

**AGENDA – TOWN BOARD MEETING**  
**October 12, 2023**  
**7:15pm**

**PUBLIC HEARING: INTRODUCTORY LOCAL LAW NO.6 OF 2023 “TO CONSIDER  
FORMING A SPECIAL DISTRICT- HILLSIDE WATER  
DISTRICT**

**PRESENTATION: PETITION FOR ZONING CHANGE**

**DISCUSSION: REVOCATION OF 105 DEKAY ROAD**

**DISCUSSION: REVOCATION OF 20 DEER POND DRIVE**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

**REGULAR MEETING:**

**ACCEPTANCE OF MINUTES**

- 1. Regular Meeting- September 28 2023**
- 2. Revocation Hearing – September 28, 2023 (20 Deer Pond )**

**CORRESPONDENCE:**

**DODY A. NICHOLAS – Secretary, Greenwood Lake Joint Fire Department. Letter to the Town Clerk dated September 28, 2023 regarding the annual budget hearing for the Greenwood Lake Joint Fire District for the proposed 2024 budget.**

**LORI MOSHER – Justice Clerk, Town of Warwick. Letter dated September 29, 2023 to the Town Board regarding applying for funding from the Justice Court Assistance Program.**

**DODY A. NICHOLAS – Secretary, Greenwood Lake Joint Fire District. Letter to the Town Clerk regarding public notice of the annual budget hearing for the 2024 proposed 2024 budget.**

**ELIZABETH S. KASE – RuskinMoscouFaltischek, Counselors at Law. Letter dated October 3, 2023 to the Town regarding a Notification to Municipality OCM-06009 of adult-use retail dispensary license application required for applying for an Adult Use Microbusiness in the Town of Warwick.**

**PLANNING BOARD – Town of Warwick. Notice of Public Scoping Session for the Copozza Solar Site Plan and Special Use Permit located on Four Corners Road will be held on October 18, 2023 at 7:30pm at the Town Hall located at 132 Kings Highway, Warwick, NY 10990.**

**BRENDAN KOLESAR – DPW Laborer, Town of Warwick. Letter dated October 2, 2023 to the DPW Commissioner regarding his resignation.**

**ROBERT MORSE – Heavy Equipment Operator, Town of Warwick, Department of Public Works. Letter dated September 20, 2023 to the Town Board requesting six (6) vacation days be carried over into 2024 due to unexpected circumstances.**

**DANIEL GIBSON – Building Inspector, Town of Warwick. Letter dated September 29, 2023 to the Town Board requesting application fees be returned to George DeGraw.**

**ANDREA O'BRIEN – Liquor License Consultant. Letter to The Town Clerk requesting the town waive the 30-day wait period for a liquor license for the American Grill Inc.**

**KAREN SCHULZ – Office Administrator, Randie P. Paterno, P.C.. a Notification to Municipality letter and application to the NYS Office of cannabis management regarding a Microbusiness located at 49 Newport Bridge Road, Warwick, New York.**

#### **BOARD'S DISCUSSION ON CORRESPONDENCE**

#### **VISITING ELECTED OFFICIALS**

#### **REPORTS OF BOARDS AND COMMISSIONS**

#### **COMMITTEE REPORTS**

#### **DEPARTMENT OF PUBLIC WORKS REPORT**

<b>CATCH BASINS</b>	<b>Royal Ct.</b>	<b>Rebuild catch basin</b>
<b>DITCH WORK</b>	<b>Bellvale Lakes Rd.</b>	<b>Open ditches</b>
<b>TREE WORK</b>	<b>Millers Ln.</b>	<b>Take down dead trees with O &amp; R</b>
	<b>DeKay Rd.</b>	<b>Take down dead trees with O &amp; R</b>
<b>POT HOLES</b>	<b>Town wide</b>	<b>Fill with hot mix</b>
<b>VEHICLE MAINT.</b>	<b>As needed</b>	
<b>EMERG. REPAIRS</b>	<b>As needed</b>	
<b>ROAD SIGNS</b>	<b>Town wide</b>	<b>Replace as needed</b>
<b>WATER DEPT.</b>	<b>Jersey Ave.</b>	<b>Repair water main break</b>

#### **PARKS DEPARTMENT**

<b>Union Corners Park</b>	<b>Open</b>	<b>Town</b>
<b>Mountain Lake Park</b>	<b>Fishing Pond Open</b>	<b>Town</b>
<b>Mountain Lake Park Pool</b>	<b>CLOSED FOR THE SEASON</b>	<b>Town</b>
<b>Town of Warwick Dog Park</b>	<b>Open</b>	<b>Town</b>
<b>Airport Road Park</b>	<b>Open</b>	<b>Town</b>
<b>Cascade Lake Park</b>	<b>Open</b>	<b>Town</b>
<b>Wickham Woodland Park</b>	<b>Open</b>	<b>Town</b>
<b>Wickham Passive Boat Launch</b>	<b>Open</b>	<b>Town</b>
<b>Pine Island Park</b>	<b>Open</b>	<b>Town</b>
<b>Thomas P. Morahan Waterfront Park</b>	<b>CLOSED FOR THE SEASON</b>	<b>Village of GWL</b>
<b>Ben Winstanley Park</b>	<b>Open</b>	<b>Village of GWL</b>
<b>Village of GWL Dog Park</b>	<b>Open</b>	<b>Village of GWL</b>

## **ENVIRONMENTAL CONSULTANTS REPORT**

## **COUNCILMAN DE ANGELO REPORT**

## **COUNCILMAN KOWAL REPORT**

## **COUNCILMAN GERSTNER REPORT**

## **COUNCILMAN SHUBACK REPORT**

## **ATTORNEY'S REPORT**

## **TOWN CLERK'S REPORT**

### **1. FEES COLLECTED – SEPTEMBER 2023**

<b>Interest in Town Clerk's Checking Account</b>	<b>\$3.63</b>
<b>MLP Deferred Revenue for next year</b>	<b>\$900.00</b>
<b>MLP Cabins</b>	<b>\$3,860.00</b>
<b>MLP Art Studio</b>	<b>\$2,400.00</b>
<b>MLP Apartments</b>	<b>\$12,865.00</b>
<b>MLP Dance Studio</b>	<b>\$225.00</b>
<b>MLP Indoor Theater</b>	<b>\$500.00</b>
<b>MLP Kitchen</b>	<b>\$1,600.00</b>
<b>MLP Kitchen Per Hour</b>	<b>\$1,010.00</b>
<b>MLP Kitchen Storage</b>	<b>\$200.00</b>
<b>MLP Lakeside Pavilion</b>	<b>\$330.00</b>
<b>MLP Lodge Dining Hall</b>	<b>\$400.00</b>
<b>MLP Lounge</b>	<b>\$125.00</b>
<b>MLP – NR Cabins</b>	<b>\$3,735.00</b>
<b>MLP Recreation Building</b>	<b>\$400.00</b>
<b>MLP Round Tables</b>	<b>\$35.00</b>

<b>MLP- Table clothes</b>	<b>\$70.00</b>
<b>Pickle ball Clinics</b>	<b>\$950.00</b>
<b>Mountain Lake Pool Daily</b>	<b>\$24.00</b>
<b>Wickham Woodland Manor Fee</b>	<b>\$250.00</b>
<b>Marriage Officiant One Day License</b>	<b>\$50.00</b>
<b>Mountain Lake Park Access ( Former Kutz Camp)</b>	<b>\$5.00</b>
<b>Marriage Certified</b>	<b>\$110.00</b>
<b>Photocopies</b>	<b>\$155.25</b>
<b>Special Event Permit</b>	<b>\$50.00</b>
<b>Use of Kitchen Fee – Senior Center</b>	<b>\$200.00</b>
<b>Use of Room Senior Center</b>	<b>\$100.00</b>
<b>Dog Impoundments</b>	<b>\$635.00</b>
<b>Town Park Pavilion</b>	<b>\$125.00</b>
<b>Marriage License Fee</b>	<b>\$420.00</b>
<b>One Day Officiant License</b>	<b>\$50.00</b>
<b>Conservation</b>	<b>\$751.74</b>
<b>Dog Licenses</b>	<b>\$1,093.00</b>
<b>Registrar Town of Warwick</b>	<b>\$300.00</b>
<b>Street Opening Permit</b>	<b>\$50.00</b>
<b>Wickham Woodland Manor Deposit</b>	<b>\$300.00</b>
<b>MLP Deposit Lakeside Pavilion</b>	<b>\$400.00</b>
<b>MLP Deposit Lodge Dining Hall</b>	<b>\$600.00</b>
<b>MLP Deposit Lodge Lounge</b>	<b>\$100.00</b>
<b>Town Park Deposit</b>	<b>\$200.00</b>
<b>Total Local Shares Remitted</b>	<b>\$35,577.62</b>

## **2. FEES PAID – SEPTEMBER 2023**

<b>NYS Dept. of Health</b>	<b>\$540.00</b>
<b>NYS Ag &amp; Markets for Spay/neuter program</b>	<b>\$137.00</b>
<b>NYS Environmental Conservation</b>	<b>\$12,872.26</b>
<b>Village of Florida Registrar</b>	<b>\$200.00</b>
<b>Village of GWL Registrar</b>	<b>\$130.00</b>
<b>Village of Warwick for Registrar</b>	<b>\$1,890.00</b>
<b>Total Non-Local Revenues</b>	<b>\$15,769.26</b>

## **SUPERVISORS REPORT**

- 1. Town Budget Process**
  - a. Tentative due 10/3**
  - b. Preliminary 11/1**
  - c. Budget Hearing 11/9**
  - d. Adoption 11/16**
- 2. CPF receipts- September**

3. Journal entries
4. Supervisors Corner – Published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser.

#### **PRIVILEGE OF THE FLOOR (AGENDA ITEMS)**

#### **NEW BUSINESS:**

1. SCHEDULE PUBLIC HEARING – MS4 2022-2023 ANNUAL REPORT
2. SCHEDULE PUBLIC HEARING – PROPOSED INTRODUCTORY LOCAL LAW #7 OF 2023 TO EXCEED TWO PERCENT PROPERTY TAX CAP
3. SUPPORT JUSTICE COURT 2023-2024 JCAP GRANT APPLICATION
4. APPROVE SPECIAL EVENT - KRAFTIFY LLC FALL 5K RUN
5. REQUEST TO SERVE ALCOHOL – SPINA BIFADA ASSOCIATION OF NY
6. REQUEST TO SERVE ALCOHOL – JESSICA KEITH
7. REQUEST TO SERVE ALCOHOL – MICHAEL COHN
8. ACCEPT RESIGNATION – BRENDAN KOLESAR
9. ADOPT LOCAL LAW NO. 5 OF 2023 A LOCAL LAW PROVIDING FOR A PARTIAL TAX EXEMPTION UPON REAL PROPERTY BASED UPON THE OWNER'S VOLUNTEER MEMBERSHIP IN FIRE DISTRICTS AND AMBULANCE DISTRICTS OF THE TOWN OF WARWICK PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW
10. AUTHORISE SUPERVISOR TO SIGN SIDE ORDER OF AGREEMENT – CSEA
11. SCHEDULE PUBLIC HEARING – 2024 PRELIMINARY BUDGET & SPECIAL DISTRICTS BUDGET
12. AUTHORISE SUPERVISOR TO SIGN INTER-MUNICIPAL AGREEMENT WITH VILLAGE OF GREENWOOD LAKE – SKATE PARK
13. WAIVE 30-DAY WAIT PERIOD FOR NYS LIQUOR LICENSE – AMERICAN GRILL INC.
14. APPROVE VACATION TIME CARRIED OVER INTO 2024- ROBERT MORSE
15. REFUND BUILDING DEPARTMENT APPLICATION PERMIT FEE – GEORGE DEGRAW
16. APPOINT PART-TIME POLICE DISPATCHER- KOLE D. LOSCHIAVO
17. NEGATIVE DECLARATION – CREATE HILLSIDE WATER DISTRICT
18. ADOPT LOCAL LAW NO. 6 OF 2023 LOCAL LAW NO. 6 OF 2023 FORMING A SPECIAL DISTRICT, PURSUANT TO ARTICLE 12-A OF TOWN LAW, ENTITLED "CREATE HILLSIDE WATER DISTRICT".

#### **BILLS:**

#### **PRIVILEGE OF THE FLOOR (GENERAL)**

#### **RECONVENE:**

#### **ADJOURN:**

TENTATIVE

X

GREENWOOD LAKE FIRE DISTRICT  
2024 PROPOSED BUDGET

	2024					
A3410.4 Contractual						
Building Maintenance	\$42,000.00					
Bunker Gear cleaning & repair	\$7,500.00					
Chief's Expenses	\$1,900.00					
Dock Rental	\$1,700.00					
Election Officers	\$400.00					
Fire Commissioners training	\$2,000.00					
Fire Prevention	\$2,500.00					
Fire Supplies	\$5,000.00					
Fuel	\$15,000.00					
Equipment Testing	\$17,000.00					
Insurance	\$90,000.00					
Legal	\$20,000.00					
LOSAP	\$123,600.00					
Fire Reporting	\$2,400.00					
Office Supplies	\$1,500.00					
Physical Exams	\$13,000.00					
Radio Repairs	\$4,000.00					
UTILITIES	\$33,000.00					
Training	\$2,500.00					
Secretary/Treasurer	\$15,600.00					
Truck Maintenance	\$55,000.00					
Tuxedo Fire District	\$21,500.00					
Tuxedo Fire Hydrants	\$6,000.00					
IT	\$2,900.00					
Total:	\$486,000.00					
A3410.2 Equipment						
5 Pagers	\$2,500.00					
Bunker Gear 5 Sets	\$17,000.00					
Equipment	\$12,000.00					
Hose	\$3,500.00					
Total:	\$35,000.00					
BOND BUILDING	\$313,000.00					
CApital Reserve:EQUIPMENT	\$65,000.00					
Capital Reserve:BUILDING	\$1,000.00					
Total Budget	\$900,000.00					

RECEIVED

SEP 28 2023

TOWN OF WARWICK  
TOWN CLERK

GREENWOOD LAKE JOINT FIRE DISTRICT

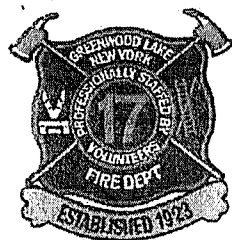
2024 PROPOSED BUDGET

2024 Total Proposed Budget	\$900,000.00
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Estimated Revenues	3,000.00
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Amount to be raised by real property taxes	\$897,000.00
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# Greenwood Lake Fire District

17 Mountain Lakes Lane  
P.O. Box 1388  
Greenwood Lake, NY 10925  
Phone (845) 595-1722 Fax (845) 595-1723



**RECEIVED**

September 28 2023

**SEP 28 2023**

**TOWN OF WARWICK  
TOWN CLERK**

Town Clerk  
Town of Warwick  
132 Kings Highway  
Warwick, New York 10990

Dear Sir or Madam:

We are enclosing a copy of a public Notice of the annual budget hearing for the Greenwood Lake Joint Fire District, regarding the proposed budget for the year 2024. Also enclosed is a copy of our proposed 2024 budget.

In accordance with the provisions of section 175-c of the Town Law, please post this notice on the bulletin board in your office and on the signboard of the Town maintained pursuant to section 30(6) of the Town Law. Please also post this notice on your Town website not sooner than September 27, 2023 and not later than October 2, 2023. You will note that the Notice states that a copy of the fire district's 2024 proposed budget is available at your office, where it may be inspected by any interested person during office hours. Please note that the posting(s) you make should remain until after the budget hearing date, October 17, 2023.

If you have any questions in connection with this matter, kindly contact our attorneys, Kornfeld, Rew, Newman & Simeone, 139 Lafayette Avenue, P.O. Box 177, Suffern, New York 10901 (845-357-2660) at your earliest convenience.

Very truly yours,

Dody A. Nicholas  
Secretary, Greenwood Lake Joint Fire District

**NOTICE**

PLEASE TAKE NOTICE that the Greenwood Lake Joint Fire District shall hold a public hearing to discuss the contents of its proposed budget for 2024. The public hearing will be conducted at the firehouse located at 17 Mountain Lakes Lane, Greenwood Lake, New York, at 7:30 p.m. on October 17, 2023. A copy of the proposed budget is available at the offices of the Town Clerk of the Town of Warwick and at the office of the Fire District Secretary where it may be inspected by any interested person. In addition, copies of the proposed budget for 2024 will be available at the aforesaid public hearing. All interested persons are invited to attend.

Dody A. Nicholas, Secretary  
Greenwood Lake Joint Fire District

State Environmental Quality Review Act (SEQR)  
**Notice of Public Scoping Session**  
Capozza Solar Site Plan and Special Use Permit (SUP)  
aka Four Corners Road Solar  
Town of Warwick, Orange County, NY

**RECEIVED**

SEP 28 2023

TOWN OF WARWICK  
TOWN CLERK

The Town of Warwick Planning Board, as Lead Agency, is reviewing an application from Four Corners Road NY LLC (Lightstar Renewables LLC), care of Jackie Basile for the development of a 55.4-acre site to construct a commercial large scale solar energy installation requiring site plan approval and a special use permit. The project would involve 15.85 acres of lot coverage, with the same acreage for land disturbance, on a 39.5-acre area of the 55.4-acre site. The site of the proposed development is 200 Ridge Road, Town of Warwick, Orange County New York.

The proposed action, also known as the Four Corners Road Solar Project, is a 3.2 megawatt (MW AC) community solar project which will generate clean electricity for New York residents and businesses. It is a commercial large scale solar energy system as defined by the Code of the Town of Warwick, Chapter 164 Zoning. The Project is proposed on approximately 39.5 acres of leased area on the project site located to the southeast of the intersection of Four Corners Road and East Ridge Road, in the Town of Warwick, New York (aka the "Project Site").

The proposed action consists of an array of 7,020 solar photo-voltaic (PV) panels mounted on single-axis tracking support systems and associated infrastructure including an 1,856 linear foot internal gravel access road, fencing, and an underground electrical collection system. The maximum height of each of the panels at the maximum tilt angle of sixty (60) degrees is nine feet and eleven inches (9' 11"). The electrical collection system will aggregate the output from the photovoltaic (PV) panels and convert the electricity from direct current (DC) to alternating current (AC) via inverters. The underground electrical collection system daylights aboveground near East Ridge Road where it will interconnect to an existing electrical distribution line owned by Orange & Rockland Utility (O&R). The Project is approved by O&R for interconnection and the renewable electrical energy will be delivered to utility customers.

The site consists predominantly of  $\pm 22.4$  acres of forested land (40.5 % of the site),  $\pm 7.2$  acres of meadow or brushland (13 % of the site),  $\pm 6.8$  acres of surface waters including wetlands and streams (12.3 % of the site) and  $\pm 0.5$  acres of roads, buildings and landscaping (1 % of the site). The applicant has proposed that the development will be largely contained within the agricultural areas of the site, preserving almost all of the forested (22.3 acres) and meadow (7 acres) areas, which preserved area makes up 53% of the 55 $\pm$ -acre site. Similarly, the development will preserve all, but 0.01 acres of the site's surface waters, including wetlands and streams (6.8 acres), which preserved area makes up 12.3% of the 55 $\pm$ -acre site, leaving approximately 65 percent of the site in its natural condition.

The project site is located in the following Town of Warwick Zoning districts: Rural (RU) district; Agricultural Protection Overlay (AP-O); Ridgeline Overlay (RL-O 1); and Biodiversity Conservation Overlay (BC-O).

By adopting a SEQR Positive Declaration (Determination of Significance) on September 20, 2023, the Planning Board has required the applicant to prepare a Draft Environmental Impact Statement (DEIS) to address potential environmental impacts of the project. Involved and Interested Agencies, residents and other members of the public are invited to participate in defining the scope (or contents) of the DEIS reflecting their concerns and information needs.

On October 18, 2023 at 7:30 PM, the Planning Board will hold a public scoping session at the Town of Warwick Town Hall, 132 Kings Highway, Town of Warwick, NY 10990. The applicant has prepared a Draft Scoping Document that outlines the areas they have proposed for study in the DEIS. This document is available in the Planning Department at Town Hall for review or reproduction at 25¢ per page. The document is also available at the Wisner Library for viewing and on the Internet for viewing, downloading, or printing at <http://www.townofwarwick.org>. Written comments on the Draft Scoping Document are welcomed. Persons attending the public scoping session will have an opportunity to speak to make their scoping suggestions known. The period for submitting written comments on the scope of the DEIS will close on October 30, 2023. Comments should be submitted by that date to Connie Sardo, Town of Warwick Planning Board, 132 Kings Highway, Warwick, NY 10990. Afterwards, the Planning Board will issue a Final Scoping Document.

**This Notice and the Draft Scoping Document Sent to:**

Four Corners Road NY LLC (Lightstar Renewables LLC), c/o Jackie Basile

Supervisor Michael Sweeton

Town Board of the Town of Warwick

Town of Warwick Planning Board

Town of Warwick Zoning Board of Appeals

Town of Warwick Conservation Advisory Board

Orange County Dep't. of Planning

New York State Department of Environmental Conservation

United States Army Corps of Engineers

Environmental Notice Bulletin

[enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

617.7  
State Environmental Quality Review (SEQR)  
**Resolution Adopting Positive Declaration and  
Scoping of the Draft EIS**

**Name of Action:** Capozza Solar Site Plan and Special Use Permit (SUP) aka Four Corners Road Solar

**Whereas**, Four Corners Road NY LLC (Lightstar Renewables LLC) (hereafter referred to as the “applicant”) submitted an application for Site Plan Review and Approval and an application for a Special Use Permit to the Town of Warwick Planning Board (hereafter referred to as the “Planning Board”), to develop a ± 55.4 acre parcel of land located at 200 Ridge Road, identified as Section 23, Block 1, Lot 17; and

**Whereas**, at the regular Planning Board meeting On November 16, 2022, the Board adopted a resolution determining that the proposal is a Type I Action as per the New York State Environmental Quality Review Act (SEQRA) regulations, sections 617.4 and 617.5, subsections, declared their intent to act as Lead Agency and authorized circulation of a lead agency request letter to all other involved agencies;

**Whereas**, the Planning Board, has been designated as the SEQR Lead Agency for conducting the environmental review of this Type 1 Action following a Coordinated Review with other Involved Agencies; and

**Whereas**, the Planning Board has reviewed the Full Environmental Assessment Form (FEAF), Parts 1, 2 and 3, for the proposed project, the Criteria For Determining Significance contained in 6 NYCRR 617.7(c), and the applicant's proposed Site Plan dated July 17, 2023; and

**Whereas**, the Planning Board has determined that the proposed project has the potential to have a significant adverse impact on the environment and has set forth the potential impacts that may reasonably be expected to result from the proposed action in a Positive Declaration attached to this Resolution; and

**Whereas**, the Planning Board desires public participation in the process of the SEQR review of the proposed action via a public scoping process;

**Now Therefore Be It Resolved**, that the Planning Board hereby adopts the attached Notice of Positive Declaration; and

**Be It Further Resolved**, that the Planning Board hereby sets a public scoping session which shall be held on Wednesday, October 18, 2023 at 7:30 PM at the Town of Warwick Town Hall, 132 Kings Highway, Warwick NY 10990; and

**Be It Further Resolved**, that the Planning Board hereby authorizes its Chairman to circulate the attached Notice of Positive Declaration and Scoping Session to all other involved and interested agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and to notify the public about the scoping process.

On a motion Rich Purcell, seconded by Dennis McConnell, and a vote of  
4 for, and 0 against, and 1 absent, this resolution was adopted on  
September 20, 2023.

617.7 and 617.12

State Environmental Quality Review (SEQR)

Positive Declaration

Notice of Intent to Require Preparation of a Draft Environmental Impact Statement (DEIS)  
Determination of Significance and Scoping of the Draft EIS

Date: Wednesday, September 20, 2023

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:** Capozza Solar Site Plan & Special Use Permit (SUP) aka Four Corners Road Solar, Tax Parcel number Section 23, Block 1, Lot 17

**SEQR Status:**      **Type I**      ☒  
                                 **Unlisted**      ☐

**Description of Action:**

The proposed action involves the development of a 55.4-acre site to construct a commercial large scale solar energy installation requiring site plan approval and a special use permit. The project would involve 15.85 acres of lot coverage, with the same acreage for land disturbance, on a 39.5-acre area of the 55.4-acre site. The Applicant is Four Corners Road NY LLC (Lightstar Renewables LLC).

The proposed action, also known as the Four Corners Road Solar Project, is a 3.2 megawatt (MW AC) community solar project which will generate clean electricity for New York residents and businesses. It is a commercial large scale solar energy system as defined by the Code of the Town of Warwick, Chapter 164 Zoning. The Project is proposed on approximately 39.5 acres of leased area on the project site located to the southeast of the intersection of Four Corners Road and East Ridge Road, in the Town of Warwick, New York (aka the "Project Site").

The proposed action consists of an array of 7,020 solar photo-voltaic (PV) panels mounted on single-axis tracking support systems and associated infrastructure including an 1,856 linear foot internal gravel access road, fencing, and an underground electrical collection system. The maximum height of each of the panels at the maximum tilt angle of sixty (60) degrees is nine feet and eleven inches (9' 11"). The electrical collection system will aggregate the output from

the photovoltaic (PV) panels and convert the electricity from direct current (DC) to alternating current (AC) via inverters. The underground electrical collection system daylights aboveground near East Ridge Road where it will interconnect to an existing electrical distribution line owned by Orange & Rockland Utility (O&R). The Project is approved by O&R for interconnection and the renewable electrical energy will be delivered to utility customers.

The site consists predominantly of ±22.4 acres of forested land (40.5 % of the site), ± 7.2 acres of meadow or brushland (13 % of the site), ±6.8 acres of surface waters including wetlands and streams (12.3 % of the site) and ± 0.5 acres of roads, buildings and landscaping (1 % of the site). The applicant has proposed that the development will be largely contained within the agricultural areas of the site, preserving almost all of the forested (22.3 acres) and meadow (7 acres) areas, which preserved area makes up 53% of the 55±-acre site. Similarly, the development will preserve all, but 0.01 acres of the site’s surface waters, including wetlands and streams (6.8 acres), which preserved area makes up 12.3% of the 55±-acre site, leaving approximately 65 percent of the site in its natural condition.

**Location:** 200 Ridge Road, Town of Warwick, Orange County New York  
Rural (RU) district; Agricultural Protection Overlay (AP-O); Ridgeline Overlay (RL-O 1); and Biodiversity Conservation Overlay (BC-O)  
Zoning districts  
Section 23, Block 1, Lot 17



**Reasons Supporting This Determination:**

1. The proposed action may have a large impact on agricultural resources, specifically, the proposed action may impact on the site's soils classified within soil group 1 through 4 of the New York State land classification system. The site is located in a designated agricultural district certified pursuant to Agriculture and Markets law, Article 25-AA (ORAN002) and includes 27.8 acres per the Web Soil Survey (WSS) Farmland Classification.
2. The proposed action may have a large impact on agricultural resources, specifically, the proposed action may result in the excavation or compaction of the soil profile of active agricultural land.
3. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and scenic or aesthetic resources. Specifically, the proposed action may be visible from an officially designated federal, state, or local scenic or aesthetic resource. Refer to New York State Department of Environmental Conservation (NYSDEC) DEO-00-2 Assessing and Mitigating Visual and Aesthetic Impacts. The site may be visible from:
  - a. Hudson River Valley National Heritage Area;
  - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
  - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district);
  - d. Bellvale to Esopus Ridgeline (a regional ridgeline running adjacent to the Appalachian National Scenic trail in the Town of Warwick, through numerous high points in Warwick, near the site of the Proposed Action, crossing Ridge Road, and beyond Warwick, continuing north in Orange County into Ulster County to the Town of Esopus [Orange County GIS mapping]);
  - e. Ridge Road (public road);
  - f. Sky View Road (public road);
  - g. West Meadow Way (public road);
  - h. Kay's Way (private road);
  - i. Neil Drive (private road); and
  - j. Properties adjacent to the site of the proposed action.
4. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and scenic or aesthetic resources. Specifically, the proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. The site may be visible from:
  - a. Hudson River Valley National Heritage Area;
  - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);

- c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district); and
  - d. Bellvale to Esopus Ridgeline (see description above).
5. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and scenic or aesthetic resources. Specifically, the proposed action may be visible from publicly accessible vantage points. The site may be visible:
- a. Seasonally for example screened by summer foliage but visible during other seasons; and
  - b. year round.
6. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and scenic or aesthetic resources. Specifically, the situation or activity in which viewers are engaged while viewing the proposed action may be:
- a. Routine travel by residents, including travel to and from work;
  - b. Recreational or tourism based activities; or
  - c. Views from residences or residential properties.
7. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and scenic or aesthetic resources. Specifically, the proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resources. The site may be visible from:
- a. Hudson River Valley National Heritage Area;
  - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
  - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district);
  - d. Bellvale to Esopus Ridgeline (see description above);
  - e. Ridge Road (public road);
  - f. Sky View Road (public road); and
  - g. West Meadow Way (public road).
8. The proposed action may have a large impact as it is not consistent with community plans, including adopted land use plans, specifically, the proposed action's land use components are different from or in sharp contrast to current surrounding land use patterns. The site may be visible from:

- a. Hudson River Valley National Heritage Area (designated by the US Congress);
  - b. Agricultural Protection Overlay (AP-O) zoning district (zoning provisions adopted by the Town Warwick based on the 2016 Comprehensive Plan); and
  - c. Ridgeline Overlay (RL-O 1) zoning district (zoning provisions adopted by the Town Warwick based on the 2016 Comprehensive Plan).
9. The proposed action may have a large impact as it is not consistent with community character, or is inconsistent with the existing community character, specifically, the proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. The site may be visible from:
- a. Hudson River Valley National Heritage Area;
  - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
  - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district);
  - d. Bellvale to Esopus Ridgeline (see description above);
  - e. Ridge Road (public road);
  - f. Sky View Road (public road); and
  - g. West Meadow Way (public road).
10. Additionally, the proposed action may have the following moderate impacts:
- a. The proposed action may have a moderate impact on land because it may involve construction on, or physical alteration of, the land surface of the proposed site. Specifically, the proposed action may involve construction on land where depth to water table is less than three feet;
  - b. The proposed action may have a moderate impact on land because it may involve construction on, or physical alteration of, the land surface of the proposed site. Specifically, the proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including treatment by herbicides);
  - c. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may involve construction within or adjoining a freshwater wetland or in the bed or banks of any other water body.
  - d. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments.
  - e. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

- f. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.
- g. Additionally, a water rights concern was brought to the attention of the Planning Board that may be related to deed issues.

**Scoping:**

A public scoping session will be held on Wednesday, October 18, 2023 at 7:30 PM at the town of Warwick Town Hall, 132 Kings Highway, Warwick, NY 10990

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 <https://www.townofwarwick.org/>. The Draft Scoping Document, once submitted, will also be available for public review at the Town of Warwick Planning Board offices. The Public Scoping Session is scheduled, as set forth above, to discuss and comment on the Scoping Document. Additionally, written comments on the scoping outline will be accepted until Monday, October 30, 2023. Following the public Scoping Session, and consideration of any written comments received, the Planning Board will prepare and distribute a Final Scoping Document.

**For Further Information:**

**Contact Person:** Connie Sardo, Planning Board Secretary  
**Address:** Town of Warwick Planning Board  
132 Kings Highway  
Warwick, NY 10990  
**Telephone:** 845-986-1120

**A Copy of this Notice Filed With:**

Four Corners Road NY LLC (Lightstar Renewables LLC), c/o Jackie Basile  
Supervisor Michael Sweeton  
Town Board of the Town of Warwick  
Town of Warwick Planning Board  
Town of Warwick Zoning Board of Appeals  
Town of Warwick Conservation Advisory Board  
Orange County Department of Planning and Development  
New York State Department of Environmental Conservation

United States Army Corps of Engineers

Environmental Notice Bulletin  
[enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

ENCLOSURES:

- Full Environmental Assessment Form (Full EAF) Part 2; and
- Full EAF Part 3; and
- Draft Scoping Document dated September 27, 2023.

Full Environmental Assessment Form  
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project : T Warwick - Capozza 4 Corners Solar

Date : Adopted w Pos Dec September 20, 2023

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

- \* Indicates a potentially small impact
- \*\* Indicates a potentially moderate impact
- \*\*\* Indicates a potentially large impact

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)

If “Yes”, answer questions a - j. If “No”, move on to Section 2.

Relevant Part I Question(s)

No, or small impact may occur

Moderate to large impact may occur

a. The proposed action may involve construction on land where depth to water table is less than 3 feet.

E2d

☐

☒ \*\*

b. The proposed action may involve construction on slopes of 15% or greater.

E2f

☒

☐

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

E2a

☒

☐

d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.

D2a

☒

☐

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

D1e

☒

☐

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

D2e, D2q

☐

☒ \*\*

g. The proposed action is, or may be, located within a Coastal Erosion hazard area.

B1i

☒

☐

h. Other impacts:

☐

☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

If "Yes", answer questions a - c. If "No", move on to Section 3.

Relevant Part I Question(s)

No, or small impact may occur

Moderate to large impact may occur

a. Identify the specific land form(s) attached:

E2g

b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.  
Specific feature:

E3c

c. Other impacts:

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

If "Yes", answer questions a - l. If "No", move on to Section 4.

Relevant Part I Question(s)

No, or small impact may occur

Moderate to large impact may occur

a. The proposed action may create a new water body.

D2b, D1h

b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

D2b

c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

D2a

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

E2h

\*\*

e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.

D2a, D2h

\*\*

f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

D2c

g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

D2d

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

D2e

\*\*

i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

E2h

\*\*

j. The proposed action may involve the application of pesticides or herbicides in or around any water body.

D2q, E2h

k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

D1a, D2d

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>



g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/> *	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/> *	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☐ NO
☒ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/> * * *
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/> * * *
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> <div><input type="checkbox"/> NO<input checked="" type="checkbox"/> YES</div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input checked="" type="checkbox"/> ***
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input checked="" type="checkbox"/> ***
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> *** <input checked="" type="checkbox"/> ***
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> *** <input checked="" type="checkbox"/> ***
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input checked="" type="checkbox"/> ***
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile <div>5+ mile</div> Sandford Elementary School Solar	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i> <div><input checked="" type="checkbox"/> NO<input type="checkbox"/> YES</div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.  
(See Part 1. D.2.j)  
*If “Yes”, answer questions a - f. If “No”, go to Section 14.*

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.  
(See Part 1. D.2.k)  
*If “Yes”, answer questions a - e. If “No”, go to Section 15.*

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part 1. D.2.m., n., and o.)  
*If “Yes”, answer questions a - f. If “No”, go to Section 16.*

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q, E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)  
If "Yes", answer questions a - h. If "No", go to Section 18.

☐ NO

☒ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/> ***
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)  
If "Yes", answer questions a - g. If "No", proceed to Part 3.

☐ NO

☒ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input checked="" type="checkbox"/> ***
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**Full Environmental Assessment Form**

**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**

**and**

**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

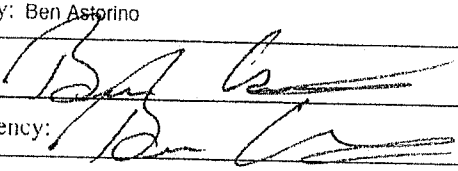
Refer to the Positive Declaration Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) Determination of Significance for the Proposed Action (Capozza Solar Site Plan & Special Use Permit [SUP] aka Four Corners Road Solar) adopted by the Town of Warwick Planning Board, as Lead Agency, on September 20, 2023

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3



Upon review of the information recorded on this EAF, as noted, plus this additional support information	
<hr/> <hr/>	
and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:	
<input type="checkbox"/> A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.	
<input type="checkbox"/> B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency: <hr/> <hr/> <hr/>	
There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).	
<input checked="" type="checkbox"/> C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.	
Name of Action: Capozza Solar Site Plan & SUP aka Four Corners Road Solar	
Name of Lead Agency: Town of Warwick Planning Board	
Name of Responsible Officer in Lead Agency: Ben Astorino	
Title of Responsible Officer: Chairman	
Signature of Responsible Officer in Lead Agency: 	Date: 9/27/23
Signature of Preparer (if different from Responsible Officer)	Date:
<b>For Further Information:</b> Contact Person: Connie Sardo, Planning Board Secretary, Town of Warwick Planning Board Address: 132 Kings Highway, Warwick, NY 10990 Telephone Number: 845-986-1120 E-mail: <a href="mailto:planning@townofwarwick.org">planning@townofwarwick.org</a>	
<b>For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:</b> Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of) Other involved agencies (if any) Applicant (if any) Environmental Notice Bulletin: <a href="http://www.dec.ny.gov/enb/enb.html">http://www.dec.ny.gov/enb/enb.html</a>	

## **FOUR CORNERS ROAD SOLAR PROJECT**

### **DRAFT SCOPING DOCUMENT**

FOR THE

### **Draft Environmental Impact Statement**

### **TOWN OF WARWICK**

Lead Agency, State Environmental Quality Review Act

**SEPTEMBER 27, 2023**

### **INTRODUCTION**

The State Environmental Quality Review Act (SEQRA) process has recently been initiated for a proposed action: the Four Corners Road Solar Project. The Four Corners Road Solar Project (hereafter referred to as the Project) is a 3.2-megawatt (MW) community solar project which will generate clean electricity for New York residents and businesses and help the State achieve the renewable energy goals codified in the Climate Leadership and Community Protection Act. The Project is considered a commercial large-scale solar energy system as defined by the Town of Warwick Town Code and is located on approximately 39.5 acres of leased area on a +/-55.3-acre property (tax parcel 23-1-17) located to the southeast of the intersection of Four Corners Road and East Ridge Road, in the Town of Warwick, New York (the "Project Site"). The Project consists of an array of solar photo-voltaic (PV) panels mounted on single-axis tracking support systems and associated infrastructure including an internal gravel access road, fencing, and an underground electrical collection system within a 15.85-acre limit of disturbance. The electrical collection system will aggregate the output from the PV panels and convert the electricity from direct current (DC) to alternating current (AC) via inverters. The electrical collection system daylights aboveground near East Ridge Road where it will interconnect to an existing electrical distribution line owned by Orange & Rockland Utility (O&R). The Project is approved for interconnection and the renewable electrical energy will be delivered to utility customers.

### **PURPOSE OF THE DRAFT SCOPING DOCUMENT IN SEQRA**

The basic purpose of SEQRA is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional, and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare or request an Environmental Impact Statement (EIS). It was the intention of the State Legislature that the protection and enhancement of the environment, human and community resources should be

given appropriate weight with social and economic considerations, and that those factors be considered together in reaching decisions on proposed actions. It is not the intention of SEQRA that environmental factors be the sole consideration in decision-making.

This draft scoping document represents an initial step in the review of potential environmental impacts under SEQRA for the proposed solar facility. The primary goals of scoping are to focus an EIS on potentially significant impacts and to eliminate consideration of those impacts that are not relevant or non-significant with respect to the Project. The purpose of this draft scoping document is to provide an opportunity for involved agencies, interested agencies, and the public to review and comment on the identification of significant environmental conditions and resources that may be affected by the Project, and the extent and quality of information necessary to address those issues during the SEQRA process.

Pursuant to New York State Environmental Conservation Law Article 8, SEQRA and Part 617 of Chapter 6 of the New York Code of Rules and Regulations (NYCRR), and the adoption of a positive declaration by the Town of Warwick Planning Board acting as the SEQRA Lead Agency on September 20, 2023, the Town of Warwick requires the preparation of a Draft Environmental Impact Statement (DEIS) for the Project. In accordance with SEQRA, the DEIS will address specific adverse environmental impacts which can reasonably be anticipated consistent with parts 1, 2, and 3 of the Full Environmental Assessment Form. This scoping document identifies the significant environmental conditions and resources that may be affected by the Project and defines the extent and quality of information necessary to address those issues.

The DEIS will include all elements required by 6 NYCRR 617.9, including:

- i. **DEIS Cover Sheet.** All draft and final EISs must be preceded by a cover sheet stating whether it is a draft or final EIS; the name or descriptive title of the action; the location (county and town, village or city) and street address, if applicable, of the action; the name and address of the Lead Agency and the name and telephone number of a person at the agency who can provide further information; the names of individuals or organizations that prepared any portion of the statement; the date of its acceptance by the Lead Agency; and the date by which comments must be submitted.
- ii. **DEIS Table of Contents.** The table of contents will include listings of DEIS sections, tables, figures, maps, appendices, attachments and any items that may be submitted under separate cover (and identified as such).

In addition, the DEIS shall include the following sections:

**1.0 EXECUTIVE SUMMARY**

The executive summary will include a brief description of the Project and a listing of potential environmental impacts and proposed mitigation measures. A summary will also be provided

of the approvals and permits required, and the alternatives to the Project that are evaluated within the DEIS.

## **2.0 DESCRIPTION OF THE PROJECT**

As described in more detail in the following sections, this chapter of the DEIS will include a comprehensive description of the site and will provide a detailed discussion of the Project.

### **2.1 Site Description**

This section of the DEIS will characterize the size, geographic boundaries, and physiographic characteristics of the Project Site. The Project Site is located southeast of the intersection of Four Corners Road and East Ridge Road. The land uses within the vicinity of the Project Site will also be discussed.

### **2.2 Detailed Description of the Project**

The purpose, size, and layout of the proposed Project will be described in this section of the DEIS. Maps, graphics, renderings, and/or plans will be provided showing the proposed Project, including the solar arrays, associated structures, fencing, and site access.

### **2.3 Purpose, Need and Benefits**

A statement describing the purpose and need for the Project will be provided, along with background and history of the Project. This section will also include a brief overview of the environmental, social and/or economic benefits that are anticipated to result from the Project. This will include an estimate of employment opportunities (both temporary construction jobs and permanent staff jobs) that are anticipated to result from the Project.

### **2.4 Construction and Operation**

This section of the DEIS will describe construction of the proposed Project, including construction schedule/duration, construction staging and parking, anticipated construction employment, construction sequencing, and routing of construction traffic along local roads. The construction schedule will be compliant with the State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP) 0-20-001.

### **2.5 Reviews, Approvals and Other Compliance Determinations**

Governmental agencies having approval over the Project will be listed in this section, with an explanation of the nature of their jurisdiction and the specific approvals required from each listed entity.

### **3.0 EXISTING CONDITIONS, POTENTIAL IMPACTS, AND MITIGATION MEASURES**

With respect to each issue (or set of issues) described below in the various resource sections, the corresponding section of the DEIS will identify in sequence: the existing environmental conditions; the potential impacts of the proposed Project; and anticipated measures to avoid, minimize, and/or mitigate those impacts, as appropriate. The impacts and mitigation measures presented in these sections will include those related to the proposed solar facility operation as well as its construction.

The text of these sections will be supplemented with maps, graphics, agency correspondence and agency data/analyses, Geographic Information System (GIS) data and completed support studies as necessary to convey the required information. The sections listed below have been identified to correspond to the potential impacts identified in the Town of Warwick SEQRA Positive Declaration Resolution.

#### **3.1 Soils**

This section will evaluate and describe soil types on the Project Site as classified by the U.S. Department of Agriculture and the New York State Department of Agriculture and Markets. Potential impacts to soil resources could result from construction of the facility. Descriptions of existing conditions will be based upon published data (e.g., the Soil Survey of Orange County, electronic data from the Natural Resources Conservation Service, topographic mapping from the U.S. Geological Service, New York State Department of Agriculture and Markets), and data from the Applicant's on-site geotechnical study.

Potential impacts associated with the proposed Project will be identified and evaluated relative to the characterization of existing conditions provided in the sources noted above. This section will also describe any mitigation measures that will be used to avoid, minimize, or mitigate impacts to soils, including an approved erosion and sediment control plan.

#### **3.2 Surface Water Resources**

This section of the DEIS will describe surface water resources and stormwater at the Project Site. Existing conditions, potential impacts and mitigation measures will be evaluated for each resource.

##### Surface Waters

The section will describe surface waters (e.g., wetlands, streams) on and adjacent to the Project Site, including their respective state and federal classifications. If relevant and applicable, the DEIS will identify the need for any permits or approvals required under Sections 401 and 404 of the Clean Water Act or Article 15 of the New York State Environmental Conservation Law. Any Project-related impacts to surface water resources will be described, along with proposed measures to avoid, minimize and/or mitigate such impacts.

### Stormwater

The DEIS will describe anticipated construction related impacts to drainage, stormwater runoff, and consequent effects upon water quality in the vicinity of the construction site. This section will be informed by the site-specific Storm Water Pollution Prevention Plan (SWPPP) prepared for the Project. The SWPPP describes measures for controlling runoff and pollutants from the Project Site during and after construction activities. Typical components of SWPPPs include measures that reduce or eliminate erosion and sedimentation, control volume and peak rate of stormwater runoff, and maintain stormwater controls during and after completion of construction. The SWPPP will be included as an Appendix to the DEIS.

### **3.3 Community Character and Visual Resources**

#### Community Character

This section of the DEIS will describe the existing character of the Project Site and adjacent community based on the visual assessment study prepared for the Project and previously prepared and adopted planning documents that include the Project Site vicinity. The DEIS will identify how the proposed Project may affect the character of the community, and mitigation measures will be identified, as needed.

#### Visual Resources

The DEIS will describe the existing visual character in the vicinity of the Project Site, evaluate visual impacts associated with construction and operation of the proposed solar facility, and recommend measures to avoid, minimize, or mitigate any adverse impacts to aesthetic resources.

Analysis will include identification of public recreational areas, visually sensitive sites and/or critical views within (approximately) 5 miles of the proposed facility, with emphasis on views from publicly accessible areas and recreational resources surrounding the Project Site. The potential visual effect of the Project to the following will also be evaluated: Hudson River Valley National Heritage Area; Town of Warwick Agricultural Protection Overlay zoning district; Town of Warwick Ridgeline Overlay zoning district; Bellvale to Esopus Ridgeline; and adjacent public and private roads in the Town of Warwick. Photographs will be taken to document existing conditions. The DEIS will include a "leaf-on" and "leaf-off" Photo-simulation and Line-of-Sight diagrams from public vantage points to analyze the visual change resulting from the completed Project and proposed landscaping mitigation.

The DEIS will evaluate potential mitigation measures involving vegetative screening as per §164-46J (97) of the Town Code that specifies: *"Solar panels shall be adequately screened from adjacent properties to minimize views, taking into consideration the need for southern exposure."*

#### **4.0 UNAVOIDABLE ADVERSE IMPACTS**

This section of the DEIS will identify impacts that are likely to occur despite mitigation measures and will compare these unavoidable impacts to Project-related benefits. This section will also identify general avoidance and mitigation measures (e.g., adherence to applicable regulatory requirements), and specific mitigation measures (e.g., development of a SWPPP).

#### **5.0 ALTERNATIVES ANALYSIS**

The DEIS will include a description and evaluation of the range of reasonable site design alternatives to the Project. Alternatives to be considered will include at a minimum, the “no action” alternative, and one or more alternatives with varied site layouts and scale, and the use of differing solar array panels and racking systems.

#### **6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

This section of the DEIS will identify those natural and man-made resources consumed, converted, or otherwise made unavailable for future use as a consequence of the proposed Project.

#### **7.0 CUMULATIVE IMPACTS**

The DEIS will evaluate the potential cumulative impacts of the proposed Project along with other relevant projects developed or proposed projects in the Project Site vicinity. The cumulative impacts evaluation will focus on the areas of potential adverse impact studied in this statement (i.e., soils, surface water resources, and community character and visual resources).

#### **8.0 GROWTH INDUCING ASPECTS**

This section of the DEIS will describe potential growth-inducing aspects the proposed facility may have with respect to additional development in the vicinity of the Project Site.

#### **9.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES**

This section of the DEIS will describe the effect of the proposed Project on the use and conservation of energy.

#### **10.0 REFERENCES**

This section of the DEIS will list any sources of information cited directly within the narrative text.

## **APPENDICES TO ACCOMPANY DEIS**

At a minimum, and as described in more detail in the previous sections, the following materials will be included to supplement the information presented within the narrative:

- Relevant maps and figures
- Project plans, specifications, and/or construction information
- Relevant agency correspondence
- Visual Assessment
- Glare Study
- Stormwater Pollution Prevention Plan (SWPPP)



**LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will hold a public hearing to consider forming a Special District, pursuant to article 12-A of Town Law, entitled Hillside Water District”. Said Public Hearing to be held on Thursday, October 12, 2023 at 7:15pm or soon thereafter as the matter be heard at the Town Hall, 132 Kings Highway, Warwick, NY

**All interested persons will be given the opportunity to be heard.**

**DATED: October 4, 2023**

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
Eileen M. Astorino  
Town Clerk**

**Township of West Milford**  
Passaic County, New Jersey

**~ Ordinance 2023 – 022 ~**

**ORDINANCE AMENDING SECTION 300-42 REMOVAL OF SEPTIC TANK SLUDGE AND 300-46  
FEES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP**

**BE IT ORDAINED** by the Governing Body of the Township of West Milford, County of Passaic,  
State of New Jersey as follows:

**SECTION 1.** Chapter 300 Sewers Section 42 Removal of Septic Tank Sludge is amended as follows:  
§300-42 Removal of septic tank sludge

- A. Any person, partnership, firm or corporation who or which empties, relieves or pumps out all or a portion of an individual or non-individual sewage disposal system within the Township of West Milford shall first apply to the Department of Health to become a licensed septic sludge removal operator and submit a list of addresses of all sludge removal performed during the prior licensing term in the Township and the date of the removal. Any such license shall be for a term of one year from July 1<sup>st</sup> through June 30<sup>th</sup> and shall be subject to the payment of a fee as provided in §300-46.
- E. The Department of Health may suspend or refuse to renew the license of any septic sludge removal operator who fails to comply with this article. The license shall be revoked if the licensee fails to timely submit permits of more than 10% of the sludge removals performed during the prior three-month period and/or submitted with incomplete or inaccurate information. Renewal shall be denied if 5% of the sludge removals performed during the prior license term were not submitted in a timely manner and/or submitted with incomplete or inaccurate information.

**SECTION 2.** Chapter 300 Sewers Section 46 Fees is amended as follows:  
§300-46 Fees – fees and charges are herewith established as set forth below:

- \$100 for up to 10 septic pumping permits;
- \$200 for up to 25;
- \$300 for up to 50;
- \$400 for up to 100; and
- \$500 for unlimited permits

If a licensee requires additional permits during the license term, they shall be credited with the amount previously paid.

**SECTION 3.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

**Township of West Milford**  
Passaic County, New Jersey

**~ Ordinance 2023 - 024 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ZONING SECTION 500-12 AREA AND YARD REQUIREMENTS AND SECTION 500-72 NON-CONFORMING LOTS, STRUCTURES AND USES TO CHANGE THE PERMITTED MAXIMUM BUILDING COVERAGE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP**

**WHEREAS**, the Mayor and Township Council determined that maximum building coverage for accessory structures was not consistent for residential zones and unnecessarily limited the maximum size of said structures; and

**WHEREAS**, the Mayor and Township Council wish to clarify the ordinance provisions for the maximum size and coverage for accessory structures in residential zones; and

**WHEREAS**, the Mayor and Township Council have determined that clarifying the ordinance would be beneficial to the general welfare of the community; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

**SECTION 1.** Chapter 500 "Zoning" Section 500-12 Area and Yard Requirements is amended to read as follows:

§ 500-12 Area and Yard Requirements

A. Individual sewerage and water facilities.

		Detached Dwellings			
Minimum Requirements		R-4	R-3	R-2	R-1
Principal building					
Lot area (acres)		4	3	2	1
Lot frontage (feet)		300	250	200	150
Lot width (feet)		300	250	200	150
Lot depth (feet)		275	250	225	200
Side yard, each (feet)		60	50	40	30
Front yard (feet)		125	100	75	50
Rear yard (feet)		125	100	75	50
Accessory building					
Minimum distance to:					
Side line (feet)		50	50	30	15
Rear line (feet)		50	50	30	15
Other buildings (feet)		20	20	20	20
Maximum building coverage					

	Detached Dwellings			
Minimum Requirements	R-4	R-3	R-2	R-1
Principal building	10%	10%	10%	10%
Accessory building, maximum square feet footprint	3,000	3,000	3,000	3,000
Accessory structures, maximum coverage	3%	3%	3%	3%

B. With central sewerage and water facilities and located within a wastewater management service area.

		Detached Dwellings			
Minimum Requirements		R-3	R-2	R-1	R-1/I
Principal building					
	Lot area (square feet)	25,000	20,000	15,000	15,000
	Lot frontage (feet)	140	125	110	110
	Lot width (feet)	140	125	110	110
	Lot depth (feet)	175	150	125	125
	Side yard, each (feet)	40	30	25	25
	Front yard (feet)	50	40	35	35
	Rear yard (feet)	70	60	45	45
Accessory building					
Minimum distance to:					
	Side line (feet)	15	10	10	10
	Rear line (feet)	15	10	10	10
	Other building (feet)	20	15	15	15
Maximum building coverage					
	Principal building	10%	10%	10%	10%
	Accessory building, maximum square feet footprint	3,000	3,000	3,000	3,000
	Accessory structures, maximum coverage	3%	3%	3%	3%

SECTION 2. Chapter 500 "Zoning" Section 500-72 Nonconforming lots, structures and uses is amended to read as follows:

§ 500-72 Nonconforming lots, structures and uses

A. Lots

(4) Any lot not conforming to the present zoning regulations and being developed pursuant to this chapter shall be subject to the May 7, 1969, zoning standards, including the standards for maximum lot coverage, except that the following building coverage limitations shall not be exceeded:

Present Zone	Accessory Building (square feet)
LR	3,000
R-1	3,000
R-2	3,000
R-3	3,000
R-4	3,000

**SECTION 3.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST: TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

## Township of West Milford

Passaic County, New Jersey

### ~ Ordinance 2023 - 026 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ZONING TO PERMIT LICENSED CANNABIS RETAILERS TO HAVE A WALK-UP WINDOW AND AMENDING SECTION 500-193 CANNABIS RETAILER SECTION TO ESTABLISH WALK-UP WINDOW STANDARDS AND ADDING DEFINITIONS TO SECTION 500-195 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP**

**WHEREAS**, the Mayor and Township Council determined that there may be a necessity for walk-up windows at cannabis retailers; and

**WHEREAS**, the Mayor and Township Council wish to clarify the ordinance provisions for cannabis retailers to permit walk-up windows and to provide standards for those facilities; and

**WHEREAS**, the Mayor and Township Council have determined that clarifying the ordinance would be beneficial to the general welfare of the community; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

**SECTION 1.** Chapter 500 "Zoning" Section 500-193 Cannabis Retailer is amended and supplemented to read as follows:

§ 500-193 Cannabis retailer.

- A. Cannabis retailer shall be a permitted use in all zones of the Township of West Milford, with the exception that no such permitted use shall occur in any residential zone (LR, R-1, R-2, R-3, R-4, R-1I, R-1PN, SHD/R-2 Zones), and subject to the following:
- (1) Eligible locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
  - (2) Location: Cannabis retailers shall be separate and distinct from growing operations.
  - (3) Buildings: All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
  - (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
  - (5) Site plan approval: When seeking site plan approval, the applicant for cannabis retailers services shall submit a safety and security plan and emergency services access plan.
  - (6) Accessibility: Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
  - (7) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
  - (8) Interior security: Cannabis retailers interiors shall provide a secure location for storage of products with minimum products in any customer service area.
  - (9) Exterior loitering and security: People shall not be permitted to congregate outside of a cannabis retailer, loiter or wait in line to access the cannabis retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
  - (10) Product consumption: No products shall be permitted to be consumed on-site.
  - (11) State license: The facility must have a valid license to operate from the State of New Jersey.

- (12) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of New Jersey and the Township of West Milford.
- (13) Walk-up or service windows ("curbside retail sales"): Licensed cannabis retailers are permitted to operate walk-up windows subject to the following regulations:
  - (a) Service windows must comply with N.J.A.C. 17:30-14.4 "Curbside retail sales."
  - (b) Walk-up windows shall be used only for online pick-up orders placed prior to the customer arriving on site.
  - (c) An informational sign must be posted at each walk-up window, in a place visible to customers utilizing the service window, informing customers of the retailer's procedures for walk-up windows and the legal age to purchase cannabis products.
  - (d) Walk-up windows must remain securely closed at all times except when opened to take an order or complete a transaction. The window must not be left open when unattended. When the service window is closed to the public, the window must be secured using security shutters.
  - (e) Procedure: the cannabis retailer shall establish a process for the utilization of the walk-up window, to include at least the following and in accordance with N.J.A.C. 17:30-14.4:
    - [1] Customers must have their government-issued identification and online order confirmed.
    - [2] As required by N.J.A.C. 17:30-14.3(d)1-5, the employee will confirm that the customer has not exceeded the daily allowed limit of cannabis products.
    - [3] A secure method to transfer payment and product(s) must be established.
  - (f) The receipt given to the customer must include the company's name, address, license number, telephone number, the date of retail sale, and the cannabis items purchased and their prices, the customer's ID, and all information as required by N.J.A.C. 17:30-14.3.
  - (g) The cannabis retailer shall have a process in place to avoid the formation of a queue of customers at the walk-up window.

**SECTION 2.** Chapter 500 "Zoning" Section 500-195 Medical and Recreation Cannabis Activity Definitions is amended and supplemented to read as follows:

§ 500-195 Definitions.

**CURBSIDE RETAIL SALE**

When a cannabis retailer sells a cannabis item to a consumer who is on the exterior of the facility on the cannabis retailer premises, which includes any parking lot and adjacent sidewalk that are located at the physical address listed on the cannabis business license, pursuant to N.J.A.C. 17:30-14.4.

**SERVICE/WALK-UP WINDOW**

A window where customers of a licensed retail cannabis establishment can walk up for the purpose of purchasing cannabis products. See also **CURBSIDE RETAIL SALE**.

**SECURITY SHUTTERS**

Interior or exterior accordion, rolling, or bifold shutters made of steel or aluminum.

**SECTION 3.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

William Senande, Township Clerk

By: Michele Dale, Mayor



**Township of West Milford**

Passaic County, New Jersey

**~ Ordinance 2023 – 028 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES**

**BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officer(s) and Employee(s) here below stated shall be classified by job title with the corresponding pay ranges:

*DEPARTMENT AND OFFICE HEADS*

JOB TITLE	MINIMUM	MAXIMUM
Deputy Emergency Management Coordinator	\$3,000.00	\$5,000.00

1. The aforelisted Officer(s) and Employee(s) shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the Governing Body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

**Township of West Milford**

Passaic County, New Jersey

**~ Ordinance 2023 - 023 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 195 JUNK, JUNKYARD AND MOTOR VEHICLE JUNKYARDS OF THE TOWNSHIP CODE**

**WHEREAS**, the Township seeks to update its Code to remove redundant provisions within its Code; and

**WHEREAS**, within Chapter 195 Junk, Junkyards and Motor Vehicle Junkyards, the Township Code includes a section as to requiring "Monitoring Wells" at Section 195-8; and

**WHEREAS**, enforcement of this provision has never occurred, due in part to requiring identification of a multitude of specific environmental contaminants; and

**WHEREAS**, further amendment of the provision to set forth such prohibited environmental contaminants would be both costly and burdensome, but not otherwise further the ends of Chapter 195 as to licensure of junkyards; and

**WHEREAS**, Section 195 does set forth a number of other inspection criteria, to effectuate such licensure of junkyards and so as to protect the public's health, safety and welfare.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that the Township of West Milford Code shall be amended and updated, only as follows: To revoke and repeal only Section 195-8, Monitoring Wells within Chapter 195, Junk, Junkyard and Motor Vehicle Junkyards of the Township Code.

- SECTION 1.** Within the Township Code, Township of West Milford, Part II, General Legislation, Chapter 195-8, shall herein be revoked and repealed in its entirety.
- SECTION 2.** All ordinances or parts of ordinances of the Township of West Milford inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
- SECTION 3.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.
- SECTION 4.** This Ordinance may be renumbered for purposes of codification
- SECTION 5.** This Ordinance shall take effect upon final passage, approval, and publication as required by law.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

**Township of West Milford**

Passaic County, New Jersey

**~ Ordinance 2023 - 025 ~**

**ORDINANCE AMENDING CHAPTER 500 "ZONING" ADDING A NEW SECTION 500-72B ENTITLED "STRUCTURES" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Mayor and Township Council determined that that there are no provisions with regards to non-Conforming structures that are specified within the zoning code.

**WHEREAS**, the Mayor and Township Council wish to clarify the ordinance provisions for non-conforming structures that are specified within the zoning code; and

**WHEREAS**, the Mayor and Township Council have determined that allowing the provision in the ordinance would be beneficial to the general welfare of the community; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

**SECTION 1.** Chapter 500 "Zoning" Section 500-72 Nonconforming lots, structures and uses is amended to add Section 50-72.B as follows:

§ 500-72 Nonconforming lots, structures and uses.

**B.** Structures.

- (1) A pre-existing structure which is nonconforming with the standards of this code may be continued, maintained, remodeled, or reconstructed; provided, that the new construction does not further intrude into the required setbacks. Vertical construction within the existing setback encroachment is permitted. New construction or related activity shall not be considered further intruding into a required setback so long as the footprint of the structure lying within the setback is not increased by more than 500 square feet and meets the following standards:
- (a) The addition is aligned parallel with the existing building footprint to connect at a perpendicular point with the intent of squaring off the structure.
  - (b) No portion of the structure is located closer to the property lines than the original footprint of the structure.

**SECTION 2.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

# Township of West Milford

Passaic County, New Jersey

## ~ Ordinance 2023 - 027 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ZONING SECTION 500-90 FARM ANIMALS TO PERMIT CERTAIN EXOTIC ANIMALS AND TO AMEND SECTION 500-66 ACCESSORY BUILDINGS WITH RESPECT TO REQUIREMENTS FOR POULTRY AND LIVESTOCK SHELTERS TO REMOVE INCONSISTENCIES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP**

**WHEREAS**, the Mayor and Township Council determined that the keeping of certain exotic animals is in keeping with farming practices within the Township; and

**WHEREAS**, the Mayor and Township Council wish to clarify the ordinance provisions for Farm Animals in the Township and eliminate inconsistencies with other ordinance sections; and

**WHEREAS**, the Mayor and Township Council have determined that clarifying the ordinance would be beneficial to the general welfare of the community; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

**SECTION 1.** Chapter 500 "Zoning" Section 500-90 Farm Animals is amended to read as follows:

§ 500-90 Farm Animals.

- A. Notwithstanding any other provisions of this chapter, farm animals shall be housed and kept in a manner which will not constitute a public nuisance.
- B. A minimum tract for the keeping of farm animals shall be:
  - (1) One acre for the keeping of horses. The number of horses permitted shall be determined by the size of the accessory structure(s) housing the animals, using 100 square feet of roof area per animal as the criteria for determining the number of horses permitted on the property. A minimum of 32 square feet of roof area shall be required per animal.
  - (2) One acre for the keeping of cows, sheep, pigs, goats, llamas, alpacas, ostriches, rheas, and emus. No more than one animal shall be kept per acre of lot area.
  - (3) One acre for the keeping of poultry and fowl, except as provided in Subsection B(5) of this section except that there shall be allowed a maximum amount of 12 chicken hens allowed on lots of less than one acre. No more than 32 animals shall be kept per acre of lot area. Roosters are only permitted on lots of five acres or more.
  - (4) There shall be no minimum lot size for the keeping of rabbits. No more than 25 rabbits shall be kept on lots of one acre or less and no more than 75 rabbits shall be kept on lots of over one acre.
  - (5) The housing and keeping of all other farm animals, except those determined by the Zoning Officer to be substantially similar to one or more farm animals listed above, is prohibited.
  - (6) All poultry and livestock shelters shall be a minimum distance of 25 feet to any off-site residential structures.
- C. No farm animals shall be kept unless they can be contained on the property of their owner or the agent of their owner.

- D. Any use for the keeping of farm animals prior to the adoption of this chapter shall be considered nonconforming, provided that the owner registers the use with the Township Zoning Officer within 90 days of the passage of this chapter.
- E. The provisions of this section shall not apply to farms or commercial horse stables as defined in § 420-6, Definitions.

**SECTION 2.** Chapter 500 "Zoning" Section 500-66 Accessory Buildings is amended to read as follows:

§ 500-66 Accessory buildings.

- C. Distance between adjacent buildings. The minimum distance between an accessory building and any other buildings on the same lot shall be as prescribed in §§ 500-12, 500-28, 500-40 and 500-48. Minimum distance between an outdoor wood burning furnace and any other buildings on the lot shall be as per manufacturer's specifications and zoning standards for the respective zone district.
- D. Location. An accessory building may be erected in side or rear yard areas only, and shall be set back from side and rear lot lines as prescribed in §§ 500-12, 500-23C(4)(b), 500-28, 500-40, and 500-48, except that, if erected on lots with more than one street frontage, the accessory building shall be set back from the secondary street to comply with the setback line applying to the principal building for that side street. Outdoor wood burning furnaces must meet accessory building setbacks in the respective zone district.
- F. Location. An accessory building may be erected anywhere on a lot within the principal building setbacks and in side or rear yard areas when meeting the accessory structure side or rear yard setbacks as prescribed herein. Except that, if erected on a lot with two or more street frontages, the accessory building shall be set back from any secondary street to comply with the setback line applying to the principal building for side yards. The secondary street shall be any street that the building does not front on or face with a front door and would otherwise be considered a side yard, if not for the street frontage. Also except that no poultry or livestock shelter shall be erected nearer than 25 feet to any adjacent -off-site residential structure.
- G. Accessory buildings not exceeding 100 square feet. All accessory buildings that do not exceed 100 square feet in total area and are not used to shelter livestock or poultry may be located within five feet of any side or rear lot line.

**SECTION 3.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

Introduced: September 13, 2023  
Adopted: October 4, 2023  
Effective Date: October 24, 2023

ATTEST: TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

William Senande, Township Clerk By: Michele Dale, Mayor

**TOWN OF WARWICK JUSTICE COURT**

132 KINGS HIGHWAY

WARWICK, NEW YORK 10990

TELEPHONE: 845-986-1128

FACSIMILE: 845-987-1815

**RECEIVED**

**SEP 29 2023**

TOWN OF WARWICK  
TOWN CLERK

*Peter D. Barlet, Justice*  
*Nancy Brenner-DeAngelo, Justice*  
*Lois Weslowski, Court Clerk*  
*Lori Mosher, Court Clerk*

September 29, 2023

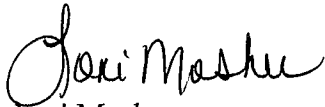
To: Town Board

Re: Application for funding from the Justice Court Assistance Program

The Town Court is requesting authorization from the Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle. The Court will be requesting money to purchase 2 new stand alone Copiers, one for the court office and one for the courtroom in the amount of \$7554.35.

Thank you for your time and assistance in this matter.

Sincerely,



Lori Mosher  
Justice Clerk

## **INTER-MUNICIPAL AGREEMENT**

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023 between the TOWN OF WARWICK, a municipal corporation of the State of New York, with offices located at 132 Kings Highway, Warwick, New York 10990 (hereinafter the “Town”), and the VILLAGE OF GREENWOOD LAKE, a municipal corporation of the State of New York, with offices located at Church Street, Greenwood Lake, New York 10925 (hereinafter the “Village”).

WHEREAS, the Town is the owner of real property located in the Village identified on the Village Tax Maps a Section 305, Block 2, Lot 5.22 (the “Town Property”) which is maintained by the Town as a municipal park; and

WHEREAS, the GWL Skatepark Corp. (“GWL”), a not-for-profit corporation, has secured funds to build a skatepark in memory of GWL resident Dale Hirrel. Upon completion the GWL Skatepark Corp. will give the Village of Greenwood Lake all structures of the skatepark. The Village has proposed to , own, operate and maintain the skateboard park on a portion of the Town Property which facility will be owned and operated by the Village; and

WHEREAS, the Town has determined that the proposed use of the Town Property by the Village is an appropriate use of the Town Property as a municipal park; and

WHEREAS, the parties believe it is in their best interest to enter into this Agreement to more fully define the rights and obligations of the parties.

NOW, THEREFORE, for good and valuable consideration, the receipt or existence and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Town hereby grants the Village the right to construct, maintain, own and operate a skateboard park on that portion of the Town Property set forth in the site plan annexed

5. The parties acknowledge and agree that this agreement embodies the entire understanding between the parties with respect its subject matter and has been entered into only after independent investigation and without reliance upon any representation or promise not contained herein. The parties specifically disclaim the making of any representations not embodied herein and specifically disclaim reliance thereon, except for those matters set forth in the Contract that are not contrary or inconsistent with the provisions herein, and those matters shall remain in full force and effect.

6. This agreement may not be changed orally but only by an agreement in writing.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

TOWN OF WARWICK

By: \_\_\_\_\_  
Michael Sweeton, Supervisor

VILLAGE OF GREENWOOD LAKE

By: \_\_\_\_\_  
Matt Buckley, Mayor



## CONTRACTOR INSURANCE REQUIREMENTS

### Insurance Schedule

**Identified Insurance** means those insurance policies identified in the chart below. Identified Insurance requirements may be modified in a Statement of Work.

Contractor shall (and shall cause each of its subcontractors to) comply with the requirements set forth in this Insurance Schedule. All further references to "Contractor" herein are intended to include Contractor and its subcontractors.

Contractor shall, at its own expense, maintain at all times during the Term the following Identified Insurance, each to be written by insurers with AM Best's Ratings of A or higher in good standing and qualified to do business in each jurisdiction where the work is performed.

Insurance	Minimum Limits
Workers compensation	Statutory Limits
Commercial general liability	\$2M per occurrence \$2M personal and advertising injury \$2M products and completed operations \$2M general aggregate
Automobile liability- Hired, Owned and Non- Owned	\$1M combined single limit
For Professional Services Only:  Professional liability / Errors and Omissions	\$2M per claim \$2M annual aggregate

### Other Insurance Provisions

1. The Identified Insurance shall include the following provision on the Commercial General Liability and Umbrella insurance policies to name the following as additional party insureds (**Additional Insureds**), covering all the activities of Contractor with respect to the performance of this Agreement:

[redacted], and its respective affiliated persons and entities, including without limitation their respective directors, officers, employees, agents and representatives shall be additional insureds on the Commercial General Liability and Umbrella insurance policies.

2. The Identified Insurance shall also:
  - (a) require us to be notified in writing at least thirty (30) days prior to cancellation of or any material change in the policy;
  - (b) be primary to insurance maintained by us or our affiliates (and insurance maintained by us and/or our affiliates shall be non-contributory to such insurance);
  - (c) endorsed to waive rights of recovery by subrogation in favor of us and our affiliates; and
  - (d) in the case of policies or provisions relating to products, completed operations and professional liability, survive termination or expiration of this Agreement.
3. Contractor shall furnish to us upon request certificates of insurance evidencing all Identified Insurance (including without limitation, an Acord form) and, at least thirty (30) days prior to the expiration of a policy, certificates evidencing additional or renewal policies. Contractor shall provide the ACORD 855 NY Construction Addendum in addition to the Certificate of Insurance.
4. All Identified Insurance shall be written on an occurrence basis except for Contractor's professional liability insurance, which may be written on a claims-made basis. Any deductibles or self-insured retentions shall be the sole responsibility of Contractor, and coverage shall apply for the benefit of us and all additional parties insured as if no deductible or self-insured retention applied.
5. To the fullest extent allowed by law, Contractor hereby waives all rights of recovery in favor of the Additional Insureds and the Indemnitees.
6. Contractor shall bear the risk of loss with respect to any owned, leased, ~~rented~~ or borrowed vehicles, equipment, data, tools or other personal property. Contractor shall bear the risk of loss with respect to any of its expenses or loss of income.

**LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will hold a public hearing to consider Introductory Local Law No. 6 of 2023 forming a Special District, pursuant to article 12-A of Town Law, entitled "Hillside Water District". Said Public Hearing to be held on Thursday, October 12, 2023 at 7:15pm or soon thereafter as the matter be heard at the Town Hall, 132 Kings Highway, Warwick, NY

All interested persons will be given the opportunity to be heard.

**DATED:** October 4, 2023

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
Eileen M. Astorino  
Town Clerk**

TOWN OF WARWICK INTRODUCTORY LOCAL LAW #6 of 2023  
AMEMDING THE CODE OF THE TOWN OF WARWICK

A Local Law amending Chapter 157 of the Code of the Town of Warwick in relation to making all commercial rates consistent across districts, as more fully set forth below:

Be it enacted by the Town Board of the Town of Warwick, Orange County, New York, as follows:

Section 1 -TOWN CODE AMENDED:

## Article IX. Hillside Water District

[Amended 11-13-1986]

### § 157-20. Rates and charges.

A.

Each residence property shall be furnished with water at a minimum charge of \$250 per quarter or any part thereof. In addition a capital charge of \$95 per quarter will apply to each residence property.

B.

Each commercial or multiple-residence property shall be furnished with water at a minimum charge to the owner of \$500 per quarter or any part thereof for each commercial or residence facility, and the property owner shall furnish valid proof of the number of commercial and/or residence facilities being supplied with water.

C.

Said minimum charge will cover a water consumption of 10,000 gallons per quarter. Above this amount the following rate schedule shall be in effect:

(1)

Over 10,000 and less than 30,000 gallons: \$5 per 1,000 gallons.

(2)

Over 30,000 gallons: \$6 per 1,000 gallons.

D.

The minimum rate for all users shall be \$250 per quarter.

E.

Rates shall be due and payable within 30 days from time of billing in each quarter.

F.

Meters, once installed, shall be read quarterly.

G.

Unpaid water charges in arrears for 30 days shall be subject to a penalty of 10% of the amount due for 30 days or portion thereof of delinquency. When any bill is in default at year-end closings, such bill shall be presented to the County of Orange for payment, and said bill will then become part of the county tax lien on said property.

H.

The following charges for services by the District are hereby established.

(1)

For making a three-fourths-inch tap on the main connecting service pipe and installing curb valve and box: \$1,000.

(2)

There shall be an additional fee of \$35 per linear foot for any drilling or trenching in a state highway as measured from the inside edge of the access trench on the side of the highway where the main is located to the inside edge of the corresponding trench on the opposite side of the highway. Such drilling in a state highway is subject to the approval of the New York State Department of Transportation as may be required by applicable statutes and regulations.

(3)

The regular tap-in charge shall include 12 feet of drilling or trenching for three-fourths-inch pipe in service line. Where in excess of 12 feet of three-fourths-inch pipe in service line is required to reach the applicant's property line, an additional fee of \$30 per linear foot will be charged. Payment of all fees for drilling, trenching or tapping shall be made in advance to the Town Board.

(4)

Service taps in excess of three-fourths inch shall be installed only upon consent of the Town Board and at such price as shall be agreed upon.

(5)

For turning on water and/or installing meter: \$100.

(6) For shutting off water and/or removing meter: \$100.

Section 2: Renumber remaining section as follows:

Existing 157-20 to 157-21

Existing 157-21 to 157-22

Existing 157-22 to 157-23

Existing 157-23 to 157-24

Existing 157-24 to 157-25

Existing 157-25 to 157-26

Existing 157-26 to 157-27

Existing 157-27 to 157-28

Existing 157-28 to 157-29