Final Scoping Document

For Preparation of a Draft Environmental Impact Statement
For The Homarc Property
NYS Route 94 Town of Warwick, Orange County, New York

Date: July 17, 2013

Classification of Action: Unlisted

Lead Agency: Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990

INTRODUCTION

This Final Scoping Document represents a modification of the Final Scoping Document adopted by the Town of Warwick Planning Board, as Lead Agency, on March 4, 2009 due to project modifications. The modified project now consists of a smaller building of ± 21,900 square feet whereas the previous building was proposed at ± 29,120 square feet for office, retail and food services. The project is proposed in the Town's Community Business (CB) Zoning District. This represents a change from the Town's former Design Shopping (DS) Zoning District in existence in 2009. The now proposed one-story Building (previously a two-story building was proposed) calls for 84 surface parking spaces. Previously, some of the parking was proposed in the basement of the building. The applicant has proposed that the building be served by municipal water and sewage disposal. Previously, a well and septic system had been proposed. Access is proposed from a new marginal access road that parallels Route 94 and connects with the adjoining Price-Chopper Plaza.

DESCRIPTION OF PROPOSED ACTION

Homarc Land, LLC proposes to develop professional office, retail and food service uses on land totaling approximately 5.1 acres on NYS Route 94 (New Milford Road) east of Sanfordville Road in the Town of Warwick, Orange County, New York. The property is zoned for this purpose. The proposed development is comprised of an approximately 21,900 square foot one-story building. The project will utilize municipal water and sewage systems, will have a total of approximately 84 parking spaces, and have a total disturbance area of approximately 2.8 acres or 55 percent of the site. Access to and from the site will be from marginal access road parallel to NYS Route 94.

SITE DESCRIPTION

The site is currently vacant, undeveloped, mostly agricultural with freshwater wetlands. The site topography is gently sloped, rising toward the front of the property and generally draining toward the watercourse to the north and east and toward the wetland on the northeast portion

of the site.

The site contains an area of US Army Corps of Engineers wetlands totaling approximately 0.4 acres. No New York State Department of Environmental Conservation wetlands are present on site or immediately adjacent. Well-drained to moderately drained soils cover the majority of the property.

The subject property is located in the Community Business (CB) zoning district. Land use in the vicinity of the site includes vacant, agricultural, commercial, and residential uses. The site has approximately 440 feet of frontage on Route 94.

GENERAL DEIS FORMAT

The applicant should closely examine the SEQR regulations for direction on the required content of a Draft EIS. Unless otherwise directed by this Draft Scoping Document, the provisions of 6 NYCRR 617.9(b) apply to the content of the Draft EIS and are incorporated herein by reference.

The DEIS shall cover all items in this Scoping Document. Each impact issue (e.g., soils, surface water, traffic, etc.) should be presented in a separate subsection as it relates to existing conditions, future conditions without the project (as may be applicable) and future conditions with the project as presently planned, and any mitigation measures designed to minimize the identified impacts.

Narrative discussions should be accompanied by appropriate tables, charts, graphs, and figures whenever possible. If a particular subject can be most effectively described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the site should include adjacent properties (if appropriate), neighboring uses and structures, roads, and water bodies.

Information should be presented in a manner which can be readily understood by the public. Efforts should be made to avoid the use of technical jargon.

Discussions of mitigation measures below are examples. The document should clearly indicate which measures are included within the project plans.

The document and any appendices or technical reports should be written in the third person (i.e., the terms "we" and "our" should not be used). The applicant's conclusions and opinions, if given, should be identified as those of "the applicant."

Any assumptions incorporated into assessments of impact should be clearly identified. In such cases, the "worst case" scenario analysis should also be identified and discussed.

I. INTRODUCTORY MATERIAL

Cover Sheet: The DEIS must begin with a cover sheet that identifies the following:

1. That it is a Draft Environmental Impact Statement.
2. The name and description of the project.
3. The location of the project.

4. The Lead Agency for the project and the name and telephone number of the following person to be contacted for further information:

   Town of Warwick Planning Board
   Attn.: Ben Astorino, Chairman
   Town Hall132 Kings Highway
   Warwick, NY 10990

5. The name and address of the project sponsor, and the name and telephone number of a contact person representing the applicant.
6. The name and address of the primary preparer(s) of the DEIS and the name and telephone number of a contact person representing the preparer.
7. Date of acceptance of the DEIS (to be inserted upon acceptance).
8. Deadline for comments on the DEIS (to be inserted upon acceptance).

List of Consultants Involved With the Project: The names, addresses and project responsibilities of all consultants involved with the project shall be listed.

Table of Contents: All headings which appear in the text should be presented in the Table of Contents along with the appropriate page numbers. In addition, the Table of Contents should include a list of figures, a list of tables, a list of appendix items, and a list of additional DEIS volumes, if any.

II. SUMMARY

The DEIS must include a summary. The summary should only include information found elsewhere in the main body of the DEIS and should be organized as follows:

1. Brief description of the action.
2. List of Involved and Interested Agencies and required approvals/permits, incl. status of these approvals.
3. Brief listing of the anticipated impacts and proposed mitigation measures for each impact issue discussed in the DEIS. The presentation format should be simple and concise.
4. Brief description of the project alternatives considered in the DEIS. A table should be presented which assesses and compares each alternative relative to the various impact issues.
5. Listing of permits and approvals.

III. DESCRIPTION OF THE PROPOSED ACTION

A. <u>Introduction</u>

1. The reasons for and purpose of the DEIS and the nature of the proposed action.

B. <u>Project Purpose, Needs, and Benefits</u>

1. A description of benefits to be fulfilled by the project. This includes the anticipated tax revenues to the Town of Warwick and other jurisdictions including the Warwick School District and Orange County.
2. A description of public need for and benefits of the project. Identification of public need for the project is required by the SEQR regulations and is an especially important consideration if there are adverse environmental impacts identified that cannot be mitigated or avoided.

C. Project Location, Description and Environmental Setting

1. Description of the geographic boundaries of the project in the region and Town, including proximity to other commercial development on Route 94. Provide a written and graphic description (preferably use tax maps and USGS 1 "=2,000" scale maps) of the location of the site in the context of the Town of Warwick, Orange County. Include a map or maps identifying the relationship of the site to residential and commercial development within one-half (%) mile of the site. Include an aerial photo of the site and surrounding properties.
2. Description of access to the site,
3. Description of the site including existing zoning, topography, site characteristics, and land use.

D. Project Description and Layout

1. Characteristics of the site and surrounding area.
2. Structures and Site. The proposed site plan drawings (including profiles where required) should be submitted with the Draft EIS, in conformance with the Town Zoning Law requirements. Small scale plans, profiles and drawings (i.e. 8 1/2" x 11", 11" x 17", or other suitable size) can be provided in the Draft EIS for illustration purposes. Include a description of proposed:

   a. Building layout, use and architecture. Provide architectural elevations and architectural character of all proposed structures. Typical elevation views, that would be visible from drivers on Route 94, should also be provided. The location of the mechanicals associated with the building should be clarified with the DSD.

   b. Floor area.

   c. Grading and drainage plans. Identify in graphics and text the total on-site land area to be:

      i) cleared for building, landscaping, utility, stormwater, and parking development;

      ii) on-site areas subject to grading; and

      iii) on-site areas that will not be physically altered.

   d. Parking area layout and circulation. Provide justification for the proposed number of parking spaces in relation to the Town's parking requirements. Relate Urban Land Institute and/or Institute of Transportation Engineers standards to the proposed parking

generation rate. Location and number of handicapped spaces identified. Discuss how parking may be banked until demand is evident. Discuss the feasibility of providing alternative parking surfacing (such as block pavers) for peak use times (a performance bond could ensure proper compliance if demand exceeds supply). Describe the pattern of vehicle movement for entering and exiting traffic as well as site circulation including (without limitation) delivery, service, and emergency vehicles. Fire lanes should be identified on plans. Discuss whether shared parking arrangements with adjoining sites is available so that the number of on-site parking spaces can be reduced. In particular, discuss whether an agreement with the Bowling Alley to the south is feasible since this existing parking lot is underutilized and the Bowling Alley use has its parking demands primarily in the evenings and on weekends.

e. Landscaping plan, including screening and buffering. A planting schedule should be provided describing location, type, number, and size of all proposed landscape materials. Describe whether any existing vegetation will be incorporated into the landscape plan, either in situ or transplanted. Discuss whether any existing natural barriers, that could act as a noise or light barrier or screen, will be removed by the project. Discuss the use of pesticides, herbicides and insecticides during construction and operation.

f. Lighting and signage plan. Provide illustrations of all proposed identification signage and identify location, size (including height), color, materials, and type of all signs. Identify lighting by location, direction/aim, height of fixture(s), type of bulbs and photometrics of all proposed light fixtures, including building mounted luminaries and proximity to nearest occupied structures. Provide catalogue descriptions of lights and shielding details. Discuss consistency of project with the Town of Warwick Lighting Regulations.

g. Erosion and sedimentation control plan. Emphasis should be on the Plan's relationship with the required Stormwater Pollution Prevention Plan.

h. Setbacks and buffer treatments.

i. Pedestrian safety within parking area. Pedestrian, public transit, and bicycle access for patrons should be discussed. Discuss amenities to be provided for pedestrians and bicyclists.

j. Impervious Surfaces - Provide calculations of impervious surface coverage, broken down by type and acreage.

k. Off-site Construction - Describe proposed off-site improvements (if any) including transportation, stormwater, and utility construction activities. Vegetation removal and re-grading in connection with such improvements should be described.

E. <u>Construction and Operation</u>

1. Construction.

a. Total construction period anticipated.

b. Schedule of construction (sequencing). Provide a flowchart for the estimated anticipated duration, including start and completion for key milestone tasks such as site clearing,

grading and fill placement, settlement monitoring duration, infrastructure, foundations, superstructure, off-site improvements, and site amenities. Describe whether any construction activities will be ongoing after any store is occupied. If so, provide sequencing and safety plans to accommodate this situation.

c. Erosion and sedimentation control to be utilized during construction.

d. Construction equipment and staging area. Provide hours of the day construction activity will occur. Identify staging areas for material handling and storage, including access and egress during construction.

e. Truck traffic.

f. Dust suppression.

2. Operation.

a. Hours of operation. Provide hours of the day when the retail center will operate.

b. Deliveries. Discuss anticipated retailer delivery schedule. Any required loading dock areas or caged areas (for deliveries made before or after normal working hours) for any proposed purposes shall be shown on the plan, including truck turning movements.

c. Lighting and Security.

F. Approvals and Involved Agencies

A complete listing of all Involved Agencies along with their addresses and required approvals/permits they may grant.

G. Interested Parties

A listing of agencies, persons, and groups who have expressed interest in reviewing the DEIS.

IV. IMPACT ISSUES

The sub-headings presented under each impact issue below represent items of specific interest which shall be addressed. The discussion under each impact area should -highlight potential impacts caused by the proposed project and any mitigation measures that minimize or eliminate adverse impacts.

This section should describe the existing environmental conditions on the site and any off-site areas that may be affected by the proposed project. Each issue identified should be addressed in the context of the baseline existing conditions, the project's potential environmental impacts on such conditions, and the applicant's proposed mitigation measures to reduce or avoid adverse impacts.

A. Soils and Topography

In order to fully assess potential impacts of the proposed project on the land and water setting, it is necessary to understand and document the existing pre-construction soil, overburden, bedrock, wetland, and disposal of stormwater.

1. Existing Conditions.
   a. Existing topographic and slope conditions.
   b. Soils types and characteristics. Provide any boring or test pit records conducted on-site.
2. Potential Impacts.
   a. Area of disturbance, steep slopes disturbance, erosion potential.
   b. Grading plan, retaining walls, amount of cut and fill.
3. Mitigation Measures, incl. alternatives to impervious paving.

B. Wetlands

1. Existing Conditions. The wetland delineation (who, when, etc.) should be discussed. The location(s), wetland type, size, and any buffer areas shall be shown. Wetland functions and benefits to be discussed. The mitigation measures should include any Agency comments, if permits are required.
2. Potential Impacts.

   Description of any permits required. Discuss short- and long-term impacts (both direct and indirect) to wetland functions.
3. Mitigation Measures.
   a. An Erosion and Sedimentation Control Plan which incorporates best management practices (BMPs) for control of erosion and sedimentation during construction.
      (1) Principal elements
      (2) Implementation technique
      (3) Monitoring
   b. Special construction techniques.

C. Terrestrial and Aquatic Ecology

1. Existing Conditions.
   a. Existing habitat types and typical associated wildlife. Discuss the site-specific habitat assessment conducted in accordance with § 164-47.9 of the Zoning Law.
   b. Potential for use by rare, endangered or protected species, including bog turtle and Indiana bat.
2. Potential Impacts. Discuss site disturbance by habitat type and any on-site or off-site impacts to aquatic ecology.

3. Mitigation measures.

D. Water Resources

1. Existing Conditions.

a. Stormwater runoff quantity. The volume of site stormwater runoff and stormwater routed through the site, and peak discharge rates for the two (2), ten (10), and one hundred (100) year design storms. The proposed project will create impervious surfaces on the site which may increase both the volume and rate of stormwater runoff from the site. Stormwater runoff from the development site is proposed to discharge to federal jurisdictional wetlands, and to tributaries to New York State protected streams. Provide a detailed description of the proposed Stormwater Management System including the mandatory Stormwater Pollution Prevention Plan. Estimate the area of recharge for the wetlands system. Estimate how much of that area will be impervious to recharge by infiltration by project structures and parking areas. Estimate the quantitative effect of retaining stormwater runoff and releasing it to proposed surface water points and to downstream surface waters.

b. Existing stormwater quality shall be conducted in accordance with Town of Warwick Code 164-47.10.

c. Water supply. This section shall discuss water supply and fire protection. Any necessary improvements to the existing systems shall also be discussed. The fire suppression needs for the building must be shown on the plans. The DEIS must also show the existing system has the capacity to service these needs.

d. Sanitary sewer. This section shall discuss sanitary sewer. Any necessary improvements to the existing systems shall also be discussed.

2. Potential Impacts.

a. Stormwater runoff quantity. The volume of stormwater runoff and peak discharge rates for the two (2), ten (10), and one hundred (100) year design storms resulting from the project.

b. Stormwater runoff water quality impacts in accordance with Town of Warwick Code 164-47.10.

c. Description of any permits required from State agencies.

3. Mitigation Measures.

a. Erosion and sedimentation control measures.

b. Stormwater Management Plan (quantity controls).

c. Stormwater runoff quality control measures in conformance with DEC requirements, including runoff reduction volume by use of green infrastructure measures.

d. Maintenance of Stormwater control systems.

(1) Type of maintenance.

(2) Frequency of maintenance.

(3) Responsible parties providing short and long term maintenance.

e. Compliance with NYSDEC SPDES.

f. Type of sewage treatment and approvals required.

E. Zoning and Surrounding Land Uses

1. Existing Conditions.

a. Description of the existing land use and zoning on and in the vicinity of the project site and the surrounding area, and a discussion of the land use patterns in the area.

b. Description of applicable provisions of the Town Comprehensive Plan, Zoning Law, and Design Standards related to the project, project site and the surrounding area, and any other relevant County or regional plans.

2. Potential Impacts.

a. Compatibility of proposed project with surrounding land use patterns.

b. Discuss compliance or non-compliance with zoning and other land development regulations. In particular, discuss compliance with §164-46.J(139)(a) through (e). Add a note to the plans for the special conditions found in §164-46.J(139). Discuss compliance with the special use permit general conditions found in §164-46.E. Provide architectural elevation views of the building as seen from Route 94. Discuss compliance of building design and layout with Town Design Standards.

c. Compatibility with Agricultural District and agricultural history of the project area.

d. Compatibility with Town Comprehensive Plan, including relationship to current zoning requirements. Analyze and discuss all applicable Comprehensive Plan policies that relate to the proposed action.

e. Compatibility with County and/or other regional plans.

3. Mitigation Measures.

F. Vehicular Traffic and Roadways

1. Existing Conditions. A description of area roadways, including pavement width conditions, number of lanes, posted speed limits, types of roadways, parking and traffic controls for NYS Route 94, Sanfordville Road, Warwick Turnpike (CR 21), and Pelton Road (CR 1A).

2. Potential Impacts. Traffic impact study and analysis conducted in accordance with §164-46.G(5)(b) of the Zoning Law. Discuss pedestrian and bicycle traffic on State Route 94 in the vicinity of the site. Discuss if bus service is available or planned to the site or surrounding area.

Construction and operational traffic estimates and site generated added peak hour traffic.

Source and distribution of truck traffic. The turning radii of the largest truck expected should be shown. Applicant to discuss whether Traffic Mitigation Fees are applicable.

3. Mitigation Measures. Discuss proposed marginal access road connection with the Price Chopper Plaza and future connection with the Bowling Alley site.

G. Community Services/Socioeconomic

1. Taxes

   a. Existing Conditions.

   b. Potential Impacts. Fiscal impact analysis in accordance with §164-46.G(5)(a) of the Zoning Law.

   c. Mitigation Measures.

2. Police/Fire Protection and Ambulance Services.

   a. Existing Conditions.

   b. Potential Impacts. See above for fiscal impact analysis.

   c. Mitigation Measures.

3. Solid Waste.

   a. Existing Conditions.

   b. Potential Impacts. The location(s) of dumpsters, outdoor trash receptacles, garbage truck access, and any proposed screening should be discussed.

   c. Mitigation Measures.

4. Noise.

   a. Existing Conditions.

   b. Potential Impacts. The construction and operational noise estimates are to be included.

   c. Mitigation Measures.

5. Cultural Resources.

   Historic and Archaeological Resources.

   a. Existing Conditions.

   b. Potential Impacts. Provide correspondence from the New York State Office of Parks Recreation and Historic Preservation in regards to the Phase I Archaeological Investigation conducted on the site.

   c. Mitigation Measures.

6. Utilities and Other Underground Conditions.

   a. Existing Conditions. Describe all utilities that are available to serve the site including electric, cable, telephone, gas, water and sewer. Discuss whether a Phase I Site Assessment has been completed and attach the results in an Appendix. Discuss

whether there has ever been a reported spill at the proposed project site or whether any remedial actions have been conducted at or adjacent to the project site.

b. Potential Impacts. Discuss the capacity of the utilities that are available to serve the site, including the proposed location of any transformer pad or other above ground appurtenances. Discuss whether the project will require a new, or an upgrade to an existing, substation.

c. Mitigation Measures. Discuss the screening that will be provided of any above ground utilities.

V. ALTERNATIVES

The following alternatives to the Proposed Action are to be evaluated in terms of the impact issues listed above.

A. No Action.

B. Compare the potential impacts of the prior plan, proposed at the time of the original issuance of a Positive Declaration on April 16, 2008, with the currently proposed plan.

VI. ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Describe those impacts that cannot be avoided regardless of the mitigation measures that are implemented.

VII. OTHER ISSUES

A. Irreversible and Irretrievable Commitment of Resources.

B. Growth Inducing Impacts.

C. Effects on the Use and Conservation of Energy Resources:

1. The energy sources to be used if the Proposed Action is implemented.
2. Increased energy consumption. Estimate annual electricity demand in kilowatt hours during operation of the proposed action. Estimate consumption of fossil fuels during post-construction project operations (transportation as well as stationary).
3. Energy conservation measures to be used including LEED or other similar certification. Discuss how the project will incorporate energy conserving opportunities and onsite renewable energy sources.

VIII. SOURCES AND BIBLIOGRAPHY

IX. APPENDICES

A. All SEQR documentation, including a copy of the Environmental Assessment Form (EAF), the Positive Declaration, and the DEIS Scoping Outline.

B. Copies of all official correspondence related to issues discussed in the DEIS.

C. Copies of all technical studies, in their entirety.