

State Environmental Quality Review Act (SEQR)

FINAL SCOPING DOCUMENT

Draft Generic Environmental Impact Statement Adoption of Proposed Comprehensive Plan and Zoning Law Amendments Route 94 Priority Growth Center Town of Warwick, Orange County, NY

DESCRIPTION OF THE PROPOSED ACTION

The proposed actions are the adoption of a Comprehensive Plan amendment and implementing Zoning Law Amendments to address an identified need for a priority growth center in the Route 94/Warwick Turnpike area of the Town of Warwick. Much of this area was designated for Designed Shopping (DS) and Office Industrial (OI) development in the Town's 1987 Comprehensive Plan. In the Town's 1999 Comprehensive Plan, this area was also recommended for a review of its "*appropriateness*." This was because of residents' desires to prevent the proliferation of strip commercial development; the Plan instead recommended allowing for neighborhood shopping, village main street specialty stores, and for "*small retail centers with innovative architectural designs fitting into the surrounding community and not disrupting traffic flow*." The 1999 Plan states "*Warwick also needs to preserve and integrate open space into the community while protecting important natural and cultural resources, and community character. Planned developments can help the town to achieve such a balance, while encouraging phased growth and efficient use of existing infrastructure, allowing complementary uses that reinforce one another and reduce automobile trips, preventing strip commercial development, and flexibility of design and layout to protect environmental resources and create attractive places for people to work, live, and congregate.*"

It is not expected that the current DS and OI commercial zoning will result in meeting these adopted Plan goals. Therefore, the Town Board has proposed to study, analyze and address these two closely related actions (i.e. Comprehensive Plan and Zoning Law amendments) by preparing a Generic Environmental Impact Statement under § 272-a(8) of Town Law and 6 NYCRR 617.10(b), the implementing regulations for the State Environmental Quality Review Act. The proposed study area is identified on the attached map showing the current zoning designations. Other adjoining areas will also be reviewed to determine whether such planning and zoning actions are appropriate outside of the existing OI and DS zones..

This Final Scoping Document has been prepared by the Town Board of the Town of Warwick, as Lead Agency for the SEQR review of the proposed actions. The Town Board has proposed preparation of a Draft Generic Environmental Impact Statement (DGEIS) under 6 NYCRR 617.10(b), the implementing regulations for the State Environmental Quality Review Act. The document has been proposed in a generic format because adoption of the proposed Comprehensive Plan and Zoning amendments will have a wide application, will affect several properties, and will have generic or common effects. The adoption of the proposed amendments will not authorize any new use of land in the DS or

OI districts. That could only occur after all necessary site specific SEQR reviews have been conducted for any new proposed use and only after all approvals (such as subdivision, site plan, and special use permit approval) have been secured from the Town of Warwick as well as other agencies.

DGEIS INTRODUCTION

The Route 94 Priority Growth Center Comprehensive Plan and Zoning Law Amendments Draft Generic Environmental Impact Statement (DGEIS) will assemble relevant and material facts, evaluate reasonable alternatives, and be analytical but not encyclopedic. It will also be clearly and concisely written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the DGEIS and included in an appendix.

This Final Scoping Document represents issues and known concerns identified by the Town Board. Public Scoping was conducted through circulation of a Draft Scoping Document to all interested agencies, through publication of a “Notice of DGEIS Scoping” in the Warwick Dispatch, through availability of the Draft Scoping Document at <http://www.townofwarwick.org> for viewing or downloading and through a public scoping session held at 6:30 to 8:00 PM on January 26, 2006 at Town Hall. There was also a period for additional written public comment on the Draft Scoping Document that ended on February 6, 2006.

This document is intended to serve as the foundation for the identification of all potentially significant adverse impacts pertinent to the proposed actions and appropriate mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant.

The DGEIS will be written in the third person without use of the terms I, we, and our. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables and graphics. All graphics will clearly identify the project area. The DGEIS will group each issue identified into one Existing Setting, Impacts, and Mitigation section to permit more expedient and efficient review. Footnotes will be used as the form of citing references. All assertions will be supported by evidence. Opinions that are unsupported by evidence will be identified as such.

The DGEIS may incorporate by reference, in accordance with 6 NYCRR 617.9(b)(7), all or portions of other documents, including EISs that contain information relevant to the subject DGEIS. Other SEQR documentation will only be referenced if it is available at the Town Hall for inspection.

DRAFT GEIS CONTENTS

Cover Sheet listing preparers, title of project, DGEIS identification, location, Lead Agency, and relevant dates (i.e. date of acceptance, date of public hearing, final date for acceptance of comments).

Table of Contents including listings of tables, figures, maps, charts, and any items that may be submitted under separate cover (and identified as such).

I. Executive Summary

The Executive Summary will include a brief description of the proposed actions and a summary of potential environmental impacts, with issues of controversy specified, and proposed mitigation measures. A summary will be provided of the actions required of the Town Board as well as others, such as the Town Planning Board and the Orange County Planning Board. Alternatives to the proposed action will be summarized here.

II. Description of the Proposed Action

This portion of the DGEIS provides a description of the proposed action, including background and need, location, and identification of appropriate governmental actions. The type and scope of all proposed uses will be carefully defined. The DGEIS will contrast the likely potential impacts resulting from the existing Zoning of the area, termed conventional suburban development (CSD) with the compact growth center or traditional neighborhood development (TND) alternative.

A. Project Purpose and Need

- a. Background and History
- b. Proposed Comprehensive Plan Amendment
 - i. The study area that encompasses the proposed Plan changes will be identified on a map. An illustrative plan will be prepared to serve as a template for the application of specified design principles in order to achieve a desired form and appearance of a future TND. The illustrative plan will show areas for potential streets, mixed-uses, residential, parks, recreational areas, civic uses and the like.
 - ii. A build-out analysis of the current DS and OI Zoning districts and other potential adjoining Zoning districts that could be included in the analysis, under both the current Zoning Law and under the proposed priority growth center Plan amendments, will be undertaken. The extent to which contiguous lands or other lands in the Town, where the potential exists to transfer development rights into the priority growth center, will also be discussed.
- c. Proposed Zoning Amendments:

- i. The proposed zoning map changes, to implement the Plan amendments, will be identified.
 - ii. The proposed zoning text changes, to implement the Plan amendments, will be identified.
 - d. Public Need:
 - i. The consequences of a likely conventional suburban development scenario of the study area will be provided.
 - ii. The need and potential benefits of an alternative compact walkable mixed-use traditional neighborhood development of the study area will be discussed.
 - e. Objectives of the Project Sponsor

B. Location

- a. Site Location/Study Area Location
- b. Site Access
- c. Existing Zoning and Land Uses in the study and surrounding areas.

C. Implementation

- a. SEQR Process
- b. Reviews and Approvals

III. Environmental Setting, Impacts, Mitigation

This section of the DGEIS will identify the existing environmental conditions in the DS and OI zones, potential impacts of the actions, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document.

A. Land Use and Zoning

- a. Existing and Potential Land Use and Zoning:
 - i. Describe existing and potential land use and zoning in the study area.
 - ii. Discuss maximum potential development density (generic build-out) for each proposed land use category.
 - iii. Discuss whether each proposed land use category is compatible with surrounding land uses and in particular, compatibility with the Town's adopted Plan and with nearby residential land uses, including size and scale. Address the extent to which the TND will prevent the proliferation of additional sprawl and big-box development in the corridor.
 - iv. Amendments to the *Comprehensive Plan* will be discussed. Discuss how a compact growth center is consistent with the goals and intent of the *Comprehensive Plan*. Discuss conformance of the

proposed action with relevant Orange County planning documents and Hudson River Valley Greenway guidance documents.

- v. Discuss potential impacts and appropriate mitigation for the actions.

b. Agricultural Resources

- i. Identify agricultural districts, active agricultural lands, historic agricultural structures, prime agricultural soils and discuss regulatory requirements and land classifications in the study and surrounding areas.
- ii. Discuss potential impacts and mitigation of the proposed actions.

c. Noise

- i. Discuss noise level limits and abatement requirements for new land uses.

B. Water Resources

a. Surface Water: (wetlands discussed in separate section)

- i. Locate and describe surface water resources in the study area and off-site water resources that may be affected by future development.
- ii. Discuss federal and state surface water regulations.
- iii. Describe drainage patterns and downstream flooding potential.
- iv. Discuss potential erosion impacts and appropriate erosion control measures to be implemented for future development in the DS and OI districts.
- v. Discuss storm water management options, potential impacts on the downstream 100-year floodplain, and mitigation measures to reduce potential flood hazards and reduce post development peak stormwater discharges to pre-development stormwater quantity and quality standards.

b. Ground Water:

- i. Identify and describe important aquifers in the study area.
- ii. Discuss potential impacts and mitigation of the proposed action

C. Terrestrial and Aquatic Ecology

a. Vegetation:

- i. Discuss general vegetative communities in the study area.
- ii. Identify possible presence of unique, rare and/or endangered, threatened and special concern species through contact with New York State Natural Heritage Program, US Fish & Wildlife Service, and Metropolitan Conservation Alliance.

- iii. Discuss potential impacts and mitigation of the actions.
- b. Wildlife:
- i. Identify possible presence of unique, rare and/or endangered, threatened and special concern species through contact with New York State Natural Heritage Program, US Fish & Wildlife Service, and Metropolitan Conservation Alliance (MCA). Address the MCA's *Southern Wallkill Biodiversity Plan*.
 - ii. Discuss potential impacts and mitigation of the actions.
- c. Wetlands:
- i. Identify locations of State and federal wetlands within the study area.
 - ii. Discuss State and federal compliance requirements for any future land use development within freshwater wetlands as well as adjoining upland areas.
 - iii. Discuss potential impacts and mitigation of the actions.
- d. Geology:
- i. Identify and discuss soil types, depth to bedrock, depth to water table and potential effects on development.
 - ii. Identify and discuss topography and slopes greater than 15 percent.

D. Transportation

- a. Traffic:
- 1. Discuss existing traffic patterns and volumes in the Village and Town that could be affected by future development in the DS and OI districts, based upon recently completed traffic studies. Where information is available from such studies, describe physical and operating characteristics and traffic accident history.
 - i. Estimate maximum potential traffic generation rates resulting from the build-out analysis of existing Zoning and alternative priority growth center development scenarios, based on the Institute of Transportation Engineer's *Trip Generation Manual*. Greater emphasis will be placed on the potential traffic generation of the priority growth center and in particular, the potential for reduced traffic congestion in the Town. Discuss how a priority growth center can co-exist with the current auto-oriented land uses such as car dealers and grocery stores.

- ii. Discuss potential impacts and mitigation measures.
 - iii. Identify intersections of concern in the Village and Town, based upon the data from existing traffic studies and projected to the year 2010 using a New York State Department of Transportation (DOT) estimated growth rate. Address accident history at the intersections of Route 94 and County Route 1 and Warwick Turnpike and Route 94.
 - iv. Discuss the potential need for future traffic improvements, including traffic calming measures, connections to existing public roads and streets, or other alternative transportation management methods available.
- b. Public Transportation:
- i. Discuss current and potential public transportation services in the surrounding area that may be available to serve future development.
 - ii. Discuss potential impacts and mitigation of the action.
- c. Pedestrian and Bicycle Environment:
- i. Discuss the existing and potential pedestrian and bicycle system available to serve the study area. Address pedestrian and bicycle access, trails and pathways.
 - ii. Discuss potential impacts and mitigation of the action.

E. Community Services and Infrastructure

- a. Police and Fire/Emergency Protection:
- i. Describe existing police services provided by the Town and existing fire/emergency services provided by the Town and Village to the study area and any cooperative agreements in existence that could be affected by the zoning amendments
 - ii. Discuss potential impacts and mitigation on police and fire/emergency protection of the proposed action
- b. Utilities:
- i. Discuss availability of electric, natural gas, cable, Internet, and telephone service in the study area.
 - ii. Discuss potential need for expansion of existing services resulting from the proposed action.
- d. Water and Wastewater:

- i. Discuss existing and projected future availability and adequacy of water supply and wastewater treatment for the study area. Address potential well sites identified by the Orange County Water Authority.
- ii. Estimate maximum water use requirements and sewer requirements based on the CSD and TND buildout scenarios. Greater emphasis will be placed on the potential water and sewer benefits of the TND.
- iii. Discuss potential improvements that may be required to serve future development and mitigation measures.

F. Cultural Resources

a. Historic and Archaeological Resources:

- i. Identify the potential presence of historic and archaeological sites within the project area by contacting the NYS Office of Parks, Recreation and Historic Preservation, the Town Historian and other local sources of information on cultural resources in the area.
- ii. Discuss potential impacts and mitigation of the proposed action

b. Aesthetics

- i. Discuss the existing and proposed future character of the study area and surrounding neighborhood under both the CSD and TND scenarios.
- ii. Describe the potential visual character of the proposed land use scenarios and how they will conform to and/or enhance community character.
- iii. Discuss the use of design standards or guidelines.
- iv. Discuss the extent to which the TND alternative could lead to or detract from creation of a greenbelt around the Village.

G. Economic and Fiscal Considerations

- a. Describe and discuss the existing Town and School District tax base.
- b. Discuss potential revenues generated from the existing zoning build-out and the proposed new TND build-out.
- c. Discuss the potential costs of providing services based upon the build-out analysis.
- d. Conduct a retail market analysis to assess the potential impacts of a mixed-use traditional neighborhood as an alternative to the current DS and OI zoning. The critical issue in the analysis is whether the alternative TND district being considered by the Town of Warwick will negatively

impact the existing Village of Warwick business community, either individually or collectively. Address the concept of the TND at this location in light of the Village-Town Intermunicipal Agreement.

- e. Discuss funding alternatives for the provision of community services, such as special improvements districts for lighting, drainage, water, and sewer as well as the potential for a development improvement district so that affected parcels contribute to property enhancements in the center.

IV. Unavoidable Adverse Impacts

This section of the DGEIS will identify impacts that are likely to occur despite mitigation measures, and will compare the beneficial and adverse implications of these unavoidable impacts.

V. Alternatives

The following alternative will be discussed in the DGEIS.

A. No Action Alternative

VI. Irreversible and Irretrievable Commitment of Resources

This section of the DGEIS will focus on the impacts discussed in previous sections that will require an irreversible and irretrievable outlay of resources.

VII. Growth Inducing Aspects

This section of the DGEIS will generically describe how adoption of the proposed Plan and Zoning amendments might affect local business, sensitive environmental settings, traffic congestion, population characteristics, and community services. Analysis in this section will draw on accepted planning principals.

VIII. Effects on the Use and Conservation of Energy Resources

Due to the generic nature of this document, it will not be possible to discuss direct methods of conserving energy for this action since no land development activities are being authorized by the actions. However, potential energy types and sources to serve future development will be identified and discussed. Potential energy conservation measures will be identified and discussed.

IX. Appendices

The appendices will include background information relevant to the proposed action such as important excerpts from other relevant SEQR documents, correspondence, this scoping document, proposed Plan and Zoning Law amendments, and a list of interested agencies.