

Town of Warwick Planning Board
Homarc Commercial Development
RESOLUTION ADOPTING FINDINGS STATEMENT

WHEREAS, the Town of Warwick Planning Board (the “Planning Board”) received an application from Homarc Land, LLC (the “Applicant”) for Site Plan and Special Use Permit approval for development of a new ± 21,900 square foot professional and office development on a 5.1 acre site located at 152 New York State Route 94 near the intersection with Warwick Turnpike (County Route 21) in the Town of Warwick, Orange County, New York; the parcel is identified as Tax Map Section 51, Block 1, Lot 5.231; and

WHEREAS, the applicant’s stated purpose of the development is to “attract economic development and reduce the increasing tax burden on local residents without destroying the rural character of the Town” through the provision of 12 to 14 new office and/or retail spaces for rent in the Community Business Zoning District; and

WHEREAS, the Project includes a one-story building, 84 parking spaces, entrance and exit drives through a marginal access road connecting with the adjoining Price Chopper Plaza, landscaping, on-site stormwater management, and water and sewer services through interconnections with the Town of Warwick’s Fairgrounds systems; and

WHEREAS the Planning Board was established as the SEQR lead agency for the Project on April 16, 2008 following a coordinated review with other Involved Agencies; and

WHEREAS, the Planning Board adopted a Positive Declaration on April 16, 2008, requiring the preparation of a Draft Environmental Impact Statement (“DEIS”) to assess potential environmental impacts of the Project; and

WHEREAS, Public Scoping of the DEIS was undertaken with a Final Scoping Document adopted on March 4, 2009, and due to a downsizing of the overall project, later amended with an Amended Final Scoping Document adopted on July 17, 2013; and

WHEREAS, a DEIS was prepared by the Applicant and submitted to the Planning Board for a completeness review beginning on November 20, 2013; and

WHEREAS, on March 5, 2014, the Planning Board determined that the DEIS was not complete for commencing public review and provided a list of deficiencies that needed to be provided before the DEIS could be accepted; and

WHEREAS, on June 17, 2014, the Planning Board received a revised DEIS from the applicant for a second completeness review; and

WHEREAS, on July 16, 2014, the Planning Board accepted the Homarc Commercial Development DEIS as adequate for public review, filed and distributed the

DEIS in accordance with requirements of SEQR, held a public hearing on the Draft EIS on August 20, 2014 and accepted written comment on the Draft EIS until September 10, 2014, and

WHEREAS, the applicant prepared and submitted a Preliminary Final EIS document for the Planning Board's consideration, and

WHEREAS, the Planning Board adopted the Final EIS, subject to modifications, on February 4, 2015 and filed the Final EIS document on April 1, 2015, and

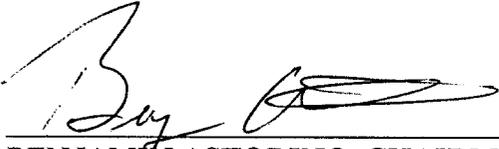
WHEREAS, in accordance with 6 NYCRR 617.11(a) of the SEQR regulations, the mandatory 10 day period for public consideration of the Final EIS has now lapsed.

NOW THEREFORE BE IT RESOLVED that the Town of Warwick Planning Board hereby adopts the Homarc Commercial Development Findings Statement and authorizes the Planning Board Chairman to file the Findings Statement in accordance with 6 NYCRR 617.12(b)(1) and (3) of the SEQR regulations, and to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

On a motion by Dennis McConnell seconded by Chris Little, the foregoing resolution was adopted on a vote of 5 in favor, 0 opposed and 0 abstentions.

Dated: Warwick, New York

April 15, 2015



BENJAMIN ASTORINO, CHAIRMAN

FINDINGS STATEMENT

State Environmental Quality Review Act (SEQR)

6 NYCRR Part 617.11

This Findings Statement is issued pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act (SEQR), and its implementing regulations at 6 N.Y.C.R.R. Part 617. The Town of Warwick Planning Board, as Lead Agency, makes the following findings:

- Name of Action:** Homarc Commercial Development
- Description of Action:** Construction and operation of a new ± 21,900 square foot professional and office development on a 5.1 acre site located on New York State Route 94 near the intersection with Warwick Turnpike (County Route 21). The project site is located in the Town's Community Business (CB) Zoning District. It consists of a one-story building that has been proposed for interconnection with the Town's existing water and sewer system, located on parcels adjoining the contiguous Price Chopper Plaza site. Site access would be from a proposed Marginal Access Road paralleling Route 94, that will provide a connection with the Price Chopper Plaza site. A total of 84 parking spaces have been proposed to accommodate the use. Landscaping the site following construction will be in accordance with Town of Warwick design requirements.
- Location:** The proposed development is located at 152 NY State Route 94 South, Warwick, New York 10990. The parcel is identified as Tax Map Section No. 51, Block 1, Lot 5.231.
- Lead Agency:** Town of Warwick Planning Board
Warwick Town Hall
132 Kings Highway
Warwick, NY 10990
Contact: Benjamin Astorino, Chairman
Phone: (845) 986-1127
- Agency Jurisdiction:** The Town of Warwick Planning Board, as Lead Agency, has been authorized to issue Site Plan Approval and Special Use Permits in accordance with §§ 274-a and 274-b of New York State Town Law and Article IV, Chapter 164, § 164-46 of the Town of Warwick Zoning Law.

SEQR Classification: Type 1 Action

Date Final EIS Filed: April 1, 2015

Date Findings Adopted: April 15, 2015

I. INTRODUCTION

A. Development Concept

Homarc Land, LLC (the “Applicant” or “Project Sponsor”) proposes to construct and operate a one-story 21,900 square foot mixed office and retail building on a site in the Town of Warwick’s Community Business (CB) Zoning District. The 5.1 acre site is flanked to the East by the Price Chopper Plaza and to the West by Pin Street at Warwick bowling. To the South is the ShopRite Plaza and Leo Kaytes Ford across Route 94 from the site. North of the site is a portion of the Price Chopper Plaza lands which consist primarily of Federal Jurisdictional Wetlands.

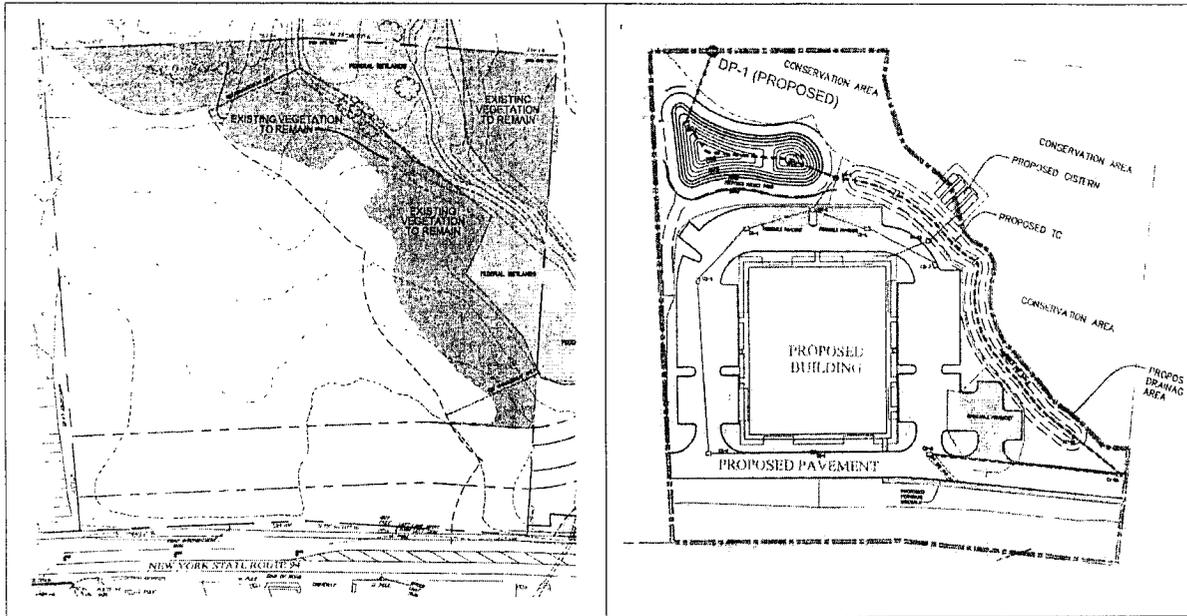
Land use on the site is currently classified as agriculture and natural systems consisting of meadow/brushland, freshwater wetlands, and wooded uplands. The site slopes northeasterly towards a State Protected tributary to the Wawayanda Creek. The Creek area contains Federal Jurisdictional Wetlands along both banks. No direct impacts, that the applicant is responsible for, will occur to the Federal Wetland area. However, the Town of Warwick has planned and already received permitting for a road crossing of the Wawayanda Creek tributary and Federal Wetland.

The road crossing, as part of the Town’s Marginal Access Road requirements, has been planned since at least 1987, when the Town of Warwick Master Plan was first adopted. The Plan’s recommendation for a road paralleling Route 94, was implemented in the Town’s 1989 Zoning Law, which required that each property owner along State Route 94 in this area, construct a parallel marginal access road at such time as development approvals are sought. This section of the marginal access road was planned during the Fairgrounds project, which received Final approvals from the Town in 2006. The Fairgrounds project became the current Price Chopper Plaza.

Water supply will be from the Town of Warwick’s non-community, non-transient water supply system located adjacent to the Price Chopper Plaza on Lot 51-1-40.42. Sewage treatment will be from the Town of Warwick’s wastewater treatment system located adjacent to the Price Chopper Plaza on Lot 51-1-40.42. Water supply and sewage disposal lines will be installed to connect with both systems.

The project will disturb approximately 2.49 acres of the site and will result in construction of about 1.5 acres of impervious surfaces consisting of the proposed office/retail building, parking areas, sidewalks, and the marginal access road on the site. Construction of the project will require regrading of approximately 2.49 acres on the site. Existing drainage patterns will not be

significantly altered and will continue to drain towards the unnamed tributary to the Wawayanda Creek. Approximately 0.84 acres will be revegetated following regrading. A total of approximately 54 percent of the site will remain undeveloped. The two illustrations below show where and how the existing site will be developed.



The project requires approvals from other agencies including the Orange County Health Department, New York State Department of Environmental Conservation, and New York State Department of Transportation (for a temporary access onto State Route 94). The Town of Warwick Architectural Review Board, Town of Warwick Conservation Board, Orange County Department of Planning, New York State Office of Parks, Recreation and Historic Preservation, US Army Corps of Engineers, and US Fish & Wildlife Service have all been designated as Interested Agencies under SEQR.

B. Procedural History and SEQR Review

The Town of Warwick Planning Board (the "Planning Board"), as SEQR lead agency, has conducted a site specific environmental review of the proposed Homarc Project. This document is the lead agency's Findings Statement required pursuant to 6 N.Y.C.R.R. § 617.11.

Homarc Land LLC filed an application with the Town of Warwick for Site Plan and Special Use permit approvals on September 12, 2007 for a proposed ± 20,000 square foot office/retail building to be served by on-site well and septic disposal systems. The Planning Board, as Lead Agency, issued a Positive Declaration for the project on April 16, 2008 and thereafter, conducted project scoping for a Draft EIS on January 21, 2009, adopting a Final Scoping Document on March 4, 2009. The project was at one time proposed as a 19,000 square foot building and then, when the

Draft EIS project scoping was conducted, the building size increased to 29,120 square feet. At that time, connection with the Town of Warwick wastewater disposal system was also proposed. Additional significant project changes led to a Re-Scoping of the Draft EIS on July 17, 2013, when a revised Final Scoping Document was adopted for the 21,900 square foot proposal. The Planning Board accepted the Draft EIS for the current 21,900 square foot building as complete on July 16, 2014 with a public hearing held on August 20, 2014 and public comments accepted until September 10, 2014. A Final EIS was adopted by the Planning Board on February 4, 2015 and filed by the Planning Board on April 1, 2015.

C. Site Characteristics

The property includes one 5.1 acre parcel of land with about 435 feet of frontage on State Route 94. Most of the parcel has historically been used for growing field crops. A wooded area in the northeasterly portion of the parcel has been left in its natural state due to the presence of freshwater wetlands and a stream. A former crossing of the stream exists between the site parcel and the adjoining Price Chopper Plaza site. This is roughly the location of the proposed Marginal Access Road. The site is gently sloping with an 18 foot difference in elevation occurring across the site. Most soils on the site are well drained Hoosic gravelly sandy loam.

D. Project Information

1. Zoning

The zoning designation for the entire site is CB (Community Business). The CB District purpose is to *“provide a place for attractive development of business activities that serve community needs. A limited number of curb cuts along New York State Route 94 is required by the Town’s marginal access road standards, to minimize conflicts with through traffic and to conserve the capacity of the roadway, while providing linkages between business establishments on adjacent parcels. Careful review of both site and architectural elements is required in this district to enhance the overall quality of site development and promote architectural design that is compatible with the overall historic character of the Village and Town of Warwick.”* The Planning Board and the applicant have been engaged in discussions throughout the SEQR environmental review process with the Town Architectural Review Board, and will continue to do so following completion of SEQR, to ensure the proposed building is compatible with the overall historic character of the Town and Village.

Construction of the marginal access road will minimize intersections and, therefore, conflicts on Route 94, will provide linkages to the Price Chopper Plaza and in the future with the bowling lanes parcel, and will thereby help conserve the capacity of the State highway. It is expected that the marginal access road will be constructed and ready for use when the Homarc project construction has been completed. Homarc will construct its share of the marginal access road out to its property

boundaries with both the Price Chopper Plaza and the bowling alley. There are no current plans for development or redevelopment of the bowling alley property. However, at such time as the owners of the bowling alley property file plans with the Town for any change in the use or development on their property, such an interconnection is expected to be a condition of approval, as required by the Town Zoning Law § 164-42.F. Other circumstances may also arise where an interconnection between Homarc and the bowling alley may occur earlier.

The applicant has proposed that the building serve the needs of the community by developing both local retail uses and professional office uses. The building is planned as a one-story 21,900 square foot structure to be divided into 12 to 14 office and/or retail spaces. There are 84 parking spaces planned to serve the employees and customers of the future tenants in the building. Some of the parking spaces will be constructed using block pavers to reduce impervious surfaces. Bicycle and pedestrian facilities will ensure that the needs of such users are accommodated and will also provide an option for users that would normally drive to the facility or wish to take advantage of the retail facilities available at the Price Chopper Plaza. A traffic signal at the entrance to the Price Chopper Plaza will also allow such users to visit the retail facilities across Route 94 from the Price Chopper/Homarc developments. However, a lack of pedestrian facilities at this traffic light may act as a disincentive to its use by pedestrians.

Landscaping will occur on 0.84 acres of the site and will consist of approximately 35 canopy trees and 110 shrubs as well as a variety of perennial plants that will be installed and maintained in accordance with Town of Warwick landscape survivability requirements. Both the building, parking, landscaping and pedestrian accommodations have been designed to be responsive to the Town's Design Standards. Both signage and lighting have also been designed to be responsive to the Town's Zoning Law and Design Standards requirements and notes on the Site Plan will ensure that such standards are maintained into the future.

2. Water and Sewer Systems

Water and sewer services to the site are to be provided by the Town of Warwick's water and sewer systems, located adjacent to the Price Chopper Plaza. Sufficient capacity currently exists to accommodate the proposed project.

3. Stormwater

Stormwater will be managed on-site in accordance with State and Town of Warwick requirements. Additional stormwater runoff from impervious surfaces will be managed through a series of catch basins, drainage pipes, stormwater control mechanisms including permanent water quality and detention basins, dry swales, check dams, silt fencing, straw net erosion control blankets, snow stockpile areas, and permeable pavement.

E. Required Permits, Approvals and Reviews by Other Agencies

The following agencies are Involved or Interested Agencies under SEQR, and have approval or review authority over various aspects of the proposed action.

Town of Warwick Planning Board: Site Plan and Special Use Permit Approvals

Town of Warwick Building Department: Building Permit Approvals

Town of Warwick Architectural Review Board: Review of architectural drawings

Town of Warwick Conservation Board: Review of project for its environmental impacts

New York State Department of Environmental Conservation: SWPPP conformance with SPDES General Permit, MS4 Acceptance Form, 401 Water Quality Certification, and Approval of Wastewater Facilities.

New York State Department of Transportation: Work Permit Approval for Activities in the State Right of Way.

Orange County Department of Health for Approval of water and wastewater connections.

Orange County Department of Planning: Referral of the application for Review pursuant to Section 239 of the New York State General Municipal Law

II. IMPACTS, MITIGATION MEASURES AND SPECIFIC FINDINGS:

The DEIS and FEIS included an environmental evaluation of the following resource issues. The environmental impacts of each resource issue is discussed, mitigation or avoidance is presented, concluding with a determination of the Planning Board's Findings on the issue.

- Soils and Topography
- Wetlands
- Terrestrial and Aquatic Ecology
- Water Resources
- Zoning and Surrounding Land Use
- Vehicular Traffic and Roadways
- Community Services and Socioeconomics

- Other Impact Topics

- A. Soils and Topography

Site development and grading will occur in upland areas located mainly in the western portion of the site. Approximately 2.49 acres or 49 percent of the site will be graded to accommodate the proposed development. The project has been designed to avoid areas of wetlands and steep slopes. Grading activities will occur in areas of Chenango, Castile and Hoosic gravelly loam, all areas exhibiting moderate limitations to development. The limitations identified for Castile soils are primarily related to frost action affecting building and road construction. Erosion potential for all soil types is considered slight and slopes within the development area are minimal.

Grading will occur in the development area to create a level surface for the building and parking. The first floor elevation of the building is proposed to be set at 580.5 feet, necessitating earth cuts of about 3.5 feet and fills of up to 1 foot. The parking lot on the west side of the building will be graded about 3.5 feet above existing grade towards the back and 0.7 feet below existing grade toward the front. The parking lot on the east side of the building will be graded approximately 7.2 feet above existing grade toward the back and 1.1 feet below existing grade in the front. The proposed marginal access road will cut across the front of the site, parallel to NYS Route 94. Earth cuts to achieve the proper roadway gradients will be approximately 0.5 feet below existing grade.

Additional site grading is required for the stormwater management facilities, including a basin that is proposed at one location at the perimeter of the development area in the northwest portion of the site, and a cistern in the approximate center of the property.

Total earth movement to develop the proposed project will entail approximately 2,968 cubic yards (cy) of material to be excavated and relocated to other areas on the project site. In addition, approximately 3,108 cubic yards (cy) of fill will be required to create a level area for the building and parking. The bulk of the earth cuts will be for the stormwater basin, cistern, and dry swale. Based upon the proposed engineering design, no earth cuts will need to be exported from the site and no blasting is anticipated.

The proposed project will disturb approximately 2.3 acres of agricultural land including approximately 1.83 acres of statewide important agricultural soils by converting them to uses other than farming as part of the proposed impervious surfaces, landscaped and lawn areas, and stormwater management facilities. Continued agricultural use on the project site is not considered feasible given the small size of the parcel and the predominance of non-residential development in the properties adjoining the site.

The greatest potential impact associated with this project will be from erosion and sedimentation during construction. A Soil Erosion and Sediment Control Plan has been prepared to minimize soil erosion from areas exposed during construction and prevent sediment from reaching the down-gradient wetlands and the stream. All soil erosion and sedimentation control practices will be installed in accordance with the most recent edition of the New York Guidelines for Urban

Erosion and Sediment Control and the Town of Warwick Stormwater Management Regulations found in § 164-47.10. Prior to the commencement of any phase of this project that will result in the disturbance of soils, erosion and sediment control measures will be placed in accordance with the specifications on the construction drawings. These measures will be maintained in good condition and left in place until permanent vegetative cover is established. The construction contractor will be responsible for installing all sediment and erosion control measures and maintaining them throughout the entire construction process. These measures will be monitored during construction by the project engineer and representatives of the Town.

The proposed plan minimizes the area of soil exposure to the greatest extent practicable in accordance with the conditions of the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities and NYS Stormwater Management Design Manual (effective January 29, 2015). Erosion and sedimentation measures specified on the Erosion Control Plan are developed specifically for this project to provide both temporary controls during the construction period and permanent controls to be in place and functioning at the completion of construction.

Following construction, erosion will be averted by the established vegetation and by the stormwater management devices to be installed. Construction of the permanent stormwater management system will commence as part of the earthwork for the building so that these systems are functional as early as possible in the construction period.

Finding: The Planning Board finds that, although there will be permanent impacts to the soils and topography that are inherent in the installation of the proposed building, impacts from construction activities will be temporary and will be minimized by implementation of limitations on site disturbance, and compliance with the detailed Stormwater Pollution Prevention Plan for the Project.

B. Wetlands

The project site contains Federal Jurisdictional Wetlands. These wetland areas have been delineated on three occasions, with three Jurisdictional Determinations issued by the US Army Corps of Engineers over the past 15 years, with no changes throughout this period. The project will not directly impact such freshwater wetlands. In addition, the project will not result in any short-term or long-term modifications to the functions of these wetlands. Erosion and sedimentation are potential indirect impacts to adjacent wetland areas. A Soil Erosion and Sediment Control Plan has been developed and provided. All such controls will be installed and maintained prior to and during construction activities. Permanent soil erosion and sediment controls will be maintained by the owner(s) of the project site for the life of the project.

Construction of the project will require regrading over most of the western portion of the site, but existing drainage patterns will generally remain the same. There will not be any significant

diversion of surface runoff. However, new impervious areas will increase pollutant loadings found in stormwater runoff. During construction activities, potential short-term impacts from regrading and stockpiling of soil materials can be expected to impact surface water quality both on site and downstream and long-term impacts to surface water quality can result once the development is complete and operational. No impacts to the water table within the wetlands are anticipated.

To avoid or minimize the above effects on wetlands, all soil erosion and sediment controls will be installed in accordance with the Soil Erosion and Sediment Control plans. The primary aim of the plan is to minimize the potential for soil erosion from areas exposed during construction and prevent sediment from reaching the downgradient wetlands and watercourses. Prior to the commencement of any phase of this project that will result in the disturbance of soils, erosion and sediment control measures will be installed in accordance with the specifications on the construction drawings. These measures will be maintained and left in place until permanent vegetative cover is established. The construction contractor will be responsible for installing all sediment and erosion control measures and maintaining them throughout the entire construction process. These measures will be monitored during construction by the project engineer, and representatives of the Town.

The proposed plan minimizes the area of soil exposure to the greatest extent practicable in accordance with the conditions of the SPDES General Permit for Stormwater Discharges from Construction Activities. Erosion and sedimentation measures specified on the Erosion Control Plan are developed specifically for this project to provide both temporary controls during the construction period and permanent controls to be in place and functioning at the completion of construction.

The erosion control plan includes the following elements:

- Installation of protective fencing around trees and other features to be preserved.
- Installation of a stabilized construction entrance and temporary perimeter silt fencing around the construction area.
- Construction of permanent water quality and detention basin and installation of temporary swales and berms as needed to direct runoff to the basins. The basin will be utilized as temporary sediment traps during construction.
- Clear and grub vegetation, remove existing structural debris. Strip and stockpile topsoil as indicated on the erosion control plan.
- Provide temporary sediment protection at all stormwater inlets.
- Maintain silt fence barriers, sediment traps, and other erosion control measures in working order throughout the construction period.
- Plant, seed or pave all disturbed areas in a timely manner to prevent or minimize erosion.
- Monitoring to ensure establishment of all landscape plantings and other permanent erosion control measures at the site. Promptly stabilize and restore damage to plantings and seeded areas.

- Mitigation for increased surface runoff include stormwater facilities that have been engineered to prevent impacts to on site wetlands and downstream areas. A water detention subbasin and cistern are proposed to reduce post-development peak flow rates to levels below existing rates.
- Addressing impacts to surface water quality include stormwater quality measures that have been engineered in accordance with NYSDEC requirements.
- Incorporating standards presented in the New York State Stormwater Management Design Manual.
- Utilizing a municipal wastewater treatment facility for the project.

Finding: The Planning Board finds that impacts to wetlands will be appropriately minimized or avoided by the Project's design and operation which avoids disturbance to wetlands, extensive physical and operational mitigation measures for the Project which protect water resources, and implementation of the Stormwater Pollution Prevention Plan in accordance with the New York State SPDES General Permit for Stormwater Discharges from Construction Activity as well as the Town of Warwick Stormwater Management regulations embodied in § 164-47.10 of the Zoning Law.

C. Terrestrial and Aquatic Ecology

The project will disturb approximately 2.49 acres or 49 percent of the project site with the majority of impacts to cropland cover type, the largest vegetative cover type found on the project site. This agricultural land taken out of production is not expected to have a significant impact upon the local agricultural economy. Approximately 0.12 acres of the successional old-field will be disturbed by the proposed development. The existing vegetative cover and habitat as well as the remaining agricultural lands that will be allowed to revert to successional old field will remain open space. This area is shown in the Table 2-1 from the Draft EIS shown above. The project will not disturb the freshwater wetlands or upland woods areas found on the site.

	Existing	Disturbance	Post-Development
Meadow	0.85	0.12	2.10**
Woods (upland)	0.13	0.00	0.13
Agriculture	3.80	2.37	0.00**
Wetlands	0.50	0.00	0.50
Water	0.02	0.00	0.02
Impervious/parking	0.00	0.68*	0.68
Impervious/marginal road	0.00	0.27*	0.27
Impervious/sidewalks	0.00	0.37*	0.07
Impervious/building	0.00	0.50*	0.50
Lawn/landscaping	0.00	0.83*	0.83
TOTAL	5.10	2.49	5.10

* These surface cover areas are or may be included in the vegetative cover disturbance. Therefore, they do not contribute to the total.
 ** The remaining agricultural cover will be left fallow, converting to meadow.
 Source: ERS Engineering Consultants, P.C.

Construction activities will result in short term disturbances due to noise and potential erosion and sedimentation. Erosion and sedimentation are potential indirect impacts to adjacent wetland areas as well as downstream surface waters such as Wawayanda Creek. As a result of new impervious surfaces, more surface runoff will occur. Peak rates of runoff will significantly increase on the western portion of the site. The development will also increase pollutant loadings found in stormwater runoff. During construction activities, potential short-term impacts from regrading and stockpiling of soil materials can impact surface water quality both on site and downstream. Long-term impacts to surface water quality can be minimized, once the development is complete and

operational, through both short-term and long-term measures including compliance with, adherence to, and maintenance of the Stormwater Pollution Prevention Plan mitigation strategy.

There will be some loss of wildlife habitat at the site. Due to the presence of similar habitat on nearby properties, wildlife dispersal is expected. An indirect impact of this dispersal could be increased competitive interactions with other individuals of the same species on these properties. However, it is not anticipated that there would be a loss of species from the area. The communities lost are not unique in the area. The Bog turtle has been found in wetlands nearby the project site but as a result of multi-year testing on the Homarc and Price Chopper sites, no evidence of Bog turtles nor Bog turtle habitats have been identified on the Homarc property.

With the provision of the proposed stormwater management plan and using the Town's existing off-site wastewater treatment facility, the project is not anticipated to significantly contribute to cumulative impacts to downstream fishery resources of Wawayanda Creek. No protected wildlife species have been identified or observed on the project site. Thus, no impacts are expected to occur to such species.

A Soil Erosion and Sediment Control plan has been developed and such controls will be installed in accordance with State and Town requirements prior to construction activities. Stormwater facilities have been designed to prevent impacts to the on-site wetlands and downstream areas through a detention basin, cistern, and dry swale to reduce post-development peak flow rates to levels below existing rates. The use of grass pavers will further reduce the effects on surface waters.

Clearing limit lines are to be marked on the site prior to commencing construction activity. The establishment of disturbance limit lines will effectively contain impacts to the approved disturbance areas and to keep other portions of the project site in a natural state. Bog turtle mitigation measures approved by both the State DEC and US Fish and Wildlife Service for the adjacent Price Chopper Plaza will be used for the Homarc project. These measures include a 100 foot wildlife management area with plantings of native species and with a deed restriction stating no further development, both a retaining wall and wildlife barrier fence, construction monitoring from mid-March through mid-September, and thereafter annual monitoring for a ten (10) year period after construction.

Finding: The Planning Board finds that impacts to terrestrial and aquatic ecology have been appropriately minimized or avoided by the Project design including avoidance of wildlife habitats, implementation of the construction phase and long-term physical and operational measures for the Project, the Soil Erosion and Sediment Control Plan, and the stormwater management practices for the Project.

D. Water Resources

The development of the proposed project will involve the construction of about 1.5 acres of impervious surfaces (building, parking area, sidewalks, etc.) on the site. As a result, the peak rates

of runoff from the development areas will increase and the response time (time of concentration) will decrease. Although construction of the project will require regrading much of the western portion of the site, existing drainage patterns will generally be maintained. There will not be any significant diversion of runoff from one side of the site to the other.

A hydrologic analysis has been prepared to estimate the potential increases in runoff from the development areas and to develop mitigation measures so that peak rates of runoff would not increase significantly on either the east and west sides of the site.

The applicant will comply with the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective January 29, 2015. The permit conditions require compliance with the NYS Stormwater Management Design Manual (January 2015), Stormwater Permit GP-0-15-002 and the new Notice of Intent form.

Homarc is expected to become part of the Town of Warwick's sewer district and all wastewater will be discharged to the treatment plant located adjoining the Price Chopper property. Therefore, no adverse impacts to downstream water resources are anticipated to result from using the treatment facility.

The stormwater management facilities in this project are designed to mitigate potential water quality impacts to groundwater resources within the unconsolidated aquifer, in conformance with NYSDEC regulations. The project will not involve the creation of lawn or landscaped areas that would require any use of chemical fertilizers. Organic material such as peat will be utilized for planting. Therefore, nutrient loads in the stormwater runoff are likely to decrease as compared to the current agricultural use of the site. The stormwater facilities have been designed to prevent hydrologic impacts to the on-site wetlands and downstream properties by reducing post-development peak flow rates to levels below existing rates. Therefore, no short-term or long-term adverse stormwater related impacts are anticipated on the nearby wetland areas and associated unconsolidated aquifer.

All building, driveway, and parking areas will be located safely above established flood elevations. The property owner will be responsible for inspection and maintenance of all on-site stormwater facilities, including the water quality basin and swales. Specific requirements for each facility will be detailed on the project plans and approved by the Planning Board.

The features of the proposed stormwater management system require maintenance to operate as designed. The long-term maintenance of stormwater drainage structures following construction will be the responsibility of the property owner and its successors. The Town will not incur any maintenance costs associated with the proposed stormwater management system. The primary maintenance activity with the drainage system will be the removal of accumulated sediment from the storm drain catch basins. This activity will be scheduled to occur once or twice per year, or more frequently as needed. Removal of accumulated sediment from the stormwater basins is likely to be required once every three to five years. This procedure can be performed manually without impairing the operation of the basin.

Finding: The Planning Board finds that impacts to water resources have been appropriately minimized or avoided by Project design; implementation of the construction phase and long-term physical and operational measures for the Project; the Erosion Control Plan and stormwater management practices for the Project, and the use of existing wastewater treatment facilities for the sanitary sewer needs of the project.

E. Zoning and Surrounding Land Uses

The proposed Homarc project will replace existing undeveloped agricultural lands with commercial development and associated parking. Development of the project site would convert approximately 2.4 acres of open land, including about 2.3 acres of agricultural land that is currently farmed, to commercial use. Approximately 2.7 acres of existing vegetation would remain after construction is complete. The project is not expected to result in significant adverse land use or zoning impacts, or impacts on public policy. The increase in commercial uses in the CB District and associated loss of farmland are part of current land use trends in the Town of Warwick in this location. The CB District is an area that has historically been reserved for commercial development activities in the Town since at least the 1980's. The change in land use of the subject parcel is not expected to induce changes in land use patterns in the immediate surrounding area or in the Town of Warwick as a whole, although the character of NYS Route 94 in this vicinity will be altered to a slight degree. The zoning for the area specifies local retail and office uses, expecting that limited non-residential development can and should occur, provided it does not substantially detract from the commercial center of the community in the Village of Warwick.

The proposed development of the site with retail and professional office use is consistent with the Zoning in effect on the site. The project is expected to be compatible with adjacent and nearby land uses. These businesses typically benefit from having establishments located in close proximity to one another. Proposed uses will be subject to review and approval of a special use permit by the Town Planning Board. Building design and siting and proposed landscape buffering are expected to provide adequate separation and screening from NYS Route 94 and surrounding properties. Mitigation of construction-related impacts included the relatively short construction period and limitation of construction hours to the daytime.

The proposed project furthers the Town Comprehensive Plan's objective to "provide commercial development next to existing commercial uses." The project's traffic will access and egress Route 94 via a marginal access road. In supporting commercial use, the proposed project conforms to the land use plan recommended by the Orange County Comprehensive Plan: Strategies for Quality Communities. The project area is also located in a designated "Priority Growth Area." As stated above, Priority Growth Areas are described as "general areas of preference for future development to maximize efficiency of infrastructure and services and to minimize open space losses." The proposed project is supportive of the County Comprehensive Plan's recommendation that mixed use corridors, such as this section of Route 94, have the potential for an additional mix of

development. The layout and design of the Homarc project addresses road access, corridor transportation capacity, and roadside appearance, and avoids conflict with current land uses.

The project will meet the requirements of the Town Zoning Law with regard to uses, bulk and parking requirements, landscape requirements, and the applicable design standards in place in the Town. The proposed project layout and design of the building are not expected to result in significant adverse land use impacts or impacts to zoning or public policy.

By leaving approximately 54 percent of the site undeveloped and developing a landscape plan for the developed areas of the project will provide significant buffers from Route 94 and other view points to minimize the change from an undeveloped site to a developed site. Building architecture is intended to complement the rural character of Warwick and will be subject to Planning Board approval and Architectural Review Board recommendations.

Finding: The Planning Board finds that impacts to Zoning and Surrounding Land Uses have been appropriately minimized or avoided by the Project design through compliance with the Zoning Law and Design Guidelines. The Planning Board remains responsible for ensuring that any further changes to the project design during the review of the Site Plan and Special Use Permit, are similarly compliant with the Zoning Law and Design Standards.

F. Vehicular Traffic and Roadways

The project's Traffic Impact Study assessed traffic conditions based upon the original 29,120 square foot development that was proposed in 2008 as well as with a direct entrance onto Route 94. This level of impact was expected to generate 55 new trips in the AM Peak Hour and 139 new trips in the PM Peak Hour, based upon a design year of 2013. Existing levels of service were projected to deteriorate only slightly within the project area under future traffic conditions whether with or without project traffic. Potential impacts of project traffic for the smaller 21,900 square foot building and access through the Marginal Access Road are expected to be less than projected. Nevertheless, the New York State Department of Transportation (DOT) maintains control over Route 94 access and operations.

The proposed project will result in construction traffic via a stabilized rough grade of site access onto Route 94 during construction should the marginal access road not be available at the time of construction. New York State Department of Transportation permits will be required if this access is needed. All construction vehicles will use this access for ingress and egress. Construction vehicles and employees will park on-site at all times. Materials and equipment storage will be located on site.

Construction traffic consists primarily of construction vehicles arriving at the beginning of the construction period, trucks carrying and delivering supplies, and daily trips of construction workers. Construction workers typically arrive and depart the site prior to peak hours. Trucks

delivering construction supplies would generally arrive and leave during the day. Due to the small size of the site development, construction traffic to and from the site is expected to be typical for a structure of this size.

To mitigate the increase in traffic onto NYS Route 94, all vehicles will enter and leave the project site from the marginal access road as planned. The marginal access road will connect to the Price Chopper Plaza. From here traffic can access Route 94 via a signalized intersection. The level of service on NYS Route 94 is not expected to be diminished.

Finding: The Planning Board finds that the proposed project will not significantly increase traffic on local highways due to the operational and design characteristics of the project. Construction traffic will cause a short-term increase in traffic levels but this is not expected to be significant enough to warrant any permanent measures other than the proposed construction traffic routing. If the DOT determines that traffic mitigation is warranted, then the applicant will comply with DOT's directives.

G. Community Services and Socioeconomics

Taxes

No significant adverse impacts are anticipated as a result of the proposed project related to community service providers such as police, fire and emergency services. Incremental costs associated with additional calls to these service providers or related to emergency medical service provided by the Warwick Volunteer Ambulance Corp., would be offset by the taxes generated from the proposed development. Anticipated tax revenues are between \$80,000- \$90,000 per year including \$1,600 in revenues for the fire district, and \$600 in revenues for ambulance services.

The Homarc project is not expected to result in adverse population or socioeconomic impacts. Estimated local property taxes and sales tax revenues for both the Town of Warwick and Orange County will result in fiscal benefits for local taxing jurisdictions. No significant adverse impacts to community services or the Town's tax base are anticipated.

Police

Based upon communications with the Warwick Police Chief in early 2013, the Warwick Police Department had some initial concerns about a separate entrance onto Route 94. However, since access to the site will be from the marginal access road and an existing entrance onto Route 94, no further concerns were expressed.

Fire

The proposed project has been designed to comply with all applicable codes and regulations related to fire prevention and protection. According to personal communications in early 2013

with the Warwick Fire Chief, adequate resources exist to provide fire protection for the proposed project. Equipment from all three fire stations could answer alarms at the project site. Response time to the project site would be expected to be relatively short due to the close proximity of the nearest stations. Response time is estimated to be between two to six minutes.

Ambulance

According to personal communications with the Warwick Ambulance Service Planning Review Committee in early 2013 as well as subsequent written comments, the Ambulance Corps indicated that the Warwick Community Ambulance Service, Inc. would be able to provide emergency services to the proposed project. Therefore, no significant impacts to the Ambulance Corps are anticipated.

Finding: The Planning Board finds that the Homarc project will not result in significant adverse impacts to community service providers in the Town of Warwick. Anticipated tax revenues are expected to more than offset municipal expenses. Further, no significant adverse impacts to police, fire protection and ambulance services are anticipated, therefore no mitigation measures are needed.

H. Other Impact Topics

Solid Waste

No indirect adverse impacts are expected from solid waste generation from the Homarc site, with the cost of disposal being borne by the future tenants. Proper location and screening of dumpster and solid waste storage areas will avoid visual impacts, and pest management will be contracted as needed. The retail uses of the commercial building have been assumed to generate solid waste at an overall rate 0.001 tons per day per employee, based on standard Urban Land Institute multipliers found in the Impact Assessment Handbook (Urban Land Institute, 1994). With a total of 30 employees expected to work at these shops, the smaller retail building would be expected to generate approximately 11 tons of solid waste per year.

Proper location and screening of the dumpster and solid waste storage areas will avoid visual impacts to surrounding uses. The applicant will properly screen the dumpster and other unsightly site features and final details will be provided during the Site Plan review by the Planning Board. No further mitigation measures are needed.

Air quality

Air quality impacts associated with the proposed project were assessed to determine whether the development would have an adverse impact on the surrounding general population. Orange County is located in DEC Region 3. Station measurements are available for Lead, Sulfur Dioxide, Inhalable Particulates, and Ozone. Carbon Monoxide (CO) measurements are available only from

Region 4 (the Albany area). The proposed project will not result in any exceedances of the National standards for CO and the project does not have the potential for adverse impacts related to air quality for the following reasons:

1. Air quality impacts from construction will vary based on the proximity of the activities to the adjacent properties and the type and amount of construction equipment used for each project phase. Potential short-term adverse air quality impacts from the proposed project include fugitive dust and particulate matter from the project site, emissions from construction equipment and vehicles, and construction-related noise. Fugitive dust is generated during ground clearing and excavation activities as earth moving equipment modifies the land form to its final elevation. Throughout the construction period, passage of delivery trucks and other vehicles over temporary dirt roads and other exposed soil surfaces also generates fugitive dust. When conditions are favorable for dust generation, dust control can be provided through appropriate measures to reduce off-site impacts as well as improve on-site working conditions.
2. Products of fuel combustion are also generated by construction equipment; however, these emissions are generally insignificant in comparison to vehicular emissions from adjacent roadways if the equipment is properly maintained. The anticipated duration the construction of the entire project is 18 months. Construction activities that would be anticipated to result in noticeable air emissions as described above would be limited to shorter periods, with the greatest effect expected in the first four months of construction during site clearing, excavation and grading. Construction will be limited to daytime hours, Monday through Saturday, and excluding Sundays and legal holidays. A note stipulating limitation of construction activity to daytime hours will be placed on the Site Plans and will be enforced by the Town.
3. The applicant's construction contractor will commit to maintaining construction equipment in proper operating condition. In addition, dust control measures will be provided as needed throughout the construction period. Methods to control dust include: i) minimizing the extent of soil that is left unvegetated at any one time; ii) the use of fast-germinating seed or other temporary cover on exposed soil surfaces; iii) spraying water on exposed areas used for construction traffic when needed; and, iv) covering construction vehicles used to transport soil. Paved areas will be kept clear of loose dirt that can be blown into the air during vehicle passage. The use of stone tracking pads at access points to the site or washing of vehicle tires will be employed to reduce the tracking of soil onto public roadways.
4. With proper construction site management, impacts from fugitive dust can be maintained below the state or federal standards at off-site properties. Although exhaust emissions from construction equipment is not as significant as fugitive dust generation, particulates from diesel exhaust emission will also be controlled through proper tuning of the engine and maintenance of the air pollution controls. This will minimize additional contribution to site generated particulate emissions during construction.

Noise

Ambient daytime noise levels will increase in the immediate vicinity of the site during project construction. Construction activities and operation of construction equipment has been the subject of numerous noise studies completed for various projects in the region. The level of impacts of noise depends on the type and number of pieces of construction equipment being operated, as well as the distance from the construction site. The noisiest period of construction will occur as site grading is conducted, and when concrete and building materials are transported to the site. Noise levels at the site property line are projected to range between 65 dBA and 90 dBA, depending on the actual location of construction equipment at any given time.

Operational Noise

On-site and off-site noise can be expected to increase slightly above existing levels due to the increase in traffic resulting from the project. Noise near the site is dominated by Route 94 traffic, since it is the major northeast/southwest corridor for traffic coming from or going to areas southwest of Warwick. On-site noise and noise at the perimeter of the site is expected to increase with the introduction of customer traffic, delivery vehicles and on-site operations, such as truck circulation and loading.

Normal operations at the project site will increase noise primarily from rooftop HVAC equipment on the building, from customer car traffic on the site, and from truck circulation and loading on the site. Site Plan notes will ensure that HVAC equipment is installed and maintained to comply with the Town's noise standard thresholds. The normal operations on the project site are not expected to increase the ambient noise levels by the Town's noise standard thresholds at the property line. No long term adverse impacts to residential properties from noise will result from the proposed project. Permanent mitigation measures incorporated into the proposed development include building design and siting, and landscape buffering. Mitigation of construction-related impacts included the short construction period and limitation of construction to daytime hours.

Cultural Resources

A Phase 1 Archaeological Investigation was completed by Tracker Archaeology Services, Inc. in December of 2007. No prehistoric artifacts or features were encountered. Additionally, no historic artifacts or features were encountered. Therefore, no potential impacts are expected. The New York State Office of Parks Recreation and Historic Preservation (OPRHP) has completed a review of the Phase 1 Investigation report and concluded in a letter dated March 21, 2008 that "*It is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.*" Therefore, no mitigation measures are needed.

Water Supply

An average daily water demand of 2,000 gallons per day (gpd) is projected for the project. This estimate is based on the New York State Design Standards (NYSDEC, 2014) for water use. Approximately half of the building is proposed for office use with an estimated total of up to 21 employees. The NYSDEC guidelines estimate 15 gallons/day per employee equaling 315 gpd. The remainder, or 10,950 square feet, would be available for retail use. The State Standards estimate 3.1 gpd/sf or 1,095 gpd. If a deli occupies one of the spaces, then an additional 15 gpd per employee, estimated at two to three employees, or about 45 gpd would be needed. These figures total 1,410 gpd, well under the conservative 2,000 gpd projection.

The municipal water supply system has sufficient capacity to meet the needs of the project. There is a private water supply well on site; however, the well is proposed to be abandoned. Sprinkler systems for fire protection are not proposed but will be installed if required by Building Code requirements for specific uses that may require such systems. The project sponsor will pay their share of costs associated with connection to, operation, and maintenance of the Town's water supply system. Fire separation assemblies and other mitigation measures will be provided in accordance with the NYS Building Code. Access will be provided to all sides of the building to facilitate the efforts of emergency services personnel.

Wastewater

For design purposes, it is assumed that all water used at the facility will be discharged to the wastewater collection and treatment systems. Therefore, the average daily design flow is 2,000 gpd. Homarc will become part of the Town of Warwick's sewer district and wastewater from the project will be discharged to the wastewater treatment plant located adjacent to the Price Chopper Plaza. The plant discharges treated effluent to a subsurface disposal system. A pump station and force main system is proposed to provide the connection from the Homarc site to the gravity sewer mains located on the Price Chopper Plaza property. No wastewater from floor drains or other prohibited sources will be discharged to the wastewater collection system. The Town must review and approve the new pump station and force main, in addition to County and/or State review. The project sponsor will pay their share of costs associated with connection to, operation, and maintenance of the Town's collection and treatment system.

Electric and Gas Service

The project's heating system, mechanical equipment, lighting, and related facilities will create demands for electric and gas services. It is roughly estimated that the building will use 7,000 CCF (100 cubic feet) per year of natural gas. It is estimated that the building will use 75,000 kWh (kilowatt hours) of electric per year. The project sponsor will coordinate the proposed development plans with Orange and Rockland Utilities, Inc. Improvements will be constructed if needed to provide sufficient service capability.

Finding: Given the low demands associated with the proposed uses of the property, the Planning Board finds the Project will not cause any significant adverse impacts to solid waste, air quality, noise, water or sewer services. Given the absence of cultural resources, the project will have no impact on cultural resources. Finally, it is expected that electric and gas service will be available to the site to meet the future needs of the project.

III. ALTERNATIVES

Two alternatives to the proposed action were studied in the EIS. Neither of the two alternatives have been selected by the Planning Board.

- No-action Alternative.
- Original Proposed Development Alternative.

A. No Action Alternative

The No Action alternative is represented by the existing conditions on the Project site. Under this alternative, no action is taken on the part of the Project Sponsor to develop the proposed project. This alternative does not meet the objectives and capabilities of the Project sponsor to establish an office and retail facility in conformance with the Zoning District requirements that have been established to allow such facilities to be developed.

B. Original Proposed Development Alternative

The applicant originally proposed a 20,000 square foot office-retail building on the site to be served by an on-site septic disposal system and an individual well. This project was later modified to consist of a two-story 29,120 square foot building with parking to be provided in a basement level. This second proposal included connection to the Town of Warwick wastewater system with water supply to be provided in an on-site well.

The potential environmental impacts of the 29,120 square foot development alternative would, in nearly all cases, exceed the proposed project and so this alternative has not been selected by the Planning Board.

IV. CONSISTENCY WITH DRAFT AND FINAL ENVIRONMENTAL IMPACT STATEMENTS

The Planning Board has determined that the Draft EIS and Final EIS documents and the public hearing and public comment period on the Draft EIS are sufficient to inform the public of all environmental aspects of the proposed project's effects. The Planning Board has also determined

that the detailed mitigation measures specified in the Draft and Final EISs, as well as the Site Plans proposed in the Draft and Final EISs, are adequate to avoid or minimize environmental impacts of the project. All such measures are incorporated by reference in this Findings Statement as if they were enunciated herein. Following the adoption of this Findings Statement and the conclusion of the SEQR review process, the applicant will submit for review, detailed Site Plans and such other information as is required by the Town of Warwick Zoning Law to demonstrate full compliance with the Zoning Law in order to obtain Preliminary Site Plan approval.

V. CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

For Town of Warwick Planning Board:

Benjamin Astorino

Signature of Responsible Official	Name of responsible Official
Chairman	
Title of Responsible Official	Date

Town of Warwick Planning Board (Lead Agency)
 Warwick Town Hall
 132 Kings Highway
 Warwick, New York 10990

Findings Statement Filed With:

Town of Warwick Planning Board

Michael Sweeton, Town Supervisor

Town Board of the Town of Warwick

NY State Department of Environmental Conservation

Division of Regulatory Services

625 Broadway

Albany, NY 12233

NY State Department of Environmental Conservation

Region 3 Office

21 South Putt Corners Rd.

New Paltz, NY 12561

NY State Department of Transportation

Region 8 Office

4 Burnett Boulevard

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Orange County Department of Health

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124 Main Street

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Interested Agencies

Town of Warwick Conservation Board

Town of Warwick Architectural Review Board

Orange County Department of Planning

New York State Office of Parks Recreation and Historic Preservation; Historic Preservation Field Services Bureau

United States Army Corps of Engineers

United States Fish & Wildlife Service

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