

State Environmental Quality Review (SEQR)

Resolution Adopting Part 3 and Adopting Negative Declaration and Authorizing Filing of Same

Name of Action: Beth Medrash Meor Yitzchok College

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for an application for Special Use Permit and Site Plan approval involving the re-occupancy and interior renovation of three existing vacant structures totaling 87,000 square feet, and appurtenant landscaping and parking area improvements on a 7.01 acre parcel of land located at 57 and 61 Old Forge Road, Town of Warwick, Orange County, New York, and

Whereas, a letter from the project sponsor's attorney, Neil J. Alexander, Esq., dated December 27, 2023 was received along with several exhibits and a site plan, dated December 27, 2023, explaining the project and among other claims, indicating that the application is exempt from SEQR based on several Type 2 Actions listed at 6 NYCRR 617.5; and

Whereas, the Planning Board had considered the claims of the project sponsor, and had determined as follows:

1. With regard to 617.5(C)(2), the project is not a reconstruction of a facility in kind, and therefore this Type 2 action does not apply. The previous facility was a research laboratory, while the proposal is for classrooms, dormitories, libraries and supporting facilities.
2. With regard to 617.5(C)(9), the proposed construction involves more than 4,000 square feet of non-residential floor area and includes residential facilities, and therefore this Type 2 action does not apply.
3. With regard to 617.5(C)(10), the initial construction of an 87,000 square foot school is not a "routine" activity of an educational institution, and therefore this Type 2 action does not apply.
4. With regard to 617.5(C)(18), the action exceeds a Type 1, threshold. Notably, the proposed action proposes, *"an unlisted action, that exceeds 25 percent of any threshold in this section (activities, other than the construction of residential facilities that exceed...in a... town... having a population of less than 150,000 persons or less, a facility with more than 100,000 square feet), occurring... substantially contiguous to any publicly owned or operated parkland...."* The exact amount of non-residential floor area proposed is not known, but seems to exceed 25,000 square feet, the maximum amount under this threshold.

Whereas, based on the above information, the Planning Board on or around January 17, 2024 preliminarily classified the action as a Type 1 action, and a Full Environmental Assessment Form (FEAF) Part I was requested; and

Whereas, A Full Environmental Assessment Form (EAF), Part 1, was received from the applicant dated August 14, 2024; and

Whereas, on September 18, 2024, the Planning Board noticed its intent to become Lead Agency to the Town of Warwick Zoning Board, the Orange County Department of Health and the New York State Department of Environmental Conservation, which it had determined were involved agencies; and

Whereas, The Board further distributed the Notice to the following agencies and parties at the Project Sponsor's request: Town of Warwick Town Board, Orange County Department of Planning, Orange County Department of Public Works, NYS Department of Education, Town of Warwick Police Department, Tuxedo Union Free School District, Tuxedo Fire District, Greenwood Lake EMS District, The Sterling Forest Partnership, NY/NJ Trail Conference, and the Open Space Institute; and

Whereas, on or around November 20, 2024, the Planning Board assumed lead agency status having received no objections to its lead agency coordination, reviewed the Full Environmental Assessment Form (EAF) Part 1 for the action and adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential moderate to large environmental impacts:

- a. Impact on Land:
 - i. The proposed action may involve construction on land where depth to water table is less than 3 feet – applicant indicates groundwater elevations as shallow as 1 foot.
 - ii. The proposed action may involve construction on slopes of 15% or greater. – applicant indicates that site contains slopes over 15% comprise 49% of the site
 - iii. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface – applicant indicates the site contains exposed bedrock
 - iv. The proposed action may involve construction that continues for more than one year or in multiple phases – applicant indicates 18-month construction period
- b. Impact on Groundwater:
 - i. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.
 - ii. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer – Veolia indicates improvements needed to increase capacity.
 - iii. Other: Project will withdraw water from a sole source aquifer (Highlands Aquifer System).
- c. Impact on Plants and Animals:
 - i. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government – while proposed disturbance is limited, there is a potential for habitat degradation associated with more intensive, 24-hour occupancy of the project site.
 - ii. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government– while proposed disturbance is limited, there is a potential for habitat degradation associated with more intensive, 24-hour occupancy of the project site.
 - iii. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.
- d. Impact on Aesthetic Resources: While the structures are existing, they have been vacant for some time. Significantly increased activity at the site will impact views from the Sterling Forest Visitor's Center and area trails, which is substantially contiguous to the property site.
- e. Impact on Historic and Archaeological Resources: The project is located in an area identified as sensitive for archeological resources, however, sub items are recommended to be identified as "no or small impact," as there is very limited site disturbance proposed and those are proposed in areas that are adjacent to significant previous disturbance, such as minor expansion of parking areas.

- f. Impact On Open Space And Recreation – Other: The project may diminish recreational resources in the adjacent State Park
- g. Impact on Transportation: Projected traffic increase may exceed the capacity of the existing road network.
- h. Impact on Energy: The project will increase energy usage, but all sub-items are identified as “no or small impact.”
- i. Impact on Noise, Odor and Light:
 - i. The proposed action may result in light shining onto adjoining properties.
 - ii. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.
- j. Impact on Human Health:
 - i. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.
 - ii. Other: Renovation of buildings may result in the release of lead paint, asbestos, or chemicals used during the previous owner's occupancy as a laboratory.
- k. Consistency with Community Character:
 - i. The proposed action may create a demand for additional community services (e.g. schools, police and fire)
 - ii. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

Whereas, in reaction to the potential moderate to large impacts identified by the Lead Agency over the course of its initial SEQR review and/or as part of comments received during normal project review, the project sponsor had made several changes to its proposed project; and

Whereas, the Lead Agency distributed a Notice of Project Changes to all involved and interested agencies including the Part 1 EAF, Part 2 EAF, and most recent revised plans as provided by the applicant on or around March 12, 2025; and

Whereas, the Lead Agency directed the applicant to prepare a draft Part 3 Environmental Assessment Form based on the potential impacts listed in the Part 2 EAF; and

Whereas, the Lead Agency, having received and reviewed the applicant's draft Part 3 EAF, charged its Planning and SEQR advisor Nelson Pope and Voorhis (NPV) to revise the Part 3 EAF based on discourse and deliberations between the project sponsor and lead agency, submissions by the project sponsor and based on the advice and discussions between the Board and its technical consultants through the course of public workshops and meetings; and

Whereas, NPV provided the Lead Agency with a revised draft FEAF Part 3 EAF on April 14, 2025, which was discussed at the Planning Board meeting of April 16, 2025, where a public hearing on the proposed action was opened and closed with the written comment period extended through April 26, 2025; and

Whereas, the Lead Agency received significant public and interested agency comments regarding the potential impacts of the project, including those submitted during and after the written comment period, and the Lead Agency has considered all such input and testimony, as well as additional responding testimony of the project sponsor and advice of the Lead Agency's technical advisors; and

Whereas, based on public comment received during and after the public hearing comment period, the Lead Agency identified the following matters that required further consideration by the Lead Agency to

meet the “hard look” requirement under SEQR and to determine whether significant impacts are likely to result:

1. Whether or not the proposed project is consistent with the policies of the Highlands Regional Plan.
2. Whether or not traffic counts were representative of “reasonable worst-case conditions” being that school was not in session, and the counts were taken in June, when peak tourism traffic tends to be in fall.
3. Whether or not pedestrian use of Old Forge Road by hikers was given appropriate consideration considering proposed daily traffic and monthly bus arrivals and departures.
4. Reference to radioactive isotopes being stored and used on site including tritium, radioactive carbon, sulfur, chromium and lead.
5. Whether or not adequate soil sampling was conducted around the site.
6. The suitability of ambulance services to provide service to the site.
7. Whether occasional events in the on-site auditorium may result in spillover parking along roads and in the park visitor center.
8. Impacts to certain additional species including: Indiana Bat (endangered), Cerulean Warbler (Special Concern), Eastern Box Turtle (Special Concern), Jefferson Salamander (Special Concern), Small-Whorled Pogonia (Endangered), Appalachian Sandwort (Threatened)
9. Potential impact on historic mine and furnace resources that may be present within the Sterling Forest State Park.

Whereas, in response to the requested additional information, the Applicant submitted additional materials for the Lead Agency’s consideration; and

Whereas, the Lead Agency, having reviewed the materials provided by the applicant, instructed NPV to revise the draft Part 3 FEAF to address the Lead Agency’s deliberations as regards the additional identified concerns and the additional information provided by the applicant, and the advice of the Lead Agency’s technical advisors; and

Whereas, the Lead Agency has received the revised Draft EAF Part 3 on July 15, 2025, and has reviewed the revised Full Environmental Assessment Form, Part III and its many Exhibits; and

Whereas, the Lead Agency has also received and reviewed a Draft Negative Declaration of Environmental Significance dated July 15, 2025 as prepared by NPV; and

Whereas, 6 NYCRR 617.7(a)(1), requires that, “To require an EIS for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact,” and additionally, 6 NYCRR 617.3(h) requires that, “Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay... and must expedite all SEQR proceedings in the interest of prompt review.”

Whereas, the Lead Agency has received suggestions from a small number of commenters that the Lead Agency should consider matters that are not appropriate to the environmental or zoning process and which the Lead Agency categorically rejects and dismisses, including:

1. Suggestions that the Board treat the application differently based on statements purportedly excerpted from Jewish religious scripture or based on the purported behavior of other Hasidic or Orthodox Jewish groups and individuals; and
2. Innuendo or suggestions that this school would represent a “turning point” or “opening a door;” and
3. Categorization of what is clearly proposed as a dormitory for 200 adult men as a, “large residential community;” and

Now Therefore Be It Resolved, that the Planning Board acknowledges the significant interest and concern by the public, stakeholders and agencies with regard to the adjacency of Sterling Forest State Park to the project site, and further acknowledges and recognizes the sensitivity of area environmental resources, and the ecological, environmental, social, cultural, aesthetic, and economic importance of the State Park to the region; and

Be it Further Resolved, that the Planning Board as Lead Agency adopts the EAF Part 3, which sets forth the Lead Agency’s review and analysis of the various information and testimony received, and provides an assessment of the likely magnitude of impacts, the geographic scope of impacts, the duration of impacts, the probability of impacts occurring, the number of people affected by potential project impacts and other relevant considerations of environmental consequences that are likely to occur as a result of the action; and

Be It Further Resolved, that while the Lead Agency relies on the full record as set forth in the EAF Part 3 and all official Planning Board records, it makes the following specific findings of fact as a point of emphasis:

1. That the project site has been previously owned and operated by NYU for approximately 70 years, and that the site has existed in its current layout since before 1974 through 2017 when it was decommissioned; and
2. That Sterling Forest State Park was first purchased and transformed into a State Park starting in 1997 and thus coexisted with NYU’s use of the project site for approximately 20 years; and
3. That NYU operated the facility as a research laboratory, which is substantially different from the applicant’s proposed use as a religious college and dormitory; and
4. The current disposition of the property is significantly dilapidated with broken windows, peeling paint, deteriorating structure open to the elements, significant presence of mold and mildew, and presence of petroleum bulk storage tanks; and
5. The proposed area of new permanent disturbance is 0.37 acres, mostly to improve site circulations; and
6. An estimated additional 5,000 square feet of temporary disturbance will be possibly required to replace sewer line if necessary; and
7. Approximately 11,396 square feet of currently paved parking area will be removed and returned to natural conditions; and
8. The applicant is proposing to construct no additional floor area as part of this action nor to make any significant changes to the exterior fenestration or appearance of the building; and
9. The applicant is proposing to limit occupancy of dormitory rooms to only adult male students and to employ four overnight staff supervisors, with no housing for families or children on-site; and

10. The proposed project proposes to utilize up to 36,158 gallons per day of 138,000 gallons of excess permitted potable water capacity and has received a valid willingness to serve letter from Veolia; and

Be It Further Resolved, that based upon the rationale and considerations elucidated in the Part 3 and in the Planning Board's other official records including written and recorded oral testimony received by the project sponsor, public and interested and involved agencies, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be required, and more specifically that the following impacts among other relevant significant adverse environmental impacts are unlikely to result:

1. a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
3. the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
4. the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
5. the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
6. a major change in the use of either the quantity or type of energy;
7. the creation of a hazard to human health;
8. a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
9. the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
10. the creation of a material demand for other actions that would result in one of the above consequences;
11. changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
12. two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

Be It Further Resolved, that the Planning Board authorizes the Chairman to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action, including the filing of the Negative Declaration with other Involved Agencies and publishing notice in the Environmental Notice Bulletin.

On a motion by _____, seconded by _____, and a vote of

_____ for, and _____ against, and _____ absent,

this resolution was adopted on _____>

DRAFT