

Warwick Views Subdivision Fact Sheet (January 2011)

Bloom Corners Road, Town of Warwick, New York

Prepared by Town of Warwick Planning Board Engineer Laura A. Barca, PE (Henningson, Durham & Richardson Architecture and Engineering, P.C.) to educate involved agencies, interested agencies, and concerned citizens

The following statements/questions are taken from comments received during the technical review of the DEIS and questions that have been asked at the Planning Board desk in Town Hall.

1. Statement: What is the proposed development?

Fact: A cluster subdivision with single family (4-bedroom) residential homes located within the RU zone. Any conversions to two-family structures would require that the lot be able to be subdivided; lots that are created in a cluster subdivision are not able to be subdivided in the future because of the assumptions and planning that is involved with creating a cluster subdivision (§164-41.1.D). Therefore conversion to a two-family house is not permitted.

2. Statement: What is the status of the Applicant's Yield Plan and proposed lot count?

Fact: The Applicant's engineer has submitted a revised Yield Plan to comply with the Town's new Code requirements. The Planning Board consultants have not reviewed this revised Yield Plan pending review of the Potential of Significant Karst Report prepared by the Applicant's hydrogeologist and dated November 09, 2010.

3. Statement: The Orange County Department of Health would require a sewer district for the community septic system.

Fact: If the community septic plan is properly permitted by the authorized agencies and approved, the Town of Warwick would be responsible to create a sewer district for the community septic system. This district would ensure that the costs of the community septic would be born by the residents within the district; residents outside of this district would not and could not be taxed as a result of a community septic system.

4. Statement: The Planning Board and its consultants have failed to recognize the karst features at the Warwick Views project site.

Fact: As of the writing of this Fact Sheet (January 2011), the Planning Board Engineer's office has not completed its review of the Potential of Significant Karst Report prepared by the Applicant's hydrogeologist and dated November 09, 2010. With the review still pending from its consultants, the Planning Board has not given an opinion on the potential for karst at this project site. This should not be misconstrued that the Planning Board and its consultants are not reviewing this potential for karst features at this site.

5. Statement: The Town of Warwick Planning Board Engineer, Laura Barca, admitted that she is not an expert in geology or the testing process.

Fact: Laura Barca, PE serves as the Town's Planning Board Engineer and attends most, if not all, meetings. Ms. Barca works for Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR), which employs approximately 8,000 staff nationwide/worldwide. The depth of HDR provides the Town of Warwick Planning Board with all specialties that may be necessary in a municipal atmosphere, including geologists, hydrogeologists, etc.

6. Statement: The Town of Warwick Planning Board is forcing the developer to increase the number of homes to allow for community septic and water systems.

Fact: The Town of Warwick Planning Board is administering the Town Zoning Code, including the cluster subdivision regulations (§164-41.1). The creation of more than 49 lots at any one time (or over time) requires Orange County Department of Health approvals for community water and sewage disposal, as well as Town of Warwick Town Board approval (§137-25.G). Community septic systems are encouraged by the Town's Comprehensive Plan and Zoning Code.

7. Statement: Is the Applicant proposing to connect directly into the Millennium Pipeline that traverses the Applicant's property?

Fact: No, the Applicant will not connect to the Millennium Pipeline that traversed the Warwick Views property. The Millennium pipeline is a high pressure pipeline that is not accessible to individual homes or subdivisions.

8. Statement: The developer said that the well site they tested yielded 70 gallons per minute (gpm) and the plan would only need to cover 29 gallons peak average per home.

Fact: The DEIS includes Table III-11: Well Pump Test Results. This table shows 72-hour pump tests were conducted at three wells and yielded the following results: Well 1 (39 gpm), Well 2 (39 gpm), and Well 5 (32 gpm). The DEIS continues by stating that the estimated average daily water demand for the 53 proposed single-family residences to be 400 gallons per day (gpd) per residence or 21,200 gpd (14.7 gpm) for the 53 proposed homes. NYSDOH requires that the available water supply equal or exceed twice the daily demand estimate; therefore the wells must be capable of producing 42,400 gpd or 29.5 gpm. Each of the wells tested exceeded this required rate.

9. Statement: The Applicant should prepare a Supplemental Environmental Impact Statement (SEIS).

Fact: This project has a "complete" Draft Environmental Impact Statement (DEIS) and comments were received from Planning Board members, Planning Board consultants, involved agencies, interested agencies, concerned members of the public, consultants hired by concerned members of the public, and others. These comments will be responded to in a Final Environmental Impact Statement (FEIS) at a future date. Prior to the FEIS being prepared, the Planning Board must make a determination if it feels that an SEIS is necessary to review potential environmental impacts that were not adequately addressed in the DEIS. The Planning Board has not made this determination at this time; the Planning Board is waiting for guidance from its consultants on the potential for significant karst features at the project site.

10. Statement: The Planning Board is rushing this project through and the Planning Board is going to be making decisions in the near future on this project.

Fact: This project has been before the Planning Board since 2006 and is currently at Step 10 of 12 in the environmental review process (SEQRA)

(http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrflow2003.pdf). The last two steps are preparing the Final Environmental Impact Statement (FEIS) and the Findings Statement (FS); these reports are sometimes lengthy and must respond to all comments received during the comment period, must contain corrections or revisions to the DEIS, as well as to provide the status of the environmental impacts for the project. The Planning Board can not consider

granting any kind of preliminary approval until this 12 step process is complete. These last two steps can be estimated to take a year or more for a project of this size.

SEQRA Summary:

A long form EAF was presented to the Planning Board dated April 10, 2006. The Town of Warwick Planning Board declared the intent to become Lead Agency on June 07, 2006. On August 02, 2006, the Planning Board issued a Positive Declaration of this project. Therefore the information included in the long form EAF has now been superseded with the preparation of a more detailed Environmental Impact Statement (EIS).

The first step in the EIS process is to prepare a Scoping Document; this document describes all of the information that must be addressed within a Draft Environmental Impact Statement (DEIS). There was a public scoping session for the Scoping Document on October 16, 2006 and the final Scoping Document was adopted on December 06, 2006. Once the DEIS is prepared by the Applicant, the planning board together with its consultants, determine when the document is “complete.” A DEIS is complete when the document has included all of the items as stated within the Scoping Document. The DEIS for the Warwick Views project was determined to be complete by the Planning Board on November 18, 2009.

The next step in the SEQRA process is to distribute the DEIS to all involved agencies and to be made available to the public for comment. Subsequent to the distribution of the DEIS, a public hearing is held. The SEQRA public hearing for this project was held on January 20, 2010. There is a time period after the public hearing where the public can provide written comments; the deadline for written comments for the Warwick Views project was originally February 10, 2010 but was later extended to March 17, 2010.

Subsequent to receiving all written comments, the following information should be collected and used to prepare the Final Environmental Impact Statement (FEIS):

1. List all pertinent correspondence received
2. Identify the questions/comments to be addressed
3. Identify the organizational process to respond to the questions/comments
4. Identify additional studies or modifications to the DEIS, etc. (if required)
5. Include Public Hearing transcripts and any additional studies completed as an FEIS attachment

The FEIS will be prepared and will respond to substantive questions and comments that were received during the comment period. Depending on the number of comments received, the time to prepare the FEIS varies. The Lead Agency is responsible for the content of the FEIS document, even if it is originally prepared by the Applicant’s consultants in a preliminary form.

After the FEIS, the Findings Statement is prepared by the Lead Agency to document the conclusions of SEQRA. It is the last step in the SEQRA process and formulates the rationale of any future approval or denial resolution. No formal decisions can be made on the project until the SEQRA process has been concluded.