used for other similar residential developments in the Town, County, and across the State. The Project is not a manufacturing or commercial facility and will not be a high energy user. Moreover, because the Project reduces the number of dwelling units, energy use would likely be less than the 2012 approved site plans. In addition, improvements in energy-efficient appliances and lighting over the last two decades will likely reduce the energy use of the Project from the 2012 approved project. Overall, the Project will not result in a significant increase in the use of energy.
- i. Impact on Noise, Odor and Light:** No significant adverse noise or odor impacts are expected from the Project because it is a residential development. During construction, any noise and odor impacts from construction equipment will be temporary, of short duration and non-significant. After construction, no odor impacts are anticipated. The Project is not a manufacturing or industrial facility and will not produce any odors.

Due to the residential nature of the development, it is not anticipated that any significant noise impacts will occur. Any noise from the Project will be similar to noise typically created by neighboring residential developments.

New, modern and energy-efficient lighting will be utilized throughout the Project Site. Exterior site lighting will be designed to comply with the Village’s Laws and to be the minimum necessary while ensuring a safe and secure Project. All proposed lighting will be

downward facing and will minimize sky glow and light pollution from the Site. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. The fixture locations have been sited to minimize light trespass onto adjacent properties. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new buildings and parking areas.

**FINDING: For the reasons stated above, the Project will not result in any additional significant adverse environmental impacts.**

**EFFECT ON PREVIOUS SEQRA FINDINGS:** The original SEQRA Findings issued by the Planning Board on April 17, 1986 and the 1<sup>st</sup> Amended SEQRA Findings issued by the Board on January 21, 2010 including all of their findings, mitigation measures and conditions remain in full force and effect, as applicable, except as may be modified herein.

**CERTIFICATION OF SECOND AMENDED SEQRA FINDINGS:** Based on the foregoing, the Planning Board hereby certifies that:

- A. It has considered all the relevant environmental impacts, facts, conclusions and findings discussed in the Draft and Final Environmental Impact Statements, the original SEQRA Findings and the 1<sup>st</sup> Amended SEQRA Findings.
- B. It has weighed and balanced the relevant environmental impacts with the social, economic and other essential considerations relating to the Project.
- C. The requirements of SEQRA, 6 NYCRR Part 617, have been met.
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Dated: January \_\_\_\_, 2021

Village of Warwick Planning Board

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By: James Patterson, Planning Board Chairman

Attachments

cc: Village of Warwick Village Board  
Village of Warwick Water/Sewer Department

Village of Warwick Building Department  
Village of Warwick Department of Public Works  
New York State Department of Environmental Conservation (Region 3)  
Orange County Department of Health  
NYS Attorney General, Real Estate Finance Bureau  
NYSDEC Environmental Notice Bulletin