

**AGENDA – TOWN BOARD MEETING**  
**December 14, 2023**  
**7:30pm**

**PRESENTATION: SENIOR CITIZEN LIAISON VINCE POLONIAK**

**PUBLIC HEARING: WARWICK ISLE GROUP LLC SUBDIVISION BACK UP  
DRAINAGE DISTRICT SBL # 3-1-6.21**

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

**REGULAR MEETING:**

**ACCEPTANCE OF MINUTES**  
**1. Special Meeting – December 7, 2023**

**CORRESPONDENCE:**

**TOWN OF WARWICK PLANNING DEPARTMENT – Received by the Town Clerk’s Office November 20, 2023 a SEQR resolution adopting final scoping document and scoping of the draft EIS for Capozza Solar Site Plan and Special Use Permit (SUP) aka Four Corners Road Solar.**

**MARCY GIANATTASIO – Township of Vernon, Clerk. Ordinance #23-22 received in the Town Clerk’s office on November 29, 2023. An ordinance amending, revising, and supplementing chapter 330 entitled “Land development” to clarify regulations relative to permitted locations for legal cannabis uses within the Township of Vernon.**

**JOHN D. RADER – Police Chief, Town of Warwick. Letter dated December 7, 2023 to the Supervisor requesting the Town Board appoint a part-time dispatcher.**

**JOHN D. RADER – Police Chief, Town of Warwick. Letter dated December 7, 2023 to the Supervisor requesting the Town Board appoint a full-time dispatcher to fill a vacancy created by a resignation.**

**KAREN WILSON – Email dated December 4, 2023 inviting us to visit her website NYLanternfly.com. Offering safe, effective, chemical-free Spotted Lanternfly population control throughout New York State.**

**JAMES OBRATKA – Building Inspector, Town of Warwick. Letter dated December 1, 2023 requesting a refund for application#20220480.**

**NANCY BRENNER-DEANGELO – Justice, Town of Warwick. Letter dated November 24, 2023 to the Town Supervisor regarding her notification to step down from the position of Town Justice.**

**JAMES SKOUFIS – Senator, District 42. Email dated December 5, 2023 to the Town Clerk regarding 2023 Stuffed Animal Giveaway Invitation. The event is on Tuesday, December 19<sup>th</sup> from 3:30-5:30 pm at the Middletown Thrall Library.**

**CHRISTOPHER JP COLLINS – Architectural Review Board Member, Town of Warwick. Letter dated November 11, 2023 to the Town Board requesting to be re-appointed to the Architectural Review Board.**

**DANIEL P. GIBSON – Building Inspector, Town of Warwick. Letter dated December 8, 2023 to the Town Board regarding his resignation.**

**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>Cedar Hill Dr.</b>  | <b>Rebuild catch basin</b>       |
| <b>DRAINAGE</b>       | <b>Kain Rd.</b>        | <b>Clean trench drain</b>        |
| <b>DITCH WORK</b>     | <b>Cascade Rd.</b>     | <b>Clean ditches</b>             |
|                       | <b>West Ridge Rd.</b>  | <b>Clean ditches</b>             |
|                       | <b>Continental Rd.</b> | <b>Clean ditches</b>             |
| <b>TREE WORK</b>      | <b>Town wide</b>       | <b>Clean up storm damage</b>     |
| <b>POT HOLES</b>      | <b>Town wide</b>       | <b>Fill with cold mix</b>        |
| <b>SANDING</b>        | <b>Mtn. Routes</b>     | <b>Salt mtn. routes 12/11/23</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>HAUL MATERIAL</b> | <b>Stockpile</b> | <b>Haul road grit to stockpile</b> |
|----------------------|------------------|------------------------------------|

**PARKS DEPARTMENT**

|  |   |                       |
|--|---|-----------------------|
| <b>Union Corners Park</b>                | <b>Open (Bathrooms Closed)</b>              | <b>Town</b>           |
| <b>Mountain Lake Park</b>                | <b>Open</b>                                 | <b>Town</b>           |
| <b>Town of Warwick Dog Park</b>          | <b>Open</b>                                 | <b>Town</b>           |
| <b>Airport Road Park</b>                 | <b>Open (Bathrooms Closed)</b>              | <b>Town</b>           |
| <b>Wickham Woodland Park</b>             | <b>Open</b>                                 | <b>Town</b>           |
| <b>Cascade Park</b>                      | <b>Open</b>                                 | <b>Town</b>           |
| <b>Wickham Passive Boat Launch</b>       | <b>(Closed Nov.1, 2023 – April 1, 2024)</b> | <b>Town</b>           |
| <b>Pine Island Park</b>                  | <b>Open (Bathrooms Closed)</b>              | <b>Town</b>           |
| <b>Thomas P. Morahan Waterfront Park</b> | <b>Open (Bathrooms Closed)</b>              | <b>Village of GWL</b> |
| <b>Ben Winstanley Park</b>               | <b>Open (Bathrooms Closed)</b>              | <b>Village of GWL</b> |
| <b>Village of GWL Dog Park</b>           | <b>Open</b>                                 | <b>Village of GWL</b> |

**ENVIRONMENTAL CONSULTANTS REPORT – NOVEMBER 2023**

**Wickham Water District**

|                          |               |
|--------------------------|---------------|
| Wells #11                | 1,625,600 gal |
| Average daily use        | 54,200 gal    |
| Sodium Hypochlorite used | 96 qt         |
| Orthophosphate used      | 24 qt         |
| Caustic Soda             | 30 gal        |

**Bellvale Park Water District**

|                          |            |
|--------------------------|------------|
| Total monthly production | 88,300 gal |
| Average daily use        | 3,000 gal  |
| Sodium Hypochlorite used | 4 qt       |

**Eurich Heights Water District**

|                          |             |
|--------------------------|-------------|
| Total monthly production | 220,700 gal |
| Average daily use        | 6,800 gal   |
| Sodium Hypochlorite used | 28 qt       |
| Orthophosphate used      | 26 qt       |

**Pine Island Water District**

|                          |             |
|--------------------------|-------------|
| Total monthly production | 168,100 gal |
|--------------------------|-------------|

|                          |           |
|--------------------------|-----------|
| Average daily use        | 8,000 gal |
| Sodium Hypochlorite used | 26 qt     |

**Westside #1 Water District**

|                          |             |
|--------------------------|-------------|
| Total monthly production | 946,000 gal |
| Average daily use        | 31,500 gal  |
| Sodium Hypochlorite used | 56 qt       |
| Orthophosphate used      | 8 qt        |
| Caustic Soda             | 22 gal      |

**The Fairgrounds**

|                          |             |
|--------------------------|-------------|
| Total monthly production | 116,300 gal |
| Average daily use        | 3,900 gal   |
| Sodium Hypochlorite used | 6 qt        |

**The Warwick Tech Park**

|                          |             |
|--------------------------|-------------|
| Total monthly production | 429,700 gal |
| Average daily use        | 14,300 gal  |
| Sodium Hypochlorite used | 6 qt        |

**Sewer District #1 Wastewater Treatment Facility**

|                                   |               |        |
|-----------------------------------|---------------|--------|
| Warwick Tech Park                 | 365,460 gal   | 5.56%  |
| Wickham Village District          | 4,552,337 gal | 69.24% |
| Kings Estates District            | 1,656,653 gal | 25.20% |
| <b><u>Total District Flow</u></b> | 6,574,450 gal | 100%   |
| <b><u>Average Daily Flow</u></b>  | 219,148 gal   |        |

All facility maintenance has been done for the month. (Oil grease, filters)

The belt press ran for 8 hrs. and 2 gal of polymer was used.

**Sewer District #2 Wastewater Treatment Facility – The Fairgrounds**

|                                   |             |
|-----------------------------------|-------------|
| <b><u>Total District Flow</u></b> | 168,630 gal |
| <b><u>Average Daily Flow</u></b>  | 5,621 gal   |

**COUNCILMAN DE ANGELO REPORT**

**COUNCILMAN KOWAL REPORT**

**COUNCILMAN GERSTNER REPORT**

**COUNCILMAN SHUBACK REPORT**

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

**1. FEES COLLECTED – NOVEMBER 2023**

|  |                   |
|--|-------------------|
| <b>Interest in Town Clerk's Checking Account</b> | <b>\$5.25</b>     |
| <b>MLP Deferred Revenue for next year</b>        | <b>\$900.00</b>   |
| <b>MLP Cabins</b>                                |                   |
| <b>MLP Art Studio</b>                            | <b>\$3,200.00</b> |
| <b>MLP Apartments</b>                            | <b>\$795.00</b>   |
| <b>MLP Dance Studio</b>                          | <b>\$150.00</b>   |
| <b>MLP Front Building</b>                        | <b>\$1,500.00</b> |
| <b>MLP Indoor Theater</b>                        | <b>\$500.00</b>   |
| <b>MLP Kitchen</b>                               | <b>\$1,705.00</b> |
| <b>MLP Kitchen Per Hour</b>                      | <b>\$750.00</b>   |
| <b>MLP Kitchen Storage</b>                       | <b>\$100.00</b>   |
| <b>MLP Lakeside Pavilion</b>                     |                   |
| <b>MLP Lodge Dining Hall</b>                     | <b>\$550.00</b>   |
| <b>MLP Lounge</b>                                | <b>\$200.00</b>   |
| <b>MLP Recreation Building</b>                   | <b>\$400.00</b>   |
| <b>MLP Round Tables</b>                          | <b>\$25.00</b>    |
| <b>Copy of Map</b>                               | <b>\$95.00</b>    |
| <b>Film Permit</b>                               | <b>\$250</b>      |
| <b>Wickham Woodland Manor Fee</b>                | <b>\$750.00</b>   |
| <b>Marriage Certified</b>                        | <b>\$40.00</b>    |
| <b>Photocopies</b>                               | <b>\$29.25</b>    |
| <b>Postage</b>                                   | <b>\$1.00</b>     |
| <b>Use of Kitchen Fee – Senior Center</b>        | <b>\$50.00</b>    |
| <b>Use of Room Senior Center</b>                 | <b>\$50.00</b>    |
| <b>Dog Impoundments</b>                          | <b>\$200.00</b>   |
| <b>Marriage License Fee</b>                      | <b>\$227.50</b>   |
| <b>One Day Officiant License</b>                 | <b>\$25.00</b>    |
| <b>Conservation</b>                              | <b>\$313.51</b>   |
| <b>Dog Licenses</b>                              | <b>\$1,087.00</b> |
| <b>Short term Rental Fine</b>                    | <b>\$1,000.00</b> |
| <b>Registrar Town of Warwick</b>                 | <b>\$380.00</b>   |
| <b>Wickham Woodland Manor Deposit</b>            | <b>\$900.00</b>   |

|                                      |                    |
|--------------------------------------|--------------------|
| <b>MLP Kitchen Deposit</b>           | <b>\$300.00</b>    |
| <b>MLP Deposit Lodge Dining Hall</b> | <b>\$600.00</b>    |
| <b>MLP Deposit Lodge Lounge</b>      | <b>\$200.00</b>    |
| <b>Total Local Shares Remitted</b>   | <b>\$17,293.52</b> |

**2. FEES PAID – NOVEMBER 2023**

|   |                   |
|---|-------------------|
| <b>NYS Dept. of Health</b>                          | <b>\$292.50</b>   |
| <b>NYS Ag &amp; Markets for Spay/neuter program</b> | <b>\$136.00</b>   |
| <b>NYS Environmental Conservation</b>               | <b>\$5,806.49</b> |
| <b>Village of Florida Registrar</b>                 | <b>\$70.00</b>    |
| <b>Village of GWL Registrar</b>                     | <b>\$20.00</b>    |
| <b>Village of Warwick for Registrar</b>             | <b>\$730.00</b>   |
| <b>Total Non-Local Revenues</b>                     | <b>\$7,054.99</b> |

**SUPERVISORS REPORT**

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

**NEW BUSINESS:**

- 1. ACCEPT RESIGNATION WARWICK SENIOR LIAISON – VINCENT POLONIAK**
- 2. AUTHORIZE SUPERVISOR TO SIGN AGREEMENT – JEWISH FAMILY SERVICES**
- 3. ADOPT WARWICK DIAL-A-BUS SYSTEM SAFETY PROGRAM PLAN**
- 4. SCHEDULE PUBLIC HEARING 2024 RE-ORGANIZATION MEETING**
- 5. RE-APPOINT PLANNING BOARD CHAIRMAN**
- 6. APPOINT PART-TIME POLICE DISPATCHER- ZANE M. FORESTIRE**
- 7. APPOINTMENT OF FULL-TIME POLICE DISPATCHER – KATIE-LEIGH A. COLLINS**
- 8. REQUEST TO SERVE ALCOHOL – SAVA CAPEZZA**
- 9. REFUND BUILDING DEPARTMENT APPLICATION**
- 10. RE-APPOINT ARCHITECTURAL REVIEW BOARD MEMBER – CHRISTOPHER JP COLLINS**
- 11. ACCEPT RESIGNATION – BUILDING INSPECTOR**
- 12. AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT TO PROVIDE CONSULTING AND ADMINISTRATIVE SERVICES FOR DIAL-A-BUS OF MONROE**
- 13. AUTHORIZE THE SUPERVISOR TO SIGN A WORK AGREEMENT – JENNIFER CROVER**
- 14. REFUND RENTAL FEE MOUNTAIN LAKE PARK -TROOP 38**
- 15. AUTHORIZE THE SUPERVISOR TO SIGN AN ADDENDUM TO A CONTRACT WITH WVHS – DOG CONTROL SERVICE**
- 16. AUTHORIZE THE SUPERVISOR TO SIGN A MEMORANDUM OF AGREEMENT OF UNDERSTANDING – GREENWOOD LAKE AMBULANCE INC.**

**17. SHARE FUNDING OF NYS CONSOLIDATED FUNDING APPLICATION  
PLANNING GRANT**

**BILLS:**

**PRIVILEGE OF THE FLOOR (GENERAL)**

**RECONVENE:**

**ADJOURN:**

TENTATIVE

**Town Of Warwick**  
**Water and Wastewater Operations Report**  
**November, 2023**

**Wickham Water District**

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## Warwick Town Clerk

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**From:** James Skoufis <skoufis@nysenate.gov>  
**Sent:** Tuesday, December 5, 2023 12:26 PM  
**Cc:** clarkenysenate@gmail.com; Emma Fuentes; Gabriella Madden  
**Subject:** SD-42's 2023 Stuffed Animal Giveaway Invitation  
**Attachments:** 2023 Stuffed Animal - Flyers.pdf

Dear Community Leader,

I am thrilled to invite you to our Stuffed Animal Giveaway event. The event is on Tuesday, December 19th from 3:30 pm-5:30 pm at the Middletown Thrall Library. My team and I will be handing out plush stuffed animals to children and families free of cost.

Please see the attached flyers (Spanish & English versions) to share with your community!

We hope to see you there!

Best,  
James

**Office of Senator James Skoufis (NY-42)**

45 Quaker Ave, Ste 202  
Cornwall, N.Y. 12518

E. [skoufis@nysenate.gov](mailto:skoufis@nysenate.gov)  
P. (845) 567-1270  
[nysenate.gov](http://nysenate.gov)

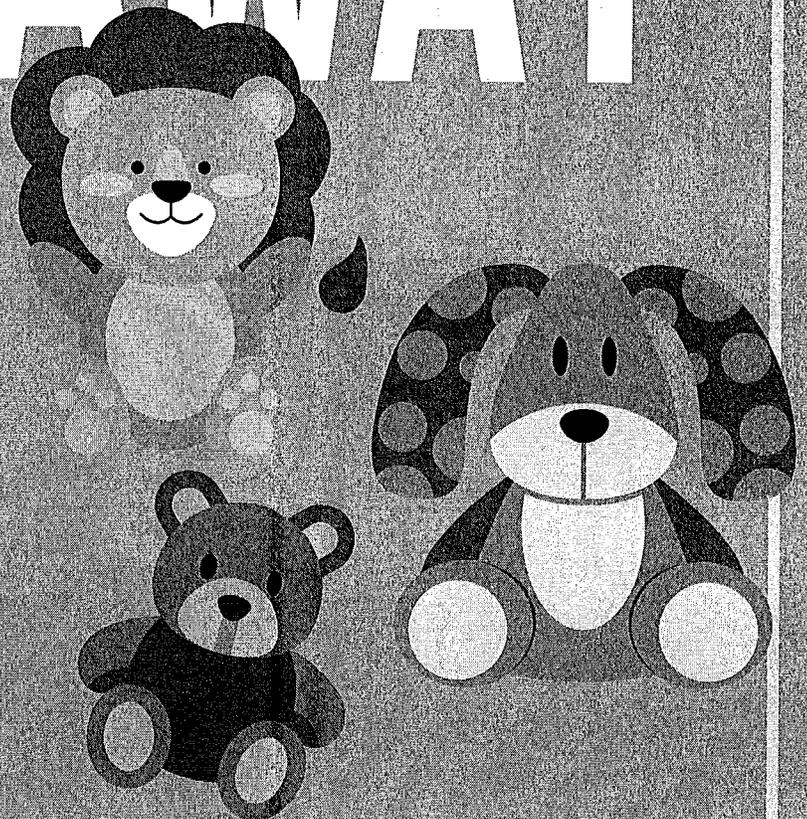
# STUFFED ANIMAL GIVEAWAY

TUESDAY  
DEC. 19

3:30PM-5:30PM



THRALL LIBRARY  
11-19 DEPOT ST  
MIDDLETOWN



Stuffed animals donated by PETS MART  
\*While supplies last

Hosted by

JAMES SKOUFIS

State Senator



# SE REGALARÁN JUGUETES DE PELUCHES

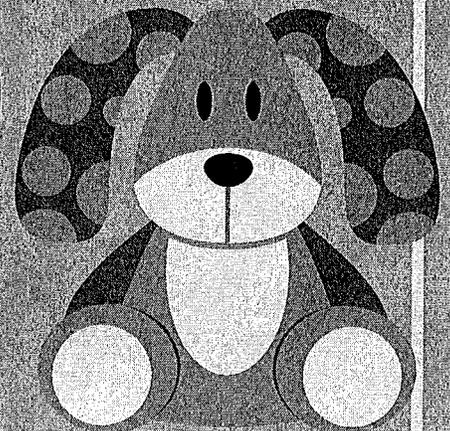
MARTES  
DEC. 19

3:30PM-5:30PM



THRALL LIBRARY  
11-19 DEPOT ST  
MIDDLETOWN

Stuffed animals donated by PETSMAST  
\*While supplies last



Hosted by

**JAMES SKOUFIS**

State Senator



**Warwick Town Clerk**

RECEIVED

DEC 04 2023

**From:** NY Lanternfly <nylanternfly@gmail.com>  
**Sent:** Monday, December 4, 2023 12:43 PM  
**To:** Michael Sweeton; Warwick Town Clerk; Town Supervisors Confidential Secretary  
**Subject:** Offering Spotted Lanternfly help

TOWN OF WARWICK  
TOWN CLERK

Dear Town of Warwick Managers:

As you are probably aware, the invasive insect Spotted Lanternfly (SLF) is now widespread throughout the Warwick area. If left unchecked, these invasive pests have the potential to decimate New York's vineyards and reduce productivity of orchards and farms. In your area, residents are voicing concern that the lanternflies are all over the trees and they are reproducing in astronomical numbers. The last of this season's adult SLF have now died off, but they have left behind thousands of egg masses and next year's infestation will undoubtedly be much worse.

For residents of Warwick, one of the most serious problems will be the stinging insects. SLF don't harm humans, but their secretion, called Honeydew, attracts yellow jackets, hornets, and wasps in very large numbers, posing a danger to park-goers, residents, and your public works staff out there doing work.

I'm reaching out today to invite you to visit my website **NYLanternfly.com**. I offer safe, effective, chemical-free Spotted Lanternfly population control throughout New York State. The NYS government will only be providing extremely limited, if any, assistance moving forward.

Researchers have not yet identified a permanent solution to eradicate SLF, so population control is key to keeping SLF numbers down. As a completely safe and agreeable alternative to the use of insecticides, I offer vacuum treatments and egg mass removal to reduce Spotted Lanternfly populations. I am available for egg mass removal throughout your area from now until the next hatch in May 2024. I locate and crush, scrape and remove egg masses from the environment up to about 20' high using extension poles. From the next hatch until the next freeze, I perform vacuum treatments to reduce nymph and adult populations before they lay egg masses.

I am an expert in my field, having worked on the Spotted Lanternfly program with NYS government since 2018. I know exactly where to find the egg masses in infested areas.

The services I offer would be an excellent management strategy for the Town of Warwick to implement. Through meticulous, expert egg mass removal, SLF populations will be reduced. Results are measured by the numbers of egg masses removed. Residents and neighboring towns will be pleased that you are taking their concerns seriously and taking steps to reduce the numbers of SLF to improve the quality of life for everyone. I offer reasonable rates and discounts for large jobs. If you are interested in reducing the SLF population that hatches in the Spring in Warwick, I'd love to discuss this with you.

I'd also like to request if you could save my contact information for any residents who call your offices requesting Spotted Lanternfly management on their private properties.

Thank you for considering New York Spotted Lanternfly Solutions and I look forward to speaking with you more about this soon.

Sincerely,

Karen Wilson

--

**TOWN OF WARWICK  
JUSTICE COURT**

132 KINGS HIGHWAY  
WARWICK, NEW YORK 10990

**RECEIVED**

NOV 29 2023

TOWN OF WARWICK  
TOWN CLERK

TELEPHONE: 845-986-1128  
FACSIMILE: 845-987-1815

PETER D. BARLET, JUSTICE  
NANCY BRENNER-DEANGELO, JUSTICE  
LOIS WESLOWSKI, COURT CLERK  
LORI MOSHER, COURT CLERK

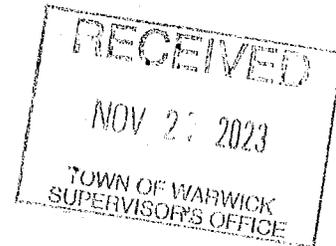
November 24, 2023

Office of Court Administration  
Office of Chief Administrative Judge, 9<sup>th</sup> Judicial District  
25 Beaver Street  
New York, New York 10004

Office of Court Administration  
Office of Chief Administrative Judge, 9<sup>th</sup> Judicial District  
111 Martin Luther King, Jr. Boulevard  
White Plains, New York 10601

Office of Justice Court Support  
187 Wolf Road, Suite 103  
Albany, New York 12205

Michael Sweeton, Supervisor  
Town of Warwick  
132 Kings Highway  
Warwick, New York 10990



As per your "Leaving the Bench Checklist", please accept this as my official notification that I will be stepping down from the position as Justice of the Town of Warwick Court at the end of my current term, December 31, 2023.

The Office of the New York State Comptroller has already received the required retirement documents from me.

It has been an honor and a privilege to have served in this capacity in the Town of Warwick and the Village of Greenwood Lake all these years.

A handwritten signature in cursive script that reads "Nancy Brenner-DeAngelo".

Nancy Brenner-DeAngelo  
Justice of the Town of Warwick

NBD:me  
cc: L. Mosher

RECEIVED

NOV 20 2023

TOWN OF WARWICK  
TOWN CLERK

617.7

State Environmental Quality Review (SEQR)  
**Resolution Adopting Final Scoping Document 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, 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 adopted a Positive Declaration on September 20, 2023, requiring the preparation of a Draft Environmental Impact Statement (“DEIS”) to assess potential environmental impacts of the Project; and

WHEREAS, Public Scoping of the DEIS was undertaken when the applicant submitted a Draft Scoping Document and the Planning Board distributed the Draft Scoping Document to Involved and Interested agencies and the public, with a Public Scoping Session to discuss the applicant’s Draft Scoping Document conducted on October 18, 2023, and through the submission of written comments on the applicant’s Draft Scoping Document until October 30, 2023; and

WHEREAS, the Planning Board has considered the comments made at the scoping session, including a prepared transcript of the scoping session, and considered comments submitted in writing on the Draft Scoping Document by members of the public, yet no comments on the scope were received from Involved and Interested agencies; and

WHEREAS, the Planning Board has reviewed the proposed Final Scoping Document for the Capozza Solar Site Plan and Special Use Permit (SUP) aka Four Corners Road Solar Project, which has been prepared on behalf of the Planning Board by the Town Planner, with input from Planning Board members, the Planning Board Engineer, the Planning Board Attorney, and other Town officials; and

WHEREAS, the Planning Board members have considered the Final Scoping Document, those oral comments made at the scoping session, those written comments submitted during the scoping process, and other advice, information and impressions available to them.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board acting as Lead Agency for the Proposed Capozza Solar Site Plan and Special Use Permit (SUP) aka Four Corners Road Solar project adopts the Final Scoping Document for preparation of the Draft Environmental Impact Statement in the form before it with this Resolution; and

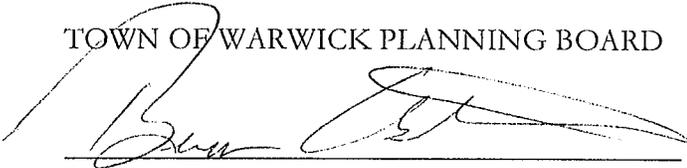
BE IT FURTHER RESOLVED, that the Planning Board Secretary, with the assistance of the Town Planner, Planning Department Staff, Planning Board Attorney, and Planning Board Engineer, will provide a copy of the Final Scoping Document to Four Corners Road NY LLC (Lightstar Renewables LLC), to all Involved and Interested Agencies under SEQRA and to any individual or entity that has expressed an interest in writing to the Planning Board as Lead Agency; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary shall keep copies of the Final Scoping Document available for review and reproduction for the public.

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

Dated: November 15, 2023

TOWN OF WARWICK PLANNING BOARD

A handwritten signature in black ink, appearing to read 'Benjamin Astorino', is written over a horizontal line.

BENJAMIN ASTORINO, CHAIRMAN

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

**FINAL SCOPING DOCUMENT**

FOR

**CAPOZZA SOLAR SITE PLAN & SPECIAL USE PERMIT (SUP)  
AKA FOUR CORNERS ROAD SOLAR PROJECT**

**DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

**Four Corners Road and East Ridge Road (200 Ridge Road),  
Town of Warwick. Orange County, New York**

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

Attention: Benjamin Astorino, Planning Board Chairman  
(845) 986-1127, Extension 261

DEIS Preparer:  
EDR PC  
41 South Street, Suite 806  
Albany, NY 12207  
(518) 451-9150

**INITIAL DRAFT SEPTEMBER 27, 2023,  
EXPANDED TO SPECIFY IMPACTS AND MITIGATION OCTOBER 16, 2023,  
REVISED TO ADDRESS PUBLIC COMMENTS ON NOVEMBER 9, 2023  
DATE OF ADOPTION: NOVEMBER 15, 2023**

## DEIS GENERAL GUIDELINES

- A. The Draft Environmental Impact Statement ("DEIS") shall address all items and conform to the format outlined in this Scoping Document including the potentially significant adverse impacts of the project identified by the Planning Board in the Positive Declaration, adopted on September 20, 2023. The DEIS may also contain studies completed by the applicant, in addition to those detailed herein. Unless otherwise directed by this Scoping Document, the specifications for environmental impact statements found in 6 NYCRR 617.9(b) apply to the content of the DEIS and are incorporated herein by reference.
- B. The document should be written in the third person. The terms "we," "us," and "our" should not be used. The Applicant's conclusions and opinions should be identified as those of the "Project Sponsor," "Applicant" or "the Developer."
- C. Narrative discussions should be accompanied by appropriate charts, graphs, maps and diagrams whenever possible. If a particular subject matter can most effectively be described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically.
- D. The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections.
- E. Environmental impacts should be described in terms that the layperson can readily understand and will be written in plain language that can be easily read and understood by the public.
- F. All discussions of mitigation measures should consider at least those measures mentioned in the Scoping Document. Where reasonable and necessary, mitigation measures should be incorporated into the Proposed Action if they are not already included.
- G. The DEIS may incorporate in the text or as appendices all or portions of other documents including other EISs that contain information relevant to the Project Site.
- H. Highly technical material will be summarized and, if it must be included in its entirety, referenced in the DEIS and included as an Appendix.
- I. The DEIS will discuss, where appropriate, all related short-term and long-term impacts, cumulative impacts and associated environmental impacts.
- J. Full-scale Site Plans are to be submitted with the DEIS as a separate appendix. All plans and maps showing the Site will include adjacent homes, other neighboring uses and structures, roads, and water bodies within 100 feet of the property boundaries, a legend and north arrow.
- K. The entire document will be provided in both paper and electronic (PDF only) formats. In paper form for the Planning Board's completeness review and for later public and agency review. In electronic form for posting on the Town's website, once it has been deemed "complete" by the Planning Board.

- L. Where relevant to the discussion of off-site impacts (such as traffic and community services), potential cumulative impacts with other projects proposed in the Town of Warwick and Village of Warwick will be analyzed and discussed.

The DEIS is intended to convey general and technical information regarding the potential environmental impacts of the Proposed Project to the Town of Warwick Planning Board (as Lead Agency), as well as several other agencies involved in the review of the Proposed Project. The DEIS is also intended to convey the same information to the interested public. The Preparer of the DEIS is encouraged to keep this audience in mind as it prepares the document. Enough detail should be provided in each subject area to ensure that most readers of the document will understand, and be able to make decisions based upon, the information provided.

As the DEIS will become, upon acceptance by the Lead Agency, a document that may, if appropriate, support objective findings on approvals requested under the application, the Preparer is requested to avoid subjective statements regarding potential impacts. The DEIS should contain objective statements and conclusions of facts based upon technical analyses. Subjective evaluations of impacts where evidence is inconclusive or subject to opinion should be prefaced by statements indicating that "It is the Applicant's opinion that...". The Town of Warwick Planning Board reserves the right, during review of the document, to require that subjective statements be removed from the document or otherwise modified to indicate that such subjective statements are not necessarily representative of the findings of the Lead Agency.

## **INTRODUCTION**

The State Environmental Quality Review Act (SEQRA) process has recently been initiated for a proposed action: Capozza Solar Site Plan & Special Use Permit (SUP) aka 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. 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 +/-55.4-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 7,020 solar photovoltaic (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 within a 15.85-acre limit of disturbance. 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 PV panels and convert the electricity from direct current (DC) to alternating current (AC) via inverters. The electrical collection system daylighted 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.

The project is located at 200 Ridge Rd. Town of Warwick, Orange County New York in the Rural (RU) zoning district. The project is also located in the following overlay districts: Agricultural Protection Overlay (AP-O); Ridgeline Overlay (RL-O); and Biodiversity Conservation Overlay (BC-O). The site tax parcel number is Section 23, Block 1, Lot 17.

## **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 the draft scoping document was 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.

After the applicant submitted a draft scoping document, the Planning Board distributed it to the Involved and Interested agencies. The draft scoping document was also made available to the public by placing it on the Town's website. The Planning Board held a public scoping session to hear comments on the draft scoping document on October 18, 2023. Following the scoping session, the public was allowed to submit written comments to the Planning Board Secretary until October 30, 2023. The Planning Board and its consultants reviewed the comments made during the public scoping session and the submitted written comments. The scoping outline was revised to create a final draft scoping document. The Planning Board adopted the final scoping document on November 15, 2023.

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

### **DEIS COVER SHEET**

All draft and final EISs must be preceded by a cover sheet including the following information:

- Identification as a Draft Environmental Impact Statement or a Final Environmental Impact Statement.
- Name or descriptive title of action.
- Location (County and Town) of the Project.
- Street address.
- Section Block and Lot Number of Parcel.
- Name and address of the lead agency; and name and telephone number of the person to contact at the lead agency for information and SEQR status.
- Name and address of Project Sponsor, name, address and telephone number of the person representing the applicant.
- Name, address, phone number, and email address of the primary preparer(s) of the DEIS.

- Name, address, phone number, and email address of all consultants and other professionals who contributed to the DEIS preparation along with their project responsibilities.
- Date of submittal of the Preliminary DEIS for the completeness review by the Planning Board and all DEIS revision dates as applicable.
- Date of acceptance of the DEIS as complete by the Lead Agency (to be inserted at later date).
- Date of Public Hearing and subsequent adjournments (to be inserted at later date).
- The deadline date by which comments are due (to be inserted at later date).

**TABLE OF CONTENTS**

The DEIS shall include a Table of Contents with listings of major sections and subsections, tables, figures, maps, charts, appendices & any items that may be submitted under a 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, including unavoidable adverse impacts analyzed in the body of the document. 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. The history of the Project's review before the Planning Board, including the SEQR process should be included, as well as the history of the project establishing the purpose of the DEIS.

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 (1/2 mile) of the Project Site will also be discussed.

**2.1 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, complete site layout, all proposed utility poles, fencing, and site access.

The currently proposed solar array includes shorter panels and lower height at maximum tilt than originally proposed:

- Panel lengths of seven feet and six inches (7' 6");
- Panel height of 9' 11" at maximum tilt of sixty (60) degrees;
- Refer to plan set last revised 7/17/23, or later plans; and
- Clarify whether the proposed action will involve battery storage.

### **2.1.1 Introduction**

- History of the Proposed Actions applications to the Planning Board
- History of the process of project review under the New York State Environmental Quality Review (SEQR) process (i.e., relevant dates establishing Lead Agency, the date of adoption of the Positive Declaration). All SEQR documents (including Full EAF, Positive Declaration/Circulation Notice, Final Scoping Document, technical letters from involved and interested agencies, letters from the public) proposed mitigation measures, and correspondence prior to the Planning Board's Positive Declaration, will be resubmitted in the DEIS as an Appendix. Summaries of the materials or references to them will be included in the DEIS to provide a complete record of all environmental review concerns for their consideration.

### **2.1.2 Site Location & Description**

- Establish geographic boundaries and conditions of the Site, tax map designation and abutting roads.
- Site acreage, easements affecting the Site, and existing access. Provide a description of the parcel deed and any restrictions placed on the property in the deed.
- Discuss land uses in the immediate area (1/2 mile) and relationship of Project to those uses.
- Discuss the jurisdiction for site wetlands (Corps of Engineers, or DEC, or both) and any regulated streams on the site.
- Site description will include existing zoning districts and the proposed use as listed in the Town of Warwick Zoning Law's Table of Use Requirements, and any need for variances or waivers, site character, vegetation conditions, wetlands, wildlife and habitat. Include a table that illustrates the project's conformity with the Zoning Law's Table of Bulk Requirements. Provide a narrative discussion of the project's conformity with the definition of "Solar Energy System, Commercial Large Scale" found in Section 164-22 of the Zoning Law.
- Describe the proposed access drives, turning radii, etc.

### **2.1.3 Site Design & Layout**

- Site areas:
  - o Total Area of Site disturbance;

- Proposed impervious surface area (solar panels, driveway, internal access roads, etc.);
- Description of natural areas and areas of the site to remain undisturbed along with proposed protection mechanisms for remaining undisturbed in the future. If the proposed site development is the maximum allowable under the Zoning Law, then provide a statement to that effect;
- Structures:
  - Description of proposed structures (solar panels and array);
  - Dimensions in feet and inches, sizes in square footage, scale, and massing in relation to the Zoning District and surrounding land uses (solar panels and array);
  - Locations of (solar panels and array); and
  - Description of location, dimensions, height, scale and massing of the proposed utility pole cluster, overhead lines and utility connections.
- Construction:
  - Expected year of completion;
  - Describe construction process, periods and phasing, including site clearing, grading, infrastructure;
  - Environmentally protective measures such as stormwater pollution prevention and management, topsoil stockpiling, noise reduction, description of any rock removal work, and soil erosion and sediment control measures;
  - project schedule, safety plans, and locations and methods for material handling and storage;
  - Hours and days of the week when construction operations will occur;
  - How often the site is accessed, as well as who will be responsible to maintain the project site (i.e., maintenance of access road and stormwater management structures);
  - Construction access and staging, including routing of heavy machinery and trucks on Town roads and Village streets; and
  - Areas for material handling and storage.
- Decommissioning:
  - Expected year of decommissioning;
  - Describe decommissioning process, stages and phasing, including removal of all panels, infrastructure and all improvements; and site regrading and reclamation;
  - Environmentally protective measures such as stormwater pollution prevention, noise reduction, and soil erosion and sediment control measures;
  - Hours and days of the week when decommissioning operations will occur;
  - Decommissioning access and staging, including routing of heavy machinery and trucks on Town roads and Village streets; and
  - Identify areas for on-site material handling and storage; and facilities for recycling and waste.

## **2.2 Project 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. There should be a statement demonstrating the consistency of this project with the adopted policies and/or plans set forth in the Town's Comprehensive Plan. 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.

## **2.3 Construction, Operation and Maintenance of the Project**

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 and stormwater pollution prevention plan (SWPPP) will be compliant with the State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP) 0-20-001.

### **2.3.1 Ownership and management of the Project.**

### **2.3.2 Maintenance of on-site improvements including the entity who will maintain such improvements.**

## **2.4 Reviews, Approvals, and Permits Required and Other Compliance Determinations**

Governmental agencies at the local, county, regional, state and federal levels that have 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. Although not having an approval authority, Interested Agencies shall also be listed in this section.

### **2.4.1 Permits and Approvals Required and Involved Agencies**

- Local;
- County;
- State; and
- Federal.

### **2.4.2 Interested Agencies**

### **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 extent of off-site areas studied for the existing conditions shall be defined for each issue. Sufficient detail will be provided so that readers are able to gain an understanding of current conditions and the context of which potential impacts will be assessed.

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 methodology and standards used to quantify projected impacts are to be described.

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 Agricultural Resources and Soils**

Existing Conditions:

1. 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. Discuss whether the Project is located within an agricultural district and what portions are considered agricultural. Describe if any agricultural soil groups are located on this property, including when this property was last used for agricultural purposes. Discuss agricultural uses in the vicinity of the property, including if any existing farms have been protected by the Town of Warwick's Purchase of Development Rights (PDR) programs.
2. 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:

1. Potential impacts to agricultural resources and soil resources could result from construction of the facility. Discuss how the site's soils classified within soil group 1 through 4 of the New York State land classification system may be impacted and how much of the agricultural soils will be permanently transformed by this Project, include

how the loss of agriculturally productive soils could affect the agricultural district. Construction and use of the site may impact the quality of the soils.

2. Potential impacts to agricultural resources and soil resources could result from the excavation or compaction of the soil profile of active agricultural land. Discuss the decrease in contiguous farmland acreage, which could adversely impact the critical mass needed to support local farm services.
3. Potential impacts to agricultural resources and soil resources could result from the use of or leakage of any chemicals associated with the proposed use of the site. Specifically, toxic chemicals may come from the panels due to rainfall.
4. Potential impacts to agricultural resources and soil resources could result from the use of pesticides, herbicides or other chemicals associated with the proposed use and maintenance of the site. Specifically, pesticides, herbicides or other chemicals associated with the proposed use and maintenance of the site may result in the degradation of the site's agricultural and soil resources.
5. Potential impacts to agricultural resources and soil resources could result from construction and use of the facility, which may be considered a loss of agricultural and soil resources in the community (Town of Warwick), Orange County and the surrounding region.
6. Potential impacts to agricultural resources and soil resources could result from the decommissioning process, specifically, there may be impacts on the quality of the soils from the use of pesticides, herbicides or other chemicals associated with the decommissioning process.
7. Potential impacts to agricultural resources and soil resources could result from the decommissioning process, specifically, the incomplete removal of all structures, parts, particles, improvements and materials; and possible leakage of chemicals during removal of improvements and materials may result in contamination of or destruction of the quality or structure of the site's soils.

#### Mitigation Measures:

1. 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 during the construction and use of the facility.
2. Discuss the use of integrated pest management systems and livestock grazing as mitigation measures for pesticide or herbicide use or mowing.

3. 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 during the decommissioning of the facility.

### **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.

#### Existing Conditions:

1. The section will describe surface waters (e.g., wetlands, streams) on and adjacent to the Project Site, including their respective state and federal classifications. Include the agency who has jurisdiction over the water bodies. Any applicable buffer areas should be described and shown on the drawings.
2. The existing drainage areas should be described and shown on the drawings.
3. Describe existing stormwater runoff conditions.
4. Describe any existing water rights indicating: any areas on the site where such water rights may be located; the purpose of any water rights; and the existing use thereof.

#### Potential Impacts:

1. Potential impacts to surface waterways and bodies could result from land disturbance and construction within or adjoining a freshwater wetland or in the bed or banks of any other water body.
2. Potential impacts to surface water resources could result from turbidity in a water body as a result of land disturbance and construction, created either from upland erosion, runoff or by disturbing bottom sediments.
3. Potential impacts to surface waters could result from land disturbance and construction that may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.
4. Potential impacts to surface waters could result from land disturbance and construction, which may affect the water quality of any water bodies within or downstream of the site of the proposed action.
5. Potential impacts to water could result from land disturbance and construction that may affect a water rights concern was brought to the attention of the Planning Board that may be related to deed issues.

6. Potential impacts to surface waterways and bodies could result from the use of or leakage of any chemicals associated with the proposed use of the site. Specifically, toxic chemicals may come from the panels due to rainfall.
7. Potential impacts to surface water resources could result if fertilizers, pesticides, herbicides or other chemicals are part of the proposed use and maintenance of the site. Specifically, the use of these and/or other chemicals on the site may result in the degradation of the site's surface water resources.
8. Potential impacts to surface water resources could have a secondary impact on groundwater resources.
9. 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.
10. Potential impacts to water could result from the decommissioning process, specifically, land disturbance related to decommissioning activities within or adjoining a freshwater wetland or in the bed or banks of any other water body.
11. Potential impacts to surface water resources could result from the decommissioning process, specifically, the incomplete removal of all structures, parts, particles, improvements and materials; and possible leakage of chemicals during removal of improvements and materials may result in contamination of or sedimentation in the on- and off-site surface waterways and waterbodies.

#### Mitigation Measures:

This section will also describe any mitigation measures that will be used to avoid, minimize, or mitigate impacts to surface water resources and stormwater. Unavoidable adverse impacts should be identified.

#### 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. The SWPPP should specifically discuss how the panel surface area will affect runoff, surface water infiltration, and aquifer recharge. 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 must specifically include all drainage features that are currently managing stormwater on the property. Impacts from stormwater runoff,

including modifying any current drainage patterns, comparison of pre- and post-development peak discharges, net increase in stormwater runoff volume, change in vegetative cover, and potential degradation in stormwater quality must be discussed. The SWPPP will be included as an Appendix to the DEIS.

### **3.3 Land**

Existing Conditions:

1. The soil types found on the project site, as presented in the Orange County Soil Survey, should be shown in maps included in the DEIS. The depth to bedrock and the seasonal high groundwater table should be identified. The slope ranges found on the property should be identified (0-10%, 10-15%, 15%+). If an Environmental Site Assessment (ESA) was completed and available for the project site, any areas of concern should be shown on a plan included in the DEIS.
2. The section will describe the existing land on and adjacent to the Project Site.
3. Describe the existing subsurface poles on the site, their purpose and plans for removal.

Potential Impacts:

1. Quantify the total area of disturbance and the disturbance by slope range.
2. Discuss impacts that may occur of depth to bedrock and/or an elevated groundwater table.
3. Potential impacts on land could result from land disturbance and construction that may affect land where depth to water table is less than three feet.
4. Potential impacts on land could result from land disturbance and construction that may result in increased erosion, whether from physical disturbance or vegetation removal (including treatment by herbicides).
5. Describe how existing vegetation will be maintained, as well as how noxious weeds will be managed. It should be clarified if animal grazing is a potential for this project.
6. A Farmland Restoration Plan and Performance Bond approved by Orange County Soil and Water and New York State Agriculture and Markets should be prepared and included in the DEIS
7. Potential impacts on land could result from land disturbance, construction and placement of fencing that may affect wildlife habitats on the site.
8. Potential impacts on land may have occurred or will occur due to the placement and removal of subsurface metal poles on the site.

## Mitigation Measures:

This section will also describe any mitigation measures that will be used to avoid, minimize, or mitigate impacts from land disturbance and construction. Unavoidable adverse impacts should be identified.

1. Describe retention of vegetation as part of the proposed action and how retained vegetation may have mitigative effects such as screening; and
2. Describe proposed landscaping plans.
3. Describe the purpose of fencing proposed around the proposed solar facility, including the four to six inch (4"-6") gap at the bottom of the fence.
4. Describe plans and methods for removal of subsurface metal poles on the site and corresponding site reclamation.

### **3.4 Aesthetic and Visual Resources**

#### Aesthetic and 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."*

Additional Code provisions must be addressed as per Zoning §164-42 .G(4), (5), and (6) as per the excerpted text below:

(4) "All solar energy installations shall be designed to avoid glare and reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard."

(5) "Landscaping of solar energy installations, capable of providing year-round screening if not already provided, shall be installed along all sides in such a way as to not obstruct solar access."

(6) "A visual analysis shall be provided using line-of-sight profiles, from public viewing locations as defined in § 164-47.1 F(3)(a) of the Zoning Law, to proposed solar energy installation locations."

### **3.4.1 Visibility from officially designated federal, state, or local scenic or aesthetic resources**

#### Existing Conditions:

This section of the DEIS will describe the existing Project Site, land use patterns, scenic and aesthetic resources in the adjacent and surrounding community with narrative and graphic representation. It should be specifically stated if this project site is visible from any public parks or trails. This section will also be based on the visual assessment study prepared for the Project.

#### Potential Impacts:

1. The DEIS will describe how 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 officially designated federal, state, or local scenic or aesthetic resources. The methodology outlined in the NY State Program policy document entitled "Assessing and Mitigating Visual Impacts" (DEP-00-2) or most current version is to be used to assess impacts. Photo simulations of the proposed site and structures shall be prepared. An assessment of night-time visibility using the proposed lighting plan and described in a glare analysis plan should be prepared. 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. Ridge Road (public road, as a visual gateway from Chester into Warwick);
  - g. Sky View Road (public road);

- h. West Meadow Way (public road);
  - i. Kay's Way (private road);
  - j. Neil Drive (private road); and
  - k. Properties adjacent to the site of the proposed action.
2. The Ridgeline Overlay District criteria shall be specifically discussed as it relates to this proposed project.

Mitigation Measures:

3. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.
- a. Consider and discuss a reduced solar array, specifically with fewer rows of panels near the higher points on the site, to reduce visibility.
  - b. Consider and discuss an increase in proposed landscape screening including taller vegetation and/or denser plantings to reduce visibility.

**3.4.2 Obstruction, elimination or significant screening of one or more officially designated scenic views**

Existing Conditions:

This section of the DEIS will describe the existing Project Site, land use patterns, scenic and aesthetic resources in the adjacent and surrounding community. This section will also be based on the visual assessment study prepared for the Project.

Potential Impacts:

1. The DEIS will describe how 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).

Mitigation Measures:

2. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.

- a. Consider and discuss a reduced solar array, specifically with fewer rows of panels near the higher points on the site, to reduce visibility.
- b. Consider and discuss and increase in proposed landscape screening including taller vegetation and/or denser plantings to reduce visibility.

### **3.4.3 Visibility from publicly accessible vantage points.**

#### Existing Conditions:

This section of the DEIS will describe the existing Project Site, land use patterns, scenic and aesthetic resources in the adjacent and surrounding community. This section will also be based on the visual assessment study prepared for the Project.

#### Potential Impacts:

1. The DEIS will describe how 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.

#### Mitigation Measures:

2. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.
  - a. Consider and discuss a reduced solar array, specifically with fewer rows of panels near the higher points on the site, to reduce visibility.
  - b. Consider and discuss and increase in proposed landscape screening including taller vegetation and/or denser plantings to reduce visibility.

### **3.4.4 Visibility during certain situations or activities**

#### Existing Conditions:

This section of the DEIS will describe the existing Project Site, land use patterns, scenic and aesthetic resources in the adjacent and surrounding community. This section will also be based on the visual assessment study prepared for the Project.

Potential Impacts:

1. The DEIS will describe how 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 adjacent residences or residential properties; and
  - d. All of the above would have views of the site's hillsides and rolling hills.
2. The DEIS will describe "glare" and "reflection" effects of the proposed action in regard to provisions of the Town of Warwick Code, Chapter 164, section 164-48 Performance standards, subsection C. (8) regarding glare; and section 164-47.1 Ridgeline Overlay District, subsection F.(3)(b) and (c)(i) regarding visibility.

Mitigation Measures:

3. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.
  - a. Consider and discuss a reduced solar array, specifically with fewer rows of panels near the higher points on the site, to reduce visibility.
  - b. Consider and discuss and increase in proposed landscape screening including taller vegetation and/or denser plantings to reduce visibility.

### 3.4.5 Diminishment of visibility to the public

Existing Conditions:

This section of the DEIS will describe the existing Project Site, land use patterns, scenic and aesthetic resources in the adjacent and surrounding community. This section will also be based on the visual assessment study prepared for the Project.

Potential Impacts:

1. The DEIS will describe how 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).

Mitigation Measures:

- 2. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.
  - a. Consider and discuss a reduced solar array, specifically with fewer rows of panels near the higher points on the site, to reduce visibility.
  - b. Consider and discuss and increase in proposed landscape screening including taller vegetation and/or denser plantings to reduce visibility.

### **3.5 Community Plans and Community Character**

#### **3.5.1 Community Plans**

Existing Conditions:

This section of the DEIS will describe the existing Project Site and adjacent community based on objectives in the Comprehensive Plan Update for the Town of Warwick adopted in 2016 that pertain to the Project Site and vicinity. This section will also be based on the visual assessment study prepared for the Project.

Potential Impacts:

The DEIS will identify how the proposed Project may affect the character of the community.

- 1. Potential impacts include inconsistency with community plans, including adopted land use plans, specifically the proposed 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).

Mitigation Measures:

2. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.

### **3.5.2 Community Character**

Existing Conditions:

This section of the DEIS will identify and describe the existing character and distinguishing elements of the Project Site and adjacent community that may be affected by this Project. This should be based on the visual assessment study prepared for the Project and previously prepared and adopted planning documents that include the Project Site vicinity.

Potential Impacts:

The DEIS will identify how the proposed Project may affect the character of the community.

1. Potential impacts include inconsistency with community character, or inconsistency with the existing community character, specifically, the proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.  
Describe how 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).
2. Potential impacts include inconsistency with community character, or inconsistency with the existing community character, specifically, the effect of the visibility of the proposed action on an area considered to be an entrance to Warwick or a gateway to the community.
3. Potential impacts include inconsistency with community character, or inconsistency with the existing community character, specifically, the temporary effect of traffic during construction.
4. Describe the potential effects of the visibility of the proposed action on property values of nearby properties.

Mitigation Measures:

5. Mitigation measures will be identified, as needed. Unavoidable adverse impacts should be identified.

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

The sections below are included in this DEIS as areas with potentially small to moderate impacts that may result from the Proposed Action. Although these areas of potential impact were not set forth in the adopted determination of significance for the Project, the impacts described in these sections should be described and addressed as part of the overall SEQR review process.

### **3.6 Groundwater Resources**

**Existing:** Provide location and description of any existing wells on the property. Identify whether the property is over a designated aquifer. Discuss whether the Site is located within the Town's Aquifer Protection Overlay District (AQ-O).

**Potential Impacts:** Discuss the source of contaminants (e.g., pesticides, herbicides, deicing agents) from the site and adjacent properties and their potential impacts to the proposed well and identified resources.

**Mitigation Measures:** Mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable impacts will be identified.

### **3.7 Plants and Animals**

**Existing:** Vegetative/ecological communities within the limits of the site will be identified and described in accordance with the Town of Warwick Habitat Assessment process found in Section 164-47.9 of the Zoning Law. The New York State Natural Heritage Program, New York State Department of Environmental Conservation, and the US Fish & Wildlife Service will be contacted to determine the recorded presence of threatened, endangered, or unique and rare plant and animal species on the site. On-site investigations will be made by a qualified biologist to identify resident and transient species on the site. Discuss whether the site is located within the Town's Biodiversity Conservation Overlay District (BC-O). Discuss the Southern Wallkill Biodiversity Plan's recommendations for the Wawayanda Creek, including its recommendations for avoiding or reducing impacts to plants and animals.

**Potential Impacts:** Describe the potential impacts to plant and animal communities and their habitats on, or in the vicinity of the Site, due to construction or operation of the Proposed Action, using the above studies of existing conditions as a baseline from which

to assess impacts. The Town of Warwick Biodiversity Overlay should be specifically discussed.

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts as necessary. Unavoidable adverse impacts will be identified

### **3.8 Cultural, Historic, and Archaeological Resources**

Existing Conditions: Identification of sites having potential significant historical or archaeological value on or adjacent to the site. If any, describe eligibility of the site for inclusion in the State and National Registers of Historic Places. Include a summary of the Phase I/Phase II Archaeology Report in this section. Include the entire Phase I/Phase II Report in an Appendix, unless restricted for public distribution by New York State.

Potential Impacts: If applicable, discuss results of the Phase I/Phase II Archaeology Report including all interactions (correspondence and other reports) with the State Office of Parks, Recreation and Historic Preservation ("OPRHP" or "SHPO").

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts as necessary. Unavoidable adverse impacts will be identified.

### **3.9 Traffic and Transportation**

Existing Conditions: Describe the existing size, capacity, and physical condition of the roadways proposed for use by construction vehicles. Describe the type of construction vehicles required to construct the project and the estimated trips per day per truck type.

Potential Impacts: Describe the proposed access point and on-site traffic movement. Include the proposed access drive surface covering.

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts will be identified.

### **3.10 Land Use, Zoning, and Public Policy**

Existing Conditions: Discuss Town of Warwick Comprehensive Plan policies that apply to the proposed development on the site. The proposed project requires a Town of Warwick Highway Permit for access from Ridge Road. Discuss whether the Town of Warwick Community Preservation Project Plan applies to the proposed project site. Discuss the Town of Warwick Zoning Law requirements that apply to the proposed project site, including the Town Design Standards (Appendix A of the Zoning Law). Discuss existing land uses and zoning designations on-site and on adjacent properties and in the surrounding area (i.e., within 1/2 mile). Discuss the historic agricultural use of the site including farm structures, soil fertility and previous crop and/or animal production. Discuss permitted "as-of-right" uses allowed on the site, special permit uses allowed, and accessory uses allowed.

Potential Impacts: Discuss compatibility of the proposed project with the above identified plans, planning documents, and local laws. Discuss the change in land use for the site as it relates to surrounding land uses, which are predominantly single-family homes, farms, open space, and protected open space. Analyze and discuss the proposed project's compliance with the Zoning Law, including the intent and purposes of the Zoning Law, the provisions of § 164-46 (Site Plan/Special Use Permit) including the base zoning and zoning overlay districts, and other relevant sections of the Zoning Law. Discuss consistency with the Town Design Standards. Discuss the need for and justification of waivers, based upon the procedures found in § 164-74.1 (waivers) for all areas where the proposed site plans do not meet the design standards, or other standards of the Zoning Law.

Mitigation Measures: a. Mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts will be identified.

### **3.11 Socioeconomics**

Existing Conditions: Discuss existing demographics of the Town of Warwick relative to target market demands for the proposed Project. Discuss the social and economic benefits to the community from the existing site use.

Potential Impacts: Discuss any affect the project can be expected to have on existing demographics and tourism. Estimate temporary employment associated with construction of the proposed action and income to the local economy from sales of construction material, construction labor, and construction spending/sales tax. Describe the socioeconomic benefits and adverse effects on the community that can be expected to result from the proposed action.

Mitigation Measures: Identify mitigation for any adverse impact that would result. Describe any measures that would be implemented to maximize socioeconomic benefits to the community. Identify any unavoidable adverse effects that cannot be mitigated.

### **3.12 Open Space and Recreation**

Existing Conditions: Discuss existing recreation and open space facilities in the Town of Warwick. Discuss the Town of Warwick's June 2006 Park and Recreation Plan and any updates or amendments to such Plan. Reference any results from the discussion of the Town's adopted Community Preservation Project Plan recommendations for open space or recreation for the site here.

Potential Impacts: Discuss on-site open space including the method used for permanent protection, if applicable.

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts will be identified.

### **3.13 Community Facilities and Services**

Existing Conditions: This section will discuss existing police, fire, and emergency services in the Town of Warwick. Information will be based on conversations with, and correspondence received from service providers and available online resources.

Identify State, County, and local Police Departments that provide police coverage to the project site, with a description of the following information for each:

- Station locations.
- Staffing levels.
- Average response time expected to the project site.
- Any existing deficiencies in staffing or facilities, if available.
- Any planned or proposed expansions or improvements to address the deficiencies.

Identify Fire Departments and/or Emergency Medical Service (EMS) providers that service the project site based upon discussions and correspondence with the respective departments. This will include a description of the following information for each:

- Station locations.
- Staffing levels (with subtotals of paid staff and volunteers).
- Average response time expected to the project site.
- Inventory of equipment including the number and type of apparatus and the ability of the equipment to serve the proposed buildings.
- Discussion of existing water supply for fire protection.

Discuss existing tax revenues generated (PILOT) from the site and any existing municipal costs related to the site for all applicable jurisdictions – Town (including highway), County, School District, and any special districts.

Potential Impacts: Discuss the potential impacts of the proposed project on existing police, fire, and emergency services in the Town of Warwick. The adequacy of the existing services, facilities, staff and equipment to handle the increased demand generated by the proposed development will be evaluated. The ability of the proposed road system and access points to accommodate emergency vehicles and equipment will be discussed. Analysis of fiscal impacts to the Town and on Town services including projected tax revenues and the cost of community services using a methodology in common use, such as that described in the most recent versions of Rutgers University's Center for Urban Affairs publications entitled The Fiscal Impact Handbook and The New Practitioner's Guide to Fiscal Impact Analysis. The assumptions on which costs and revenues are based will be clearly presented.

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts as necessary. Unavoidable adverse impacts will be identified.

### **3.14 Hazardous Materials**

Existing Conditions: Identify State-listed inactive hazardous waste sites, spills, and other soil conditions through a review of DEC information and any Phase 1 Environmental Site Assessment that is completed for the site.

Potential Impacts: Identify any potential hazard materials used as part of the project. Also, identify any hazardous materials used/storage temporarily at the project site during construction.

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts will be identified.

### **3.15 Public Health**

Existing Conditions: Describe any critical receptors located within 1500 feet of the site.

Potential Impacts: Identify any unmitigated adverse impacts in other SEQRA sections in the DEIS (such as air quality, water quality, hazardous materials, noise).

Mitigation Measures: If any unmitigated significant adverse impact is identified, conduct a public health assessment for the specific technical area by identifying potential environmental hazard exposure pathways, population affected, and potential exposure impacts. Identify measures to mitigate the potential public health impacts, as warranted.

### **3.16 Short Term Impacts – Construction**

Existing Conditions: Discuss historical land use on the site and any records of prior land disturbance activity.

Potential Impacts: Discuss short term construction phase impacts anticipated as follows:

- Phasing, if any,
- Hours of construction operations
- Noise, traffic, construction traffic access to the site
- Removal of soil, rocks, and trees from the site
- Remedial measures to be taken to prevent or correct damage to municipal roadways and infrastructure from construction traffic
- Prevention of project mud and gravel from being tracked onto roadways
- Estimates of the tons per load and truck trips necessary to accomplish construction activities
- Itemize proposed construction traffic routes
- Identify speed restrictions to be set in place
- Identify the precautions, described in detail, to be taken during construction to avoid and protect wetlands, streams, and all other surface waters

- Identify the precautions to be taken (timing/seasonal, inspection schedules and physical method to be used) for any and all significant habitats or listed species identified
- All details for sediment control
- Staging areas
- A dust control plan
- Describe methods of recycling/reusing waste and natural materials on-site during construction
- Describe the building process, and if any "green" building techniques employed
- Describe how construction activity will be planned to minimize the carbon footprint of fossil fuel powered equipment

Mitigation Measures: Mitigation will be proposed for identified adverse environmental impacts as necessary. Unavoidable adverse impacts will be identified.

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

This section of the DEIS will identify impacts in section 3 of this DEIS that are likely to occur despite mitigation measures and will provide a summary of these unavoidable impacts in terms of loss of environmental resources. These unavoidable impacts will also be compared 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.

##### **5.1 Alternative Design: Originally proposed solar array with longer panels and higher height at maximum tilt:**

- Panel lengths of fourteen feet and nine inches (14' 9");
- Panel height of 17' at maximum tilt of sixty (60) degrees;
- Demonstrate the increased visibility with longer panels at higher tilt;
- Refer to plan set last revised 3/24/23.

## **5.2 Alternative Design: Reduced Area Solar Array (eliminate higher elevation panels)**

- Eliminate southernmost aspect of solar by eliminating rows at the highest elevation on the site;
- Refer to prior comments about Town of Warwick code section 164- 47.1, Ridgeline Overlay District, subsection E., and F., 1., about structure siting at lower elevations.
- Demonstrate any corresponding reduction in the extent of visibility

## **5.3 Alternative Design: Reduced Area Solar Array (eliminate half the panels)**

- Reduced array by eliminating one half (1/2) of the array;
- Refer to prior comments about Town of Warwick code section 164- 47.1, Ridgeline Overlay District, subsection E., and F., 1., about structure siting at lower elevations.
- Demonstrate any corresponding reduction in the extent of visibility

## **5.4 Alternative Use: Conceptual Single-family subdivision development**

- Provide narrative about a number of residential units indicating not the objective of the applicant based on:
  - o Conceptual cluster subdivision development, including number of potential residential lots with homes, and the potential total buildout;
  - o Refer to prior comments about Town of Warwick code section 164- 47.1, Ridgeline Overlay District, subsection E., and F., 1., about structure siting at lower elevations;
  - o Conceptually demonstrate any corresponding effect regarding the extent of visibility;
  - o Refer to prior comments about Town of Warwick code section 164- 47.1, Ridgeline Overlay District, subsection E., and F., 1., about structure siting at lower elevations;
  - o Conceptually demonstrate any corresponding increase or reduction in the extent of visibility; and
  - o Conceptually compare extents of disturbance and coverage of single-family with solar development.

**5.5 Alternative Use: Continued Agricultural use of the project site**

**5.6 Alternative Location: Locate a Solar Array or Solar arrays on large warehouse buildings in the community**

**5.7 No Action Alternative**

## **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 identify any other proposed actions that could potentially affect resources identified and discussed in the DEIS. Clearly state which resources might be affected by cumulative impacts, such as agricultural resources and soils, surface water resources, land, aesthetic and visual resources, and community plans and community character. Discussion should also include any proposed project in the vicinity of the proposed action. Unavoidable adverse impacts should be identified.

## **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.

## **11. 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:

- Application and SEQR documentation
- Relevant maps and figures
- Project plans (full size and reduced [11" X 17"] drawings), specifications, and/or construction information
- Correspondence from local, county, regional, state and federal agencies; members of the public, and organizations or consultants contacted during the preparation of the DEIS
- Visual Assessment, including all photographic simulation analyses
- Glare Study
- Geotechnical Report
- Stormwater Pollution Prevention Plan (SWPPP), including MS4 compliance documentation
- Provide a list of and copies of all previously submitted reports, associated reference materials, and other materials, including, but not limited to any habitat assessment, wetland delineation report, farmland restoration plan, and agency letters. Each report and reference shall be included in its entirety as an appendix to the DEIS.

RECEIVED

NOV 29 2023

TOWN OF WARWICK  
TOWN CLERK

**TOWNSHIP OF VERNON**

**ORDINANCE #23-22**

**AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 330 ENTITLED "LAND DEVELOPMENT" TO CLARIFY REGULATIONS RELATIVE TO PERMITTED LOCATIONS FOR LEGAL CANNABIS USES WITHIN THE TOWNSHIP OF VERNON**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use, and possession; and

**WHEREAS**, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer License, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer License, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities, by ordinance, to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors, or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, the Township Council of the Township of Vernon has previously adopted Ordinances 21-25, 21-16 and 22-11 to permit and regulate legal cannabis within the Township, which it now seeks to repeal and replace in order to create more cohesive and clear standards for legal cannabis uses; and

**WHEREAS**, the Township Council of the Township of Vernon finds after having reviewed the various zoning districts within the municipality and reviewing the restrictions of those locations within the Highlands Preservation Area, generally, zones which permit commercial and industrial uses are suitable locations as conditional uses for the Class 1, 2, 3, and 4 designated marketplaces as set forth above and below and Class 5 and 6 marketplaces should be permitted as a conditional use in commercial and retail zones, as set forth above and below;

**NOW, THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey as follows: Section 330 of the Township Land Development Ordinance shall be amended, revised, and supplemented as follows:

**SECTION 1.**

Ordinances 21-16, 21-25 and 22-11 are repealed in their entirety and replaced with the following sections.

**SECTION 2.**

**Schedule A: Permitted, Conditional and Accessory Uses and Structures (Section 330-160) Township of Vernon**

**Legend:**

**P=Permitted Use**

**A= Permitted Accessory Use**

**C= Conditional Use**

R-2 Cultivation Removed

| Uses                        | R-1 | R-2 | R-3 | SR | PLC | C-1 | C-2 | C-3 | CR | AET | LI | C | MTC | P | PLLC | TC | MVMU |
|-----------------------------|-----|-----|-----|----|-----|-----|-----|-----|----|-----|----|---|-----|---|------|----|------|
| Cannabis                    |     |     |     |    |     |     |     |     |    |     |    |   |     |   |      |    | C    |
| Cannabis cultivator         |     |     |     |    |     |     |     |     |    | C   | C  |   |     |   |      |    | C    |
| Cannabis distributor        |     |     |     |    |     |     |     |     |    |     | C  |   |     |   |      |    | C    |
| Cannabis manufacturer       |     |     |     |    |     |     |     |     |    |     | C  |   |     |   |      |    | C    |
| Cannabis wholesaler         |     |     |     |    |     |     |     |     |    |     | C  |   |     |   |      |    | C    |
| Cannabis delivery           |     |     |     |    |     | C   | C   | C   |    |     | C  |   |     |   |      | C  | C    |
| Cannabis retailer           |     |     |     |    |     | C   | C   | C   |    |     | C  |   |     |   |      | C  | C    |
| Cannabis medical dispensary |     |     |     |    |     | C   | C   | C   |    |     | C  |   |     |   |      | C  | C    |

**SECTION 3.**

Section 330-5 “Language and Definitions” shall be amended, revised, and supplemented as follows:

**Cannabis**

All parts of the plant *Cannabis sativa* L., whether growing or no, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in the Act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (C. 24:6I-1 et al.) and P.L. 2015, c. 158 (C. 18A:40-12.22 et al.); marijuana as defined in N.J.S. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (C. 2C:35B-1 et seq.), or marijuana, as defined in Section 2 of P.L. 1970, c. 226 (C. 24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (C. 24:21-1 et. al.); or, hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act,” P.L. 2019, c. 238 (C. 4:28-6 et. al.).

**Cannabis Cultivator**

Any licensed business or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator License.

**Cannabis Delivery**

Any licensed business or entity involved in providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer. This person or entity shall hold a Class 6 Cannabis Delivery License.

**Cannabis Distributor**

Any licensed business or entity involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another. This person or entity shall hold a Class 4 Cannabis Distributor License.

**Cannabis Establishment**

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis distributor.

**Cannabis Medical Dispensary**

See Cannabis Retailer.

**Cannabis Manufacturer**

Any licensed business or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer License.

**Cannabis Retailer**

Any licensed business or entity that is involved in the sale of cannabis items and related supplies are sold to consumers. This person or entity shall hold a Class 5 Cannabis Retailer License. See also Cannabis Medical Dispensary.

**Cannabis Wholesaler**

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

**License**

A license issued under relevant State law including a license that is designated as either:

- A. Class 1 Cannabis Cultivator License
- B. Class 2 Cannabis Manufacturer License
- C. Class 3 Cannabis Wholesaler License
- D. Class 4 Cannabis Distributor License
- E. Class 5 Cannabis Retailer License
- F. Class 6 Cannabis Delivery License

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

**Manufacture**

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

**Wholesale Trade**

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**SECTION 4.**

Section 330-189 "Conditional Uses" shall be amended, revised, and supplemented as follows:

**(30) – Cannabis Retailer.** Cannabis Retailers shall meet the following conditions and standards when permitted as a conditional use:

- (a) Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility. Distances shall be measured door to door as one would travel as a pedestrian.
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis retailer proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs shall not promote consumption of any cannabis products.

- (f) Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.
- (g) License requirements. Cannabis retailers shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) 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.
- (i) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (j) Interior security. Cannabis retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (k) 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.
- (l) Product consumption: No products shall be permitted to be consumed on-site.
- (m) State license. The facility must have a valid license to operate from the State of New Jersey.
- (n) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

**(31) – Cannabis Delivery.** Cannabis Delivery services shall meet the following conditions and standards when permitted as a conditional use:

- (a) Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility. Distances shall be measured door to door as one would travel as a pedestrian.
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis delivery use proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis facilities shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs not promote consumption of any cannabis products.
- (f) Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.
- (g) License requirements. Cannabis facilities shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Hours of operation for cannabis delivery services shall be limited to 9:00 a.m. to 10:00 p.m.
- (i) Interior security. Cannabis facility interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (j) Product consumption: No cannabis products shall be permitted to be consumed on-site.

- (k) State license. The cannabis facility must have a valid license to operate from the State of New Jersey.
- (l) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

**(32) – Cannabis Cultivator, Manufacturer, Wholesaler or Distributor.** Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor shall meet the following conditions and standards when permitted as a conditional use:

- (a) Location: Cannabis Cultivator facilities shall be the only facilities permitted in the AET shall be on lots with a minimum of six (6) acres.
- (b) Highlands Preservation Area. Cannabis facilities proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (c) Buildings: All cannabis facilities shall be enclosed in heated/air-conditioned permanent buildings, not hoop houses, greenhouses or other temporary structures.
- (d) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (e) Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.
- (f) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township.
- (g) Buffering. Cultivator facilities located in the AET Zone must maintain a 100-foot buffer from property lines.
- (h) Lighting. Cultivator facilities located in the AET Zone shall limit lighting to the minimum necessary for safety requirements in parking areas and walkways to have a maximum 1.0 footcandle. Lighting shall be downward facing and not exceed 0.1 footcandle at the property line.
- (i) License requirements. Cannabis facilities shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (j) State license. The facility must have a valid license to operate from the State of New Jersey.
- (k) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

#### **SECTION 4.**

#### **SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 5.**

**NOTICE**

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

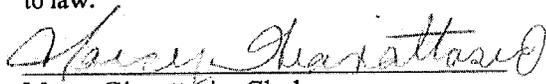
**SECTION 6.**

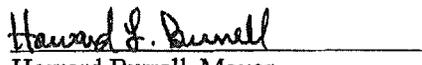
**EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

**CERTIFICATION**

This is to certify that the above Ordinance was introduced and passed on first reading at the Meeting of the Township Council held on October 12, 2023, and the same came up for final passage and was adopted at the Meeting of the Township Council held on November 27, 2023 at which time all persons interested were given an opportunity to be heard. The above ordinance will be in full force and effect in the Township of Vernon according to law.

  
 Marcy Gianattasio, Clerk  
 Township of Vernon

  
 Howard Burrell, Mayor

**Township of Vernon**

**INTRODUCED: October 12, 2023**

| NAME         | M | S | YES | NO | ABSTAIN | ABSENT |
|--------------|---|---|-----|----|---------|--------|
| Distasi, P.  | X |   | X   |    |         |        |
| Rizzuto, P.  |   |   | X   |    |         |        |
| Sparta, B.   |   |   | X   |    |         |        |
| Tadrick, J.  |   | X | X   |    |         |        |
| Buccieri, N. |   |   | X   |    |         |        |

**ADOPTED: November 27, 2023**

| NAME            | M | S | YES | NO | ABSTAIN | ABSENT |
|-----------------|---|---|-----|----|---------|--------|
| DeBenedetto, J. |   |   | X   |    |         |        |
| Rizzuto, P.     |   |   | X   |    |         |        |
| Sparta, B.      | X |   | X   |    |         |        |
| Tadrick, J.     |   |   | X   |    |         |        |
| Buccieri, N.    |   | X | X   |    |         |        |