

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 \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.

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

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.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	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	<input type="checkbox"/>	<input checked="" type="checkbox"/> **
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/> **
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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)

☒ NO☐ YES

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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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)

☐ NO☒ YES

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/> **
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/> **
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/> **
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/> **
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

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)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	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"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	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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6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (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"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	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"/>

9. Impact on Aesthetic Resources
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.)
If "Yes", answer questions a - g. If "No", go to Section 10. ☐ NO ☒ YES

	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 <input checked="" type="checkbox"/> 5+ mile Sandford Elementary School Solar	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11. ☒ NO ☐ YES

	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"/>

11. Impact on Open Space and Recreation

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. ☒ NO ☐ YES

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

	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"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) ☒ NO ☐ YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	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)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	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)

☒ NO

☐ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	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.)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	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 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	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.)

☐ NO

☒ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	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)

☐ NO

☒ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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"/>

PRINT FULL FORM

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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ 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.

☐ 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:

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)).

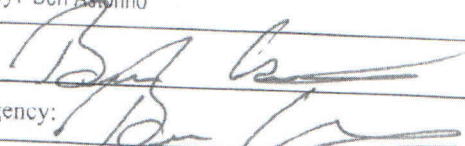
☒ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration 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:

For Further Information:

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: planning@townofwarwick.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

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: <http://www.dec.ny.gov/enb/enb.html>

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