

617.7 and 617.12

State Environmental Quality Review (SEQR)

Positive Declaration

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)
Determination of Significance

Date: April 16, 2008

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Warwick Planning Board, as Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action: Homarc Development

SEQR Status: Type I
Unlisted

Description of Action: The proposed action consists of a proposed \pm 20,000 square foot office and retail building on a 5.1 acre site in the Town's Design Shopping (DS) Zoning District. The applicant has proposed that the building be served by wells and a septic disposal system. The site consists predominantly of meadow or brushland, a forested area, and protected freshwater wetlands.

Location: Route 94, Town of Warwick, Orange County New York
Design Shopping (DS) Zoning District
Section 51, Block 1, Lot 5.231

Reasons Supporting This Determination:

1. The proposed action involves the physical alteration of approximately 80 percent of the site. This has the potential to cause soil erosion and subsequent sedimentation of protected surface waters.
2. The proposed action includes construction activities adjacent to protected wetlands and streams. The discharge of stormwater runoff from developed areas on the site would be directed to such wetlands and stream. The wetlands in this area are known to harbor an endangered species, the Bog Turtle and in such cases, consistency with the US Fish and

Wildlife Service's Bog Turtle Recovery Plan is necessary. The site may also provide habitat suitable for the endangered Indiana Bat.

3. The proposed action would require the use of groundwater wells to supply the potable water needs of the development. Sanitary sewage from a commercial use would be discharged into an individual septic disposal system within the Town's Aquifer Protection Overlay District.
4. The proposed action will irreversibly convert Prime Farmland Soils within a New York State Agricultural District and a Town of Warwick Agricultural Protection Overlay District. The site is also in an area where the Town of Warwick has made significant expenditures of public funds for the purchase of development rights on nearby farms.
5. The proposed action has the potential to impact traffic on local, State and county roads as well as pedestrian movements in the area. A preliminary Traffic Study completed for the proposed development indicates that a separate turn lane would be required for the proposed development on Route 94, thereby potentially altering the rural character of the highway. The Town of Warwick Comprehensive Plan recommends the use of secondary access (marginal access) roads to limit the number of curb cuts and the Town Zoning Law requires limits on the location and number of access points on Route 94.
6. The proposed project may not be consistent with the Town of Warwick Comprehensive Plan's recommendation to use significant natural buffering between proposed developments in the DS Zone and the highway due to the proposed location of a septic disposal system between Route 94 and the proposed parking lot. The Town of Warwick Design Guidelines recommends that all parking be provided at the side and rear of proposed non-residential developments, which the proposed project is also not consistent with.

Public Scoping of the Draft EIS will occur as follows:

Scoping of the Draft EIS will be conducted. The applicant will first submit a Draft Scoping Document. Such Document will then be forwarded to all Involved and Interested agencies, through publication of a "Notice of Project Scoping" in the official Town newspaper, and through availability of the Draft Scoping Document on the Internet for viewing or downloading at <http://www.townofwarwick.org>. The Draft Scoping Document, once submitted, will also be available for public review at the Town of Warwick Planning Board offices. A Public Scoping Session will be scheduled to discuss the Scoping Document and additional written comments will be accepted afterwards. Following the public Scoping Session, the Planning Board will prepare and distribute a Final Scoping Document.

For Further Information:

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A Copy of this Positive Declaration Filed With:

Supervisor Michael Sweeton

Town Board of the Town of Warwick

Town of Warwick Planning Board

Town of Warwick Conservation Board

Orange County Department of Health

Orange County Department of Planning

New York State Department of Environmental Conservation

United States Fish & Wildlife Service

United States Army Corps of Engineers

Environmental Notice Bulletin

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Homarc Land LLC.