

**FINAL ENVIRONMENTAL IMPACT STATEMENT
(FEIS)
VILLAGE VIEW CLUSTER SUBDIVISION
VILLAGE OF WARWICK, ORANGE COUNTY, NEW YORK**

Project Name: Village View Cluster Subdivision

Location: Locust Street and Woodside Drive, Warwick, New York.

Tax Map Parcels: Section 201, Block 1, Lots 1.1,1.2,1.3 and 2 (Village of Warwick)
Section 31, Block 2, Lot 84.1, 84.2, 85.2, (Town of Warwick)
Section 43, Block 1, Lot 3 (Town of Warwick)

Lead Agency: Village of Warwick Planning Board, Village Hall, P.O. Box 369, Warwick, NY 10990 (845) 986-9888

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Section I: Introduction

This Final Environmental Impact Statement was prepared on behalf of the Village of Warwick Planning Board, acting as Lead Agency for the Project known as “Village View Cluster Subdivision,” located at the corner of Woodside Drive and Locust Street in the Village of Warwick, in Orange County, New York. **(See Figure 1: Location Map at the end of this document)** The proposal submitted before the Planning Board included the preferred alternative of a 45-lot Cluster subdivision. **(See Figure 2: 45 Lot Cluster Subdivision Located at the end of this document)**. The 45-lot option was studied as the “preferred option” in the DEIS for this project. After the close of the public hearing, an alternative subdivision proposal was developed, which required the examination of the potential environmental impacts, and a Supplemental Draft Environmental Impact (SDEIS) was prepared and subject to a public hearing. This Final Environmental Impact responds to the public comment period of the DEIS and SDEIS prepared for the Village View Estates project, with the understanding that the new preferred scenario is the “Reduced Scale Alternative.”

This new plan is presented as **Figure 3: Reduced Scale Alternative (located at the end of the document)** was the subject of an Supplemental Draft Environmental Statement (SDEIS), that was accepted by the Board on November 12, 2019 and discussed at a public hearing on December 10th, 2019 in accordance with SEQRA regulations.

Section II: Reasons for the Reduced Scale Alternative

The DEIS public comment period for the 45-lot Cluster Subdivision Plan ended October 28th, 2018 would have normally result in the preparation of a draft Final Environmental Impact Statement (FEIS). The FEIS is a formal response to comments obtained during the Public Comment Period for the DEIS. The FEIS requires approval by the Village of Warwick Planning Board (Lead Agency) prior to release to the public. After a preliminary review of the draft FEIS by the project consultants and Lead Agency, it was determined that an alternative subdivision layout could provide an opportunity to lessen the environmental impacts of the project. This alternative design, the “Reduced Scale Subdivision Alternative,” would provide road access through the applicant’s adjacent land in the Town of Warwick and eliminate the proposed road access to Locust Street. Doing so eliminates all disturbance to the stream and wetlands that run through the property by removing the need for the stream crossing altogether. The alternate plan also results in the creation of more open space and was deemed more consistent with the goals of the Cluster Subdivision Regulations adopted by the Village Board.

Review of the draft FEIS was put on hold, and the Village of Warwick Planning Board, with the advice of its consultants, requested a Supplemental Environmental Impact Statement be prepared to analyze the anticipated impacts of the “Reduced Scale Alternative Plan.”

The “Reduced Scale Alternative Plan” is now the preferred plan and was the subject of the SDEIS accepted on November 18, 2019. This SDEIS was subject to a public hearing, which occurred on December 10th, 2019 and public comment period which ended on December 20th, 2019. In addition to the examination of the potential impacts of the “Reduced Scale Alternative Plan” proposed in the Village, the SDEIS includes a discussion of the potential impacts from future development of the adjacent land owned by the applicant in the Town of Warwick through which road access is now proposed. **(See Project Description in Section IV of this document)**

More specifically, the SDEIS included a discussion of the potential environmental impacts created from the new road access through the Town property. This included a discussion of the potential development of 76 acres that will be traversed by a new road within the Town to serve as the Reduced Scale Alternative second access point.

Concept subdivision plans were prepared for the land in the Town for the purpose of determining the projected number of lots that could potentially be approved in the Town under current Town of Warwick Zoning. The impacts associated with that potential future development, which is determined to be up to 25 additional single-family homes, have also been discussed in this SEIS. Any actual future development of land in the Town of Warwick would be subject to review and approval by the Town of Warwick Planning Board.

It was agreed that a Final Environment Impact Statement would be prepared at the end of the public hearing for the SDEIS, and would include responses to comments from the public on both the original DEIS and the SDEIS, with necessary updates to reflect the current plan presented in the SDEIS.

Therefore, this document provides a complete record of all of the comments received for the DEIS (for the 45-Lot Cluster Subdivision Plan) and the SDEIS (for the Reduced Scale Alternative Plan and potential Town Development) Since the 45-Lot Cluster Subdivision Plan has been replaced as the preferred option by the Reduced Scale Subdivision Plan, many of the comments received during public comment period for the DEIS not apply to the new plan. Therefore, where applicable, the comments have been updated to reflect the new Reduced Scale Subdivision Plan.

As required by New York State Law, the approval of this project is subject to the New York State Environmental Quality Review Act in accordance with Part 617 of the Environmental Conservation Laws of the State of New York. This Final Environmental Impact Statement (FEIS)

was prepared to respond to comments from the Public Comment Periods of both the DEIS and the SDEIS, pursuant to completion and examination of the potential impacts of the preferred plan alternative.

Section III: Required Permits

This action will require permits and approvals from other agencies, and the Lead Agency is conducting a SEQRA review on behalf of these Agencies. The following permits are required for approval of each of the alternative subdivisions and are shown on **FEIS Table 1 below**. This table also includes required compliance and reviews.

FEIS Table 1: Required Permit, Approvals and Reviews

Agency	Permit, Approval, or Required Review
Village of Warwick Planning Board (Lead Agency)	Subdivision approval, Site Plan approval.
Village of Warwick Village Board	Acceptance of dedicated public improvements, Annexation, Special Use Permit (Clustering)
Village of Warwick Department of Public Works	Highway work permit for curb cut to Woodside Drive.
Orange County Department of Health	Realty Subdivision approval; Approval of Water main extensions
Orange County Department of Planning	Referral under Section 239 of the General Municipal Law.
New York State Department of Environmental Conservation (NYSDEC)	SPDES Permit for Stormwater Discharge, approval of new sewer facilities.
Town of Warwick Planning Board	Special Use Permit for stormwater improvements and roadway.
Town of Warwick Town Board	Annexation, acceptance of road dedication for Road within the Town.
Town of Warwick Department of Public Works	Highway work permit for curb cut to Sleepy Valley Road
NYS Office of Parks, Recreation, and Historic Preservation	Compliance with State Historic Preservation Act for action requiring State agency permit.

Section IV: Description of the Proposed Action

The site that is subject to subdivision approval in the Village of Warwick is a vacant 20.3-acre tract of land located at the northeast corner of the intersection with Woodside Drive and Locust Street at the Village/Town of Warwick border. The site consists of four different adjoining tax map parcels Section 201, Block 1, Lots 1.1,1.2, 1.3, and 2. The site lies within the R-1 zoning

district. The bulk of the site's road frontage is on Locust Street, roughly 1,100 linear feet from the intersection of Woodside Drive all the way to the Village/Town line. Just over 300 feet of the site fronts directly on Woodside Drive.

The original subdivision request was for 28 single family lots (**See Figure 4: 28 Lot Subdivision Approval**). It received preliminary approval in 2007 and was the subject of a DEIS prepared by Garling and Associates. Access to the 28-lot subdivision was provided on Locust Street in two places with both locations requiring wetlands disturbance and a stream crossing. In addition, the approved 28-lot preliminary subdivision only set aside 2.9 acres of the property for conservation and encroached on the wetland in various places on the plan.

In 2017, a proposed cluster subdivision application was submitted to the Village of Warwick Planning Board and a DEIS for same was prepared. The subdivision request discussed in the **DEIS** included the use of property owned by the applicant in the Village of Warwick, and with improvements within the Town of Warwick Municipal boundaries for use for drainage improvements. The application included a request for annexation of a small area of land which would square off an irregularly shaped boundary line and allow for all roads planned within the Village of Warwick to be dedicated to it without the need for cross-easement agreements with the Town. This Cluster Subdivision Proposal was for 45-single family lots (**See Figure 2 of this FEIS**) and is described more fully in the Village View Cluster Subdivision **DEIS in Section II-C, starting on page 23**. The DEIS was accepted for public review on June 6th, 2018, and the public comment period ended on October 28, 2018.

The proposed "Reduced Scale Alternative" is a cluster subdivision proposal for 33 lots, one of which would be used for 5 two-family units constructed as townhouses. (**See FEIS Figure 3**) The total number of residential dwelling units that would be created would be 42, which is a reduction from the 45 units proposed in the original Cluster Subdivision. Because five of the dwelling units are proposed to be two-family, the number of proposed structures is reduced from 45 structures to 37 structures. This "Reduced Scale Alternative" was the main subject of an SDEIS accepted for review on November 18th, and the public comment period ended on December 20th, 2019.

Both the "45-Lot Cluster Subdivision" and the "Reduced Scale Alternative" action propose off-site drainage improvements on lands lying within the Town. These improvements lie on Town of Warwick Tax map Section 31, Block 2, Lot 85.2 (swale and stormwater detention basins) and on Section 43, Block 1, Lots 3, 4.12, and 4.2, (swales). These features are incorporated into the plans being reviewed and approved by the Town of Warwick Planning Board. Incidentally, the approved 28-lot Village View Subdivision also required drainage improvements on Town Land.

The 45-Lot Cluster Subdivision proposal had both subdivision road entrances located on roads that were within the Village of Warwick with one entrance on Woodside Drive and the other on

Locust Street. The entrance on Locust Street required a stream crossing and the filling of approximately 1990 square feet of wetlands as well as site distance improvements within the existing Locust Street right-of-way.

The Reduced Scale Alternative eliminates the entrance on Locust Street, and provides for one of the entrances to the subdivision to be constructed through the applicant's property holdings in the Town of Warwick with road access onto Sleepy Valley Road, about 700 feet north of the originally planned road access to Locust Street. (Sleepy Valley Road and Locust Street are the same road.) This second access would be traversing Town of Warwick Tax Lots currently known as Section 31, Block 2, Lots 85.2, 84.1 and 84.2. All parcels proposed for development are shown on **Figure 5: Applicant Property Affected by the Reduced Scale Alternative located at the end of this document**. This figure illustrates the entire property holdings, current lot lines, and proposed subdivision, road and easement locations. For the 28-lot and 45-lot cluster Scenarios, the subdivision plans anticipate a future road connection to the Town Parcel, but did not require it to be built.

The Reduced Scale Alternative includes an internal road network proposed to serve the lots, which would be offered for dedication as public roads to the Village of Warwick and Town of Warwick respectively. The main through road, shown as "Road A" on **Figure 3**, would start at a new intersection created on Woodside Drive on the south end of the property, and would traverse in a northerly direction and connect to a proposed Town Road, which would then terminate at Sleepy Valley Road. Two other roads connect in a circular pattern (shown as Road B and Road C on **Figure 3**). At the connection of these two roads, there is a cul-de-sac driveway that will serve the five two-family units.

Stormwater Drainage infrastructure is located within the Village and Town properties and has been designed to accommodate stormwater needs for the subdivision in the Village, the planned town road connection, and possible future development of the Town property, including the homes that would be built within the Town. As required by Village Code, the stormwater management system serving the Reduced Scale Alternative is designed to provide 10% percent reduction in rate of stormwater run-off from the rates determined to be present in the existing, non-developed condition.

Section V: Comparison of Impact of Proposed Alternatives

SEIS Table 2, shown on page 19 of the SDEIS, provides a summary analysis of several points of comparison relative to the approved 28 lot subdivision, the previous request of 45 lots Cluster subdivision discussed in the DEIS, and the current "Reduced Scale Alternative" discussed in the

SEIS. This is an updated table from the SEIS to reflect an estimated reduction of taxes generated by the 10 townhouses, which are assumed to be organized as condominiums in the Village of Warwick. Generally speaking, condominiums are assessed at a lesser value, and pay correspondingly less taxes. This situation appears to be changing as the condominium demand appears to high in the Village of Warwick, and prices are rising for larger units, and correspondingly, the assessment.

The base line for comparison for all scenarios was based on the data used in the DEIS for the Village: taxes generated, new population, and school children generated, since the differences in updated data between the writing of the DEIS in 2018 and the writing of the SDEIS a year later were relatively minor and did not yield new conclusions. When differences were noteworthy, they are described in SEIS in Section III: Environmental Setting, Existing Conditions, Anticipated Impacts, and Proposed Mitigation in the SEIS.

All examinations of the potential impacts of school children on school district and the needs of the new residences within Village View indicate that existing service capacity exists to serve the community within the Village and Town. The residences will generate property tax revenue from the homes, which will help pay for their share of the services. In addition, the residents will likely shop and dine in the Village of Warwick and contribute to the Villages sales tax revenue.

All versions of the Village of Warwick's Village View project include a minor annexation of "pie shaped" piece of land of approximately .60 acres from the Town of Warwick to the Village of Warwick, which would "square-off" a boundary between the two municipalities and put all portions of the proposed roads created for this subdivision within the Village of Warwick Municipal boundaries. This property is closest to Woodside Drive on the east side of the property. The property proposed for annexation is owned by the applicant.

To protect the environment from possible contamination from exposed soil during storm events during construction, a full Stormwater Pollution Protection Plan (SWPPP) was developed for each project. The current SWPPP is under review by the Planning Board, and it's licensed consulting engineer. The SWPPP includes a design to minimize soil erosion caused by rain events while soil is exposed. Best Practices for erosion control during construction are detailed in this plan and are approved prior to implementation.

Table 2: Comparison of Alternative Subdivision Layouts

	28 Lot Subdivision	45 Lot Cluster Subdivision	Reduced Scale Alternative 42 residential units	Town Property development potential created with new lots
Acreage	20.3	20.3	96.6 acres*	Included with Reduced Scale Alternative
Total acreage to remain dedicated open space in Village**	2.8 acres	6.8 acres	8.9 acres	N.A.
Number of Dwellings	28	45	42	25
Number of Structures	28	45	37	25
Estimated new residents, children,	57 new residents 12 school aged	103 new residents 21 school aged	96 18 school aged	77, 17 school aged
Water/Sewer Requirements (gpd)***	12,320/12,300	19,800/19,800	17,380/17,380	Individual wells and septic systems
Total land disturbance	17.5	14.8 acres	13.1 acres in Village, 7 acres in Town	18 acres with all improvements
Total impervious surface	4.7	5.5 acres	4.8 in Village, 1.2 in Town	Total of 3.3 acres with Road
Linear Feet of Roadway	3120 feet	2950 feet	2635 feet plus 1400 in Town	1800 feet including road built for Reduced Scale Alternative
Buffer from unnamed tributary Stream (feet) and Wetlands	Less than 25 feet, building lots encroach on wetlands	30 to 80 feet from all structures and roads, depending on location.	100 feet from all structures and roads, depending on location.	100 feet from the edge of the wetlands to the nearest property line or structure.
Wetland Disturbance	4342 sq. ft.	1990 sq. ft.	0 sq. ft.	N/A
Assessed evaluation (in 2017 terms)	\$1,568,000****	\$2,538,000	\$1,998,705	\$1,650,000
County/Town/Taxes generated	\$50,790	\$82,210	\$67,592	\$34,361
School District Taxes generated	\$237,569	\$384,535	\$316,173	\$260,171
Village Taxes	\$41,717	\$77,713	\$63,900	N/A

Notes: *includes Property used for Town Road. **protected by the HOA. *** all numbers based on 440 GPD per residential DU. ****The original DEIS suggested the average sales price would be between \$500,000 or more per property, and derived the taxes paid based on this number. This DEIS derives evaluation based on an average sales price of \$400,000 for the Village Units and \$480,000 for the Town Residential units. Sources: Census estimates based

on the most currently available U.S. Census Data in 2018. Parcel and Tax Information: Orange County, NY Real Property Information.

In addition to the Erosion Control Plan, the design of the SWPPP includes a plan to attenuate post construction increases in water flows generated from the site because of the increase of impervious surface. The SWPPP under review has been designed to State and Village Standards. The design of the SWPPP is required to demonstrate a reduction of the volume of flows off the site by 10%. These detention ponds will prevent exacerbating existing drainage problems downgrade of the property, and three stormwater quality management basins on the property will protect the quality of stormwater issuing from the site. The construction of the stormwater management basins will require disturbance of the 100-buffer, which will be restored with appropriate plantings in accordance with NY State SWPPP regulations.

The SWPPP design includes the need to create off-site drainage improvements on properties that are owned by the applicant. The use of off-site drainage improvements were incorporated into all three development scenarios described in this document. Because of the topography of the drainage basin, the project engineer determined early in the design process that the placement of the basins on the Town property owned by the applicant would offer the greatest protection to communities downstream. These properties are located on the western boundary of the project parcel, but within the municipal boundaries of the Town of Warwick and are known on the Town of Warwick Tax maps as Section 31, Block 2, Lot 85.2 (swale and stormwater detention basins) and swales on Section 43, Block 1, Lots 3, 4.12, and 4.2.

The plans to use this property will require grading approval from the Town of Warwick Planning Board. The use of the town property has already been conceptually approved by both Boards and engineering professionals serving the applicant and the Boards. The property used for the drainage improvements would be forever dedicated to stormwater drainage needs of this project and will be unavailable for development for any project in the Town of Warwick. The proposed subdivision plan will create several drainage easements to the Village for the stormwater management facilities, in addition to utility easements and dedication of land for widening and improvements to Locust Street. The maintenance of the drainage areas will be the responsibility of the homeowner's association comprised of the owners of properties within this subdivision. Easements will be created in the Town in favor of the Village to protect and repair stormwater management facilities, including the swale, and if necessary charge back the homeowners with a tax levy to recover the costs of the maintenance.

The project incorporates a conservation easement to protect the stream and wetlands on the property in perpetuity, although disturbance to the 100-foot buffer from the wetlands will be required to establish the stormwater basins and connect them to the stream, which will be restored with appropriate plantings approved by NYSDEC and the Planning Board. This easement will encompass 9.6 acres of the site. The area to be conserved represents almost half

of the site. This property will also be protected and maintained through an easement owned by the Homeowner's Association. In addition, easements will be granted to the Village to enforce maintenance of the open space if necessary.

During the SEQRA review, the Planning Board received the County Planning Review that expressed concern of the affordability of homes and recommended that the Planning Board request that the applicant provide an alternative plan that could incorporate affordable housing into the plan. Affordable housing is not required under the code for this project, however, the current plan shows Townhouse Units within the project which tend to be more affordable than single family homes.

Section VI: State Environmental Quality Review Act (SEQRA) Processing Timeline.

This document, a Final Environmental Impact Statement (FEIS), was prepared in accordance with state requirements to answer question that arose during the Public Comment Period of the Draft Environmental Impact Statement (DEIS) which was accepted by the Lead Agency on July 5, 2018 for the 45-Lot Cluster Subdivision and the Comment Period of the Supplemental Draft Environmental Impact Statement (SDEIS), which was accepted for the Reduced Scale Subdivision Request on November 18th, 2019.

In accordance with SEQRA regulations, the acceptance of a DEIS or SDEIS marks the beginning of the public comment period on that document. The end of the public comment period for the DEIS occurred on October 28th, 10 days after the close of the public hearing. The end of the Public Comment Period for the SDEIS occurred on December 20th, 2019. Both public comment periods were conducted as required by the New York State Environmental Quality Review Act (SEQRA), enacted under Part 617 of the Environmental Conservation Laws, which requires agencies (including municipalities and their boards) to formally consider environmental impacts of any project and incorporate these findings into their environmental process. This SEQRA process follows the procedures outlined for the public review process, however the original plan to create an FEIS after the first public hearing for the DEIS was suspended and a Supplemental Draft Environmental Impact was prepared to discuss a new plan that was proposed as a result of the public comments from the DEIS and the original 45-lot Cluster Subdivision Plan. Once the SDEIS was approved, distributed and discussed at a public hearing, the process of preparing a Final Environmental Impact Statement resumed, addressing the comments of both public hearings, resulting in this document. The former 45-lot Cluster Subdivision request has been replaced with Reduced Scale Alternative; therefore all comments would not apply to the new plan. Where necessary, this document updates the responses in consideration of the subdivision request change.

Agencies require the preparation of an Environmental Impact Statement (EIS), which includes a FEIS¹, if they deem that an action or approval may have the potential to create a significant harmful environmental impact. The EIS is a tool that creates a systematic means to evaluate the potentially significant areas of harmful environmental impact. If significant harmful impacts that would be generated by the project are disclosed, the SEQRA process provides a means to consider alternatives or mitigating measures that can reduce or avoid such impacts, in a way that is consistent with the applicant's purposes, the community, the zoning and with other rules of law.

This environmental review is known as a "coordinated review," which means the Village Planning Board is conducting the required SEQRA review on behalf of all the other agencies in the approval process. (For a complete list of agencies and approvals see **Table 1 in Section III.**) To be designated lead agency, the agency declares its intention to be "Lead Agency." SEQRA encourages coordinated reviews, and in the case of subdivisions, the local Planning Board is often designated as the lead agency. All formal review steps undertaken under the SEQRA process are then coordinated by the designated Lead Agency, and all other agencies agree to the conclusions or "findings" of the Lead Agency concerning the environmental impacts when reviewing and issuing their own permits.

The FEIS is just one document that is prepared under this process and is one of the final steps of this process. The document is the Agency's formal response to all of the questions and comments that were raised during the public hearing and lays the foundation for changes to the project based on information obtained during the public hearing and from other involved agencies. The FEIS is not subject to a public hearing, however, the document is provided to other lead agencies for official comment prior to adopting the Findings Statement, which provides a list of required mitigation that will be incorporated into the approvals for this project. Once the Findings Statement is adopted the SEQRA process is closed.

Previously, the applicant sought subdivision approval for a 29-lot subdivision in 2004, which was subject of DEIS prepared in 2007 by Garling Associates. This SEQRA process was closed, and preliminary subdivision approval for 28 lots was received in 2008. After review of the costs associated with the public improvements, coupled with the onset of a recession, the subdivision was not built. After this approval, the opportunity to redesign the subdivision through adoption of new regulations 145.29, Residential Cluster Development, which allowed for the 17 extra lots through careful consideration of areas that were to be conserved through design using a four-step process.

¹ Other documents included as part of the EIS are discussed later in this section.

The approval of this action (approval of the 28 lot subdivision known as the “Reduced Scale Alternative” evaluated by this SEQRA review would replace that prior approval (28 lot subdivision).

Section VII: Questions, Comments and Responses

The following questions and comments were received during the Public Comment Period (July 5th October 28th, 2018 for the DEIS for the 45-Lot Subdivision (**Figure 2**) with 48 lot Affordable Housing Option (not shown in the Figures) and the public comments received on the SDEIS during the public comment period which occurred between November 18th, 2019 and December 20th, 2018. (The DEC comments were outside the public comment period on the DEIS, but were added as a courtesy, since they are one of the involved agencies)

For both comment periods, Comments appear in order of the Topics that were addressed by the commenters during the public comment period, whether they are written comments or spoken comments from the Public Hearing for this project. Some comments are answered by a single response, if the comments raise the same concern or questions. The word “comment” is meant to include questions and comments.

Comments are provided for the SDEIS first, and the DEIS last, since the comments from the SDEIS are likely to be most relevant. Significant changes occurred to the project that may make the comments from the original project not applicable to the current project. For example, comments that are directed toward the impact of crossing the stream or filling in wetlands for project access would not be relevant, since there are no plans to disturb the stream or wetlands for the new proposed plan. A comment obtained during the DEIS public hearing for this topic would simply indicate that the comment is not longer relevant and explain why. Not all comments were irrelevant, however, and responses have been updated to reflect the current plan when necessary.

The following tables are a list of the letters and other written comments that were submitted during the public comment period for the SDEIS and the DEIS and included in this FEIS. The table also provides the reader with a reference to be able to locate the source of the comment in **Appendix A or B**. Public comments, including those from the public hearing from the SDEIS that occurred on December 10 are listed in **Table 3A** included in **Appendix A** of this document. The public comments from the DEIS, including the minutes from the public hearings are listed in **Table 3B** and are included in **Appendix B**. The public hearing dates for the DEIS were July 19th, August 23rd, September 20th, and October 18th.

Table 3A: List of Commenters that contributed to the SDEIS public comment period.

The Comments that were submitted during the public comment period of the SDEIS are listed below and include comments from a public hearing that occurred on December 10th, 2019.

Residents	John Gruen, Freya Carlborn and Guy and Donna Kipp	December 19 th , 2019	Gruen, et all
Resident	John Sinsabaugh	December 20, 2019	Sinsabaugh
Agency	Orange County Planning Department	December 16, 2019	OCPD
Resident	Lugene Maher	December 18, 2019	Maher
Resident	Stanley Van Duzer	December 20, 2019	Van Duzer
Law office of Elizabeth K. Cassidy, PLLC	Elizabeth Cassidy	December 20, 2019	Cassidy
HDR	Laura A. Barca	December 20, 2019	HDR
Board Consultants Summary	Dave Getz, Planning Board Engineer, and Richard Dickover	December 23, 2019	Summary, DG Summary, RD
Resident	Audrey Louise Reynolds	December 19, 2019	Reynolds
Resident	John Sinsabaugh	December 20, 2019	Sinsabaugh
Resident spoke at public hearing	Gerald Kerns	December 10, 2019	Transcript, Kerns
Resident spoke at public hearing	Raymond Mar	December 10, 2019	Transcript, Mar
Resident spoke at public hearing	Susan Jarody	December 10, 2019	Transcript, Jarody
Resident spoke at public hearing	Mark Cutfield	December 10, 2019	Transcript, Cutfield
Resident spoke at public hearing	John Dearson	December 10, 2019	Transcript, Dearson
Resident spoke at public hearing	Thomas Cassano	December 10, 2019	Transcript, Cassano
Resident spoke at public hearing	Peter Spikowski	December 10, 2019	Transcript, Spikowski
Resident spoke at public hearing	Guy Kipp	December 10, 2019	Transcript, G. Kipp
Resident spoke at public hearing	Donna Kipp	December 10, 2019	Transcript, D. Kipp
Resident spoke at public hearing	Eileen Patterson	December 10, 2019	Transcript, Patterson
Resident spoke at public hearing	John Gruin	December 10, 2019	Transcript, Gruin
Resident spoke at public hearing	Brett Payne	December 10, 2019	Transcript, Payne

Table 3B: List of Commenters that contributed to the Public Comment Period for the DEIS.

Agency/Source	Author	Date	Reference in FEIS
Resident	Kris and Joe Krasniewicz	July 4, 2018, Spoke at July 19 th 2018 public hearing.	Krasniewicz
Resident	Raymond and Lugene Maher	June 17, 2018, July 20, 2018 and October 20, Spoke at July 19 th Sept. 20 th and Oct. 18 th public hearings.	Maher
Orange County Planning Department	David Church, AICP and Megan Tennermann, AICP	June 29, 2018	OCPD
Village of Warwick	Micheal Newhard	August 8, 2018	V. Warwick
Resident	John and Barbara Hilley	October 9 th , 2018	Hilley
Resident	Merritt Guy and Donna Kipp	August 20, 2018, also spoke on September 20 th Public Hearing.	Kipp
Resident	Patricia Lurye-Dempster and David Dempster	August 21, 2018, spoke at July 19 th Public Hearing	Lurye-Dempster
Lehman & Getz	Dave Getzs, P.E. Planning Board Engineer	September 12, 2018, also read letter at September 20 th public hearing.	Getz
Resident	Mary Ann Buckley	August 22, 2018 And October 25 th 2018. Spoke at the September 20, 2018 Public Hearing	Buckley
Resident	Audrey Louise Reynolds	August 22, 2018	Reynolds
Law office of Elizabeth K. Cassidy, PLLC	Elizabeth Cassidy	October 18 th , 2018, also spoke at the October 18 th , 2018 Public hearing.	Cassidy
Resident	John Gruen	October 28 th and 29 th , 2018 also spoke at the September 20 th , 2018 Public Hearing.	Gruen
Hudson Highland Environmental Consulting	Steve Gross	October 27 th , 2018, spoke at the September 2018 and October 18, 2018 public hearings	Gross
New York State	Sarah Pawliczak	November 5 th , 2018	DEC

Department of Environmental Conservation			
Resident	SaraBeth Chionsini	Spoke on July 19, 2018 public hearing	Chionsini
Resident	Vicky and Eric Haag	Spoke on July 19, 2018 Public Hearing	Haag
Resident	Mark Tuckfelt	Spoke on July 19, 2018 Public Hearing	Tuckfelt
Resident	Mr. Schnabl	Spoke on July 19 th , 2018 public hearing	Schnabl
Resident	Betty Lundy	Spoke on September 20 th , 2018 Public Hearing	Lundy
Resident	Susan Charity	Spoke on September 20 th , 2018 Public Hearing	Charity
Resident	Devon Cassano	Spoke at the September 20 th , 2018 Public Hearing	Cassano
Resident	Russell Fragale	Spoke at the September 20 th , 2018 Public Hearing	Fragale
Resident	Thomas Cassano	Spoke at the September 20 th , 2018 Public Hearing	T. Cassano
Resident	Joanne Daily	Spoke at the September 20 th , 2018 Public Hearing	Daily
Resident	Howard Malloy	Spoke at the September 20 th , 2018 Public Hearing	Malloy
Resident	Gerard Kearns	Spoke at the September 20 th , 2018 Public Hearing	Kearns
Resident	Wendy Donahue	Spoke at the October 18 th , 2018 Public Hearing	Donahue
Resident	Kaley Mark	Spoke at the October 18 th Public Hearing	Mark
Resident	John Rubin	Spoke at the October 18 th Public Hearing	Rubin

Note that a reference to a response refers to the response in the same section, unless otherwise noted.

A. Soils, Topography and Geology

1. Comments from SEIS Public Comment Period

SEIS Comment A.1.1: *I note for the Board that the comparison of the alternative subdivision layouts shows that the "Reduced Scale Alternative" proposes increased land disturbance (20.1 total acres vs. 17.5); increased impervious surface (6 total acres vs. 4.7) and increased linear feet of roadway (4035 vs. 3120) over the original proposal. See SEIS pg. 19. (Cassidy, 6)*

SEIS Response A.1.1: Note that the commenter simply added the areas on Table 2 in the SEIS to include 76 additional acres owned by the applicant in the Town. These estimates include the road and the generic construction of dwellings on the estimated 25 lots in the Town as requested by both municipalities for purposes of appropriate sizing of the stormwater drainage system. In the Village, the total disturbance is 13.1 acres, impervious surface is 4.8 acres, and linear feet of roadway is 2,635 feet. These are reductions from the 28-lot subdivision proposal and the 45-Lot Cluster subdivision proposal in the Village, as presented in Table 2 of the SEIS.

Note that because of the addition of the Town parcel, a total percentage of parcel disturbance was not calculated because the comparison would have been meaningless to the discussion of the impacts when compared to the previous proposals. The addition of the totality of the Town project was included in the SEIS to avoid issues of segmentation, which was pointed out by this *commentator* during the public comment of the DEIS for the 45-Lot Cluster Subdivision.

2. Comments from DEIS Public Comment Period

DEIS Comment A.2.1: *Page 32, Paragraph 2: Among the required information to be submitted for the cluster subdivision design, Section 145-29, E. of the Zoning Code (quoted on page 69 of the DEIS) is "Topographical and physical features, including existing structures, wooded areas, hedgerows and other significant vegetation, steep slopes (over 15%), soil types, ponds, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements." While mapping has been provided showing slopes in excess of 25%, nothing has been provided to depict slopes over 15%, as is required. Figure III-A-1, entitled "EXISTING SOILS AND SLOPES MAP" on page 33 does depict soils onsite, but other than having an arrow pointing to certain areas of the site that contain 25% slopes, does nothing to show slopes on the site, and certainly not the 15% slopes as required by statute. Rather, the map depicts topographic contours, not slope. An attempt was made to obtain the required map from the files in the Planning Department but Planning Board Secretary Maureen Evans indicated that there was no such map in the file. (Gross)*

DEIS Response A.2.1: A map showing 15% slopes and 25% slopes was included in the SEIS as Figures 6, 7 and 7A. The sources are from the County GIS system and from commercially available data accepted by the engineering profession. The new revised plan, known as the **Reduced Scale Alternative**, avoid all 25% slopes on the property, and has been deemed acceptable by the Planning Board and its consultants.

DEIS Comment A.2.2: *I have prepared a graphic depicting slopes on the project site in excess of 15%. This exhibit, included on the next page, depicts steep slopes from 15 to 25% in orange, and very steep slopes in excess of 25% in red. As seen in the graphic, these steep and very steep slopes are found throughout the entire parcel, covering a significant portion of the property. [Note: This map is located in Appendix B, and is part of Mr. Gross' comment letter submission] (Gross).*

DEIS Response A.2.2: See DEIS Response A.2.1.

DEIS Comment A.2.3: *Page 34, Paragraph 2: The DEIS states, "The soil test logs are contained in Appendix D confirming the characterization of the site to be Mardin soils and that that are suitable for the proposed residential development." However, the test logs contained in Appendix D provide no comment whatsoever on whether the soils tested are correctly characterized as Mardin, nor whether they are suitable for the proposed development. In fact, it is clear from examining the preceding Figure III-A-1 that portions of the project site are indeed mischaracterized. The map shows the upland portions of the property to be underlain by MdB and MdC, Mardin soils with slope classifications of 3-8% and 8-15%, respectively. Yet, much of the site has been identified as containing slopes in excess of 25%, which then should be characterized as MNE, Mardin soils, steep (in excess of 25%). Even more of the property should be characterized as MdD, Mardin soils, 15-25% slopes. The significance of these two additional classifications is that both MdD and MnE soils are listed in the Orange County Soil Survey as presenting "Severe" limitations to development to all categories of building site development due to slope and wetness, which is not the case with MdB and MdC soils. This is directly contrary to the representation in the DEIS that these soils "are suitable for the proposed residential development."*

DEIS Response A.2.3: The soils classifications on the site were catalogued in the U.S.D.A soils survey for Orange County, which are also shown on the Orange County's GIS viewer and confirmed in the field with test pits.

DEIS Comment A.2.4: *Page 34, Paragraphs 3-5: Given the steepness of the slopes on the property, it is incredulous that the discussion of "Anticipated Impacts" fails to address the issue of development on steep slopes in its entirety. The development of roadways and homes on the steep slopes of the project site presents the greatest potential for adverse impacts that may result from this proposed project. (Gross)*

DEIS Response A.2.4: The site has been cleared before for agricultural use, and grades have been changed by farming equipment through the property. All grading activity will be monitored by a licensed engineer and subject to the implementation of an erosion control plan that is part of an approved Stormwater Pollution Protection Plan designed for this site. The new revised plan, known as the **Reduced Scale Alternative**, avoids all 25% slopes on the property, and has been deemed acceptable by the Planning Board and its consultants.

DEIS Comment A.2.5: *Page 34, Paragraphs 3-5: Given the steepness of the slopes on the property, it is incredulous that the discussion of “Anticipated Impacts” fails to address the issue of development on steep slopes in its entirety. The development of roadways and homes on the steep slopes of the project site presents the greatest potential for adverse impacts that may result from this proposed project.(Gross)*

DEIS Response A.2.5: See DEIS Response A.2.4.

DEIS Comment A.2.6: *As the property is encumbered to such a large degree by slopes in excess of 15%, the proposed project will likely require a significant amount of grading, especially for the section of road coming in from Locust Street and then climbing over slopes that in places exceed 25%, but also for the other portions of the roadway, as well as driveways and house sites. In some cases, grading may extend well into the proposed “Open Space Land”, which would require the removal of trees and other vegetative cover in the area being set aside to presumably preserve land in a natural state. Given the potential for a severe impact due to grading, the DEIS should not only provide the required mapping of 15% slopes that is curiously missing, but also a written assessment of the required grading and the potential adverse impact from it. Given the topographic conditions present, the absence of such an analysis is a major deficiency in the DEIS. (Gross)*

DEIS Response A.2.6: See DEIS Response A.2.4. Additional disturbance to the wetland areas would require a permit issued by the Army Corps of Engineers. The Reduced Scale Alternative avoids all disturbance to the wetlands and slopes over 25% on the property.

DEIS Comment A.2.7: *Page 34, Paragraph 6, etc.: Likewise, the extent of mitigation needed cannot be known until the full extent of grading impacts are understood. The mitigation as described may not be, and likely is not, sufficient. For example, the DEIS states that retaining walls would not be needed, but retaining walls may, in fact, be needed as a way of minimizing excessive grading from extending into areas to be preserved. In fact, numerous proposed lots will have a topographic differential of 18 to 20 feet within the 10,000 square feet of lot area. This differential is equivalent to the height of a two-story building. It is difficult to envision that retaining walls would not be utilized in the preparation and development of individual lots. (Gross)*

DEIS Response A.2.7: No retaining walls are required to construct the proposed 45-lot cluster subdivision or the Reduced Scale Subdivision proposal, which were prepared by a licensed engineer, and confirmed by the Planning Board's consulting engineer.

B. Ground and Surface Water Resources

1. Comments from SEIS Public Comment Period

SEIS Comment B.1.1: *Is there a required 100 ft. buffer from the stream? If so, is it violated by the proposed location of the Woodside Drive entrance and interior street? (RD Summary-6)*

SEIS Response B.1.1: There is not a required 100-foot buffer from the stream. The Village of Warwick Cluster subdivision regulations state that "Dwelling units should generally be located not closer than 100 feet to Primary Conservation Areas...". The stream and associated wetland are deemed Primary Conservation Areas. As such, the project has been designed so not to just place the dwelling units greater than 100 feet away from the stream and wetland areas, but all impervious improvements. A line demarcating the 100-foot setback from the wetland areas is shown on the Cover page of the RSA Plan.

SEIS Comment B.1.2: *You'll be exposing us to high risks of flooding, you'll be polluting a stream of beyond valuable clean water (Reynolds-5)*

SEIS Response B.1.2: The RSA provides several advantages over previous plans by placing construction activities outside the most sensitive area of the site, which include the stream, wetlands, and wooded areas surrounding the wetlands. In accordance with Village Code, the SWPPP designed for the site is required to demonstrate a reduction of 10% of flows currently coming off the site, which should help with the occasional flooding experienced by downstream residents. In addition, the buffer and stormwater system are designed to ensure that the stream and wetlands areas remain a healthy and viable asset to the wildlife and the community.

SEIS Comment B.1.3: *Well, the DEIS of the 2008 plan said that there was no plan to building 100 feet of the wetlands. In the current plan that you measure, this is what I discussed about Woodside Drive in not being able to get the Woodside Drive end. Well, yeah, most of it was... In the 2008 plan, there was a required fence to protect the wetlands. I think that's been mentioned, but I haven't heard too much about it lately. The 2008 plan required planting around the pond specifying the type of trees and plants. This is not detailed in the current plan. Also, the ponds were also supposed to be surrounded by fencing as the safety measure for children. I haven't heard anything about that. This is going to 2008 if you go back and you can find all that stuff. The 2008 28 lot plans required a buffer zone between 51 Woodside Drive and the development. (Transcript, Mar)*

SEIS Response B.1.3: The 28-lot subdivision plan that has preliminary approval encroaches wetlands to a greater extent than the current Reduced Scale Alternative discussed in the SEIS. The 28-lot subdivision plan had two stream crossings with the proposed access roads and associated wetland fills. Furthermore, some of the lots included wetlands areas. In consideration of this, the DEC asked that an exclusionary fence be placed adjacent to the wetland to prevent the homeowner from encroaching into the wetland and stream areas. The present alternative places the entire wetland and stream system in separate parcel of land to be designated as permanent open space.

Pond plantings and fencing shown on the 2008 plan were related to wet type stormwater management ponds which have a four-foot-deep permanent pool of water. Furthermore, these ponds were located nearby some of the homesites thereby posing a potential hazard. The present plan proposes dry type detention ponds that are removed from the development area. Bio-retention areas are proposed which are planted with landscaping and mulched and a pond to a depth of six inches during rainfall events.

A formal buffer is not provided on the 2008 28-lot plan for the benefit of 51 Woodside Road. (Refer to SEIS figure 4). The plan shows Lot 28 with a driveway on Woodside Drive adjacent to 51 Woodside Drive.

SEIS Comment B.1.4: *From [here to here pointing to the map], this stream is 175 feet. If you put in a buffer, you put in the sidewalks, and the road, and the buffer for the wetlands, there's not enough room for this road. If you have a hundred-foot buffer. You cannot get this... I measured... I know how wide the road is supposed to be. I took 28 feet as a number. I took five feet for the sidewalk and I took 10 feet for the buffer. You can't get that road in without violating environmental... And I like how it's... Also, here, this was a retention pond in all the other plans. Now it's called, what? A bio tension area? They're going to dig up wetlands to put some kind of a bio, retaining pond. (Transcript, Mar)*

SEIS Response B.1.4: Please see SEIS Response B.1.2 and B.1.3 as relates to the buffer to wetlands. The bio-retention area is a form of storm water quality feature that is encouraged by current NYS DEC Design Standards. There is no proposed disturbance to on-site wetlands. The bio-retention area is proposed outside of the wetland limit.

2. Comments from DEIS Public Comment Period

DEIS Comment B.2.1: *Page 38, Paragraph 2: The onsite wetland is described as being 0.85 acre in size. The February 14, 2018, US Army Corps Wetland Jurisdictional Determination Letter (Appendix E) indicates the size of the wetland as 1.07 acres. Is the full extent of the wetland as determined by the Army Corps correctly depicted on the project plans? (Gross)*

DEIS Response B.2.1: The DEIS narrative was a typo. The wetland is 1.07 acres.

DEIS Comment B.2.2: *Page 38, Last Paragraph: The DEIS fails to discuss impacts from the conversion of the natural watershed to one that will have a significant amount of impervious surfaces and far less vegetated surfaces, which could adversely impact the ecology of the onsite stream and wetlands. This includes temperature impacts and contaminants carried by runoff. (Gross)*

DEIS Response B.2.2: Comment Noted. The narrative in the DEIS and SDEIS also describes the Stormwater Pollution Protection Plan which was designed for this site to mitigate adverse impacts from construction activities, in accordance with DEC regulations. Since it is incorporated as part of the plan action, it is not necessary to predict what would happen if the SWPPP was not implemented, as suggested by the commenter.

DEIS Comment B.2.3: Page 39, Paragraph 2: The DEIS cites wetland buffers as a benefit of the cluster plan, stating that it “places housing no closer than 60 feet of the edge of the wetlands, and 30 feet from the edge of a wetland and a residential lot boundary.” However, as will be explained in more detail later, Section 145-29 of the Zoning Code states that a cluster subdivision is to preserve “Primary Conservation Areas” that “shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%).” Further on, Section 145-29 states that dwelling units “be located not closer than 100 feet from Primary Conservation Areas,” which then means that the 30 and 60 foot distances cited are actually insufficient to satisfy the requirements of the Village of Warwick Zoning Code for a cluster subdivision. (Gross)

DEIS Response B.2.3: The current preferred plan (**See Figure 3: Reduced Scale Alternative**) does not show any home lot, or road within a 100 foot buffer of the wetlands and streams on the property, and avoids 25% slopes. Therefore, this comment no longer applies.

DEIS Comment B.2.4: Moreover, the assessment of impacts on the wetland and wetland buffer fails to acknowledge that a large portion of the natural wetland buffer will be converted to stormwater detention ponds. This will require the complete removal of all the vegetation from these areas of the buffer, plus involve massive regrading including the construction of berms along the delineated edge of the wetland, reducing the width of the natural buffer to zero. It would be naïve to believe that some material from the berm would not find its way into the wetland both during and following construction. While the detention ponds would replicate some wetland buffer functions like stormwater treatment, other functions would be eliminated, like important wetland/upland edge wildlife habitat. (Gross)

DEIS Response B.2.4: There is no requirement for a “wetland buffer” as suggested by the commenter, however, the “**Reduced Scale Alternative**” shown as **Figure 3**, demonstrates that all homes and roads would be outside a 100-foot buffer surrounding the stream and wetlands on the property, and the new plan will conserve almost half of the property. Stormwater ponds

will be constructed within the 100-foot buffers just outside of the wetland areas, and are connected to the stream and wetland areas by design. This is accepted practice for stormwater retention ponds, which hold water and release it through controlled outlets into the wetlands and streams, as required by NYS law. This detention is designed to protect the water quality of the wetlands on site and prevent flooding.

DEIS Comment B.2.5: *Ground and Surface Water Resources Existing Conditions- This study was prepared in January of 2005. Also should be revisited and updated. Especially after the many heavy rains lately. (Kipp)*

DEIS Response B.2.5: It is not likely that the water resources in the study prepared in 2005 by Leggette, Brashears, and Graham has changed significantly. Water resources take thousands of years to develop. Wetter and drier seasons happen on occasion and would not have a significant impact on the overall resources. For example, the wetland on the property was reexamined and recertified by the Army Corps of Engineers, and was unchanged over 11 years, despite heavy rainfall this past season.

DEIS Comment B.2.6: *Page 28, Paragraph 5: The DEIS describes the creation of a “wide buffer” as a beneficial impact protecting the tributary to Wawayanda Creek. This is disingenuous. In fact, the proposed conversion of forest to developed land with impervious surfaces and landscaping represents an adverse impact on the creek, not a beneficial impact. While no scale is provided on the subdivision plan in the DEIS, it appears that the distance of a proposed roadway from the edge of the wetland bordering the stream may be as little as 15 feet, and as little as 5 feet from a proposed lot line. This would in fact appear to violate both the provisions and the spirit of the clustering requirements in the Zoning Code, which state that dwelling units should not be located within 100 feet of primary conservation areas, which include wetlands. Where wetlands are protected by State and local laws, regulatory buffers are typically also 100 feet. It is therefore difficult to understand how the proposed extent of protected land bounding this tributary and wetland can be characterized as a “wide buffer.” (Gross)*

DEIS Response B.2.6: The details of this comment no longer apply, since the plan has changed to the **Reduced Scale Subdivision**. No dwelling units are planned for construction closer than 100 feet from the wetland, as required by the Section 145.29 of the code.

DEIS Comment B.2.7: *A permit pursuant to Article 15, Title 5, of the ECL, Protection of Waters, Stream Disturbance, is required for disturbance to the bed or banks of the unnamed tributary to Wawayanda Creek, class C(T). Section III-B-I (page 38) incorrectly lists the water index number (WIN) for the unnamed tributary to Wawayanda Creek. The correct WIN is H1 39-13-61-9-21-1.*

The Department does not agree with the following statement on page 38 of the EIS: “The unnamed tributaries share the same classification when they are tributaries, however it does

not mean that there are fish in the streams or function in the same way as the Wawayanda Creek, which is deeper and broader than the streams. However, these hydrological connections are important to the health of the Wawayanda and the other waterways downstream, which eventually flow into the Hudson River. The protection of the small waterway on-site helps to maintain and improve water quality overall, and the health of downstream habitats, which may be of higher quality than what is found on site."

While it is true that the Department does not have evidence of trout presence or trout spawning in this unnamed tributary of Wawayanda Creek (H-139-13-61-21-1), there is not adequate survey data to conclude that trout do not exist there. This unnamed tributary used to be stocked with trout by the NYS Conservation Department (the predecessor to DEC). A nearby tributary of Wawayanda Creek (H-139-13-61-20) was found to have wild brook trout.

As established in the regulations, tributaries which do not appear on the maps take on the classification of the receiving water, if the tributary is a continuous-flowing natural stream. These tributaries often supply high quality water and important connectivity for seasonal movements of fish and other aquatic organisms and are therefore protected accordingly. (DEC)

DEIS Response B.2.7: The name of the stream is corrected with the comment above. The DEIS states that protecting the tributary is important to protecting the downstream natural streams, although this is just a small portion of the full length of the tributary running across this property. As shown in the Reduced Scale Alternative Plan, the entire stream crossing on the property will be placed under a conservation easement and be left undisturbed and is protected to the greatest extent possible. Other development off the property has affected the stream as well, with less protection that is provided on this property.

DEIS Comment B.2.8: *Maintaining stream and wetland continuity is essential to protecting these valuable resources and allowing unrestricted movement of fish and wildlife. The type of culvert was not discussed in the DEIS. The plans show the installation of a 50-foot-long, 60-inch HPDE culvert on Locust Street. The plans also show a 24-foot-long, 18-inch HPDE pipe installed however, it is unclear what the purpose of the pipe is. Additionally, the plans do not show details of the proposed culvert. The original proposal permitted the installation of a 60-inch round culvert. The Department recommends that any proposed crossing be sized with the appropriate diameter culvert, or preferably, a bottomless culvert or bridge spanning the stream. Either bridge or culvert must be wide enough not to cause a hydraulic constriction, especially at high flows. Any stream work will have the typical time restrictions and bed or bank protection that is given to a 'T' or 'TS' stream. Please see the preferred methods listed in 'Stream Crossings: Guidelines and Best Management Practices'[a copy was attached to the original letter and can be found with the DEC's original letter in Appendix A.] (DEC).*

DEIS Response B.2.8: The new preferred plan, The **Reduced Scale Alternative** shown in **Figure 3**, removes the stream crossings and no disturbance is planned in the wetland or stream areas. However if a crossing is required, the Project Engineer will design the stream crossing in accordance with all NYS state regulation, and provide a copy of the plans during the review phase of this project to the DEC at the conclusion of SEQRA. All applicable state laws will be complied with for this Stream Crossing, which is necessary to provide access to the subdivision.

DEIS Comment B.2.9: *Table I-C-1 lists the required permits and approvals required for this project. Please note that if an Army Corps of Engineers Section 404 permit pursuant to the Clean Water Act is required, a Section 401 Water Quality Certification (WQC) is also required from the DEC. The WQC has not been listed in this table, in Table II-F-I, or in the Full Environmental Assessment Form (FEAF) (DEC)*

DEIS Response B.2.9: The new preferred plan, the **Reduced Scale Alternative** shown in **Figure 3** illustrates that no disturbance is planned in the wetland areas.

DEIS Comment B.2.10: *The wetland is referenced as 0.85 acres, however the Army Corps of Engineers (ACOE) letter, dated February 14, 2018, found in Appendix E, lists the wetland as 1.07 acres. Therefore, all references to 0.85 acres must be updated to reflect the wetland size as noted in the February 14, 2018 ACOE letter. The DEIS also references the original ACOE letter and delineation, and not the most current one. (DEC)*

DEIS Response B.2.10: The correct wetland size is 1.07 acres, as provided in the most recent ACOE letter of February 14, 2018. This letter was included in the **DEIS under Appendix E**. The information on the page was a typo.

C. Wastewater Management

1. Comments from SEIS Public Comment Period

SEIS Comment C.1.1: *Is there a financial cost to the Village for O & M of the proposed sewer system? If so, is it addressed? (RD Summary-7)*

SEIS Response C.1.1: The Village View Subdivision is within the Village of Warwick municipal limits and is served by municipal sewer. All improvements necessary to provide gravity sewer within the project will be constructed and paid for by the project sponsor. Upon completion of the gravity sewer main line system the improvements will be dedicated to the Village and made a part of their municipal sewer system. Upon occupancy of the homes, the homeowner will pay the same sewer tax as any other new home constructed within the Village.

With regard to improvements associated with the Robin Brae sewer pump station, the applicant has project sponsor has continually stated their willingness to pay a fair share

contribution to the cost of making improvements to this feature, which are already needed prior to additional flow from Village View. It is the sponsor's belief that a reasonable way to compute a fair share contribution would be to pay the percentage of costs equal to the percentage of homes that Village View will add to the existing Robin Brae service area. Based on preliminary data obtained from the Village there are approximately -- existing dwellings within the service area. Village View would add 42 dwellings units to this total making Village View approximately -- percent of the service area upon completion. The final decision on the dollar amount and timing of the chosen improvements will be determined by the Village Board and or Planning Board.

SEIS Comment C.1.2: *Wastewater Management —The SEIS document mischaracterizes the impact of the Village View project on the sewer collection system as "improvements to operations". While the Robin Brae Pump Station could benefit from routine maintenance replacements, the addition of Village View project would have a negative impact on the function of the pump station at its current size. (VB-9)*

SEIS Response C.1.2: It is understood by the project sponsor that the Robin Brae sewer pump station needs physical improvements, not just improvements to its operations. Four possible alternatives to improving sewer service via the Robin Brae pump station were presented in the SEIS.

SEIS Comment C.1.3: *In the proposed mitigation section, the stated assumption that costs would be "borne by all users" is presumptive on the part of the applicant. (VB-10)*

SEIS Response C.1.3: The cost of improvements to the system required to service the new residents in the subdivision are the applicant's responsibility. To the extent that solutions serve the entire district (which has issues related to the Robin Brae pump even without the planned subdivision), it's the applicant's position that the Village should consider cost sharing improvement to the sewer lines for the benefit of the existing residents that rely on this pump if it is to be replaced. However, other solutions may be more cost effective and provide adequate service to the proposed project without the need for cost sharing.

SEIS Comment C.1.4: *The Town Road should be done. Whatever access they have because if they build a few homes and his product tanks and they build this road where you know around the hook for one entrance, anyone access. So, it is well documented the Robin Brae pump station is severely stressed and cannot accommodate a new development of this size currently proposed 42 dwellings. Several options for mitigating the structure of these issues have been presented to the developer. The village planning by its own engineer and Village Board in 2008 said that for the 28-lot subdivision that Robin Brae pump station could handle the added sewage of 28 homes at no additional cost to the village. However, it is now confirmed that Robin Brae cannot handle the addition of 42 dwelling in the village. And that issue must be resolved to accommodate the development as proposed. One solution is to not allow the*

addition of any more dwellings beyond the original 28 if sewer construction is needed to be addressed. (Transcript, Mar)

SEIS Response C.1.4: The through road connection will be constructed as a part of the Village View Cluster development. A bond in the amount of the road improvements will be required by the Village and town of Warwick to ensure completion of the proposed roadways and utilities.

It is understood that improvements are needed to the Robin Brae sewer pump station and the sponsor has indicated their willingness to contribute to the improvement of same. The timing of these improvements will set forth by the Village Board and or Planning Board as a condition of subdivision approval.

SEIS Comment C.1.5: *sewer issue. If sewer construction is needed to address the sewer issue, the builders should be required to pay the cost and should not be allowed to build any new homes until the construction is completed and operational unless he moves forward with the 28 lot. If he does the 28 lot, there's no problem with Robin Brae as per a lot of documents in the 2006-2008 [DEIS]. If he has the additional homes I don't understand is why as a taxpayer that we should have to dig up Maple Avenue and construct the sewer line and I don't know how many thousands of dollars, but if we stay with the original plan there's no cost to the village. (Transcript, Mar)*

SEIS Response C.1.5: The 28 Lot subdivision plan that was approved in 2008 provided for the sponsor to contribute to improvements to the Robin Brae pump station if needed. The Village has also indicated that they are presently experiencing problems with the Robin Brae pump station without the added flow from the Village View project. The Village asked the applicant to explore the four possible alternatives to the Robin Brae improvements. It will be up to the Village Board to decide which option, if any, would be perfected.

SEIS Comment C.1.6: *It is well documented that the Village's sewer system is in desperate need of upgrades. The SEIS discusses a fair share contribution to the Robin Brae pump station. What is this fair share? When will it be paid? (Cassidy, 4)*

SEIS Response 6: See SEIS Response C.1.5.

SEIS Comment C.1.7: *We have an issue, you know village has a big issue with that because there's already a problem and there was alternative scenarios that are mentioned but we aren't sure who would be paying for this and how much and how much would we have to pay as residents as well as the people that bought the houses. Will they, the residents or developer be paying for these sewer hookups for this new system? (Transcript, D. Kipp)*

SEIS Response C.1.7: The developer will pay for the cost of all improvements within the Village View subdivision. Any standard sewer hook-up fees would be paid by the developer. The entity and amounts of costs for offsite improvements that benefit the service area beyond only

Village View, such as improvements to the existing Robin Brae sewer pump station, will be determined by the Village Board.

2. Comments from DEIS Public Comment Period

DEIS Comment C.2.1: *The Village Board asks the Planning Board and applicant to look carefully at the stress of the proposal on existing infrastructures. Although mitigations have been described in the DEIS, we believe they do not address the issues completely. The Village Wastewater Treatment Plant is in poor condition and the Village is in the process at this time, of structuring a redevelopment plan. The cost of this project is estimated to be twelve to fifteen-million-dollars. Systemwide the weakest link is the Robin Brae Pump Station which has major ongoing issues and would be the receiving pump station for the sewage from this development. I have been told by the system operator that this pump station cannot accept much more material than it does now. (V. Warwick)*

DEIS Response C.2.1: The applicant has indicated a willingness to contribute a fair share to solutions aimed at improving the wastewater treatment facilities. Several options were considered with the SDEIS and roughly estimated. The preliminary studies indicated that solutions are achievable. The hookups are subject to review by several agencies and would not be permitted unless the service was sustainable, and the applicant is proceeding at their own risk.

DEIS Comment C.2.2: *Page 29, Paragraph 5: The DEIS states that both the water and sewerage systems operated by the Village have sufficient capacity to handle the additional 19,800 GPD of new projected demand from the proposed project. The veracity of this statement is, however, called into question by Village Mayor Michael Newhard. In regard to the sewerage system, Mayor Newhard notes in an August 8, 2018, letter, “The Village Wastewater Treatment Plant is in poor condition and the Village is in the process at this time, structuring a redevelopment plan. The cost of this project is estimated to be twelve to fifteen million dollars. Systemwide the weakest link is the Robin Brae Pump Station which has major ongoing issues and would be the receiving pump station for the sewage from this development. I have been told by the system operator that this pump station cannot accept much more material than it does now.”(Gross)*

DEIS Response C.2.2: The statement regarding the capacity of the plant was provided by the Village’s wastewater treatment operators. **See DEIS Response C.2.1.**

DEIS Comment C.2.3: *Wastewater Management- The DEIS states that the Village acknowledges that the storage and pump station currently have design flaws even though it was recently replaced in 2017. Adding 45 additional dwellings would only add to the problems currently*

encountered as well as increase our taxes if a new system is necessary in order to handle the Village View homes. (Kipp)

DEIS Response C.2.3: See DEIS Response C.2.1.

DEIS Comment C.2.4: *Has there been a specific study to analyze the potential effects of sewer pipe flow from the existing Valley View Circle neighborhood when 45 plus homes are added to the flow?(Buckley).*

DEIS Response C.2.4: See DEIS Response C.2.1.

D. Water Supply

1. Comments from SEIS Public Comment Period

SEIS Comment D.1.1: *Is there a financial cost to the Village for the improvements of the water system? (RD Summary-8)*

SEIS Response D.1.1: All water system improvements within the Village View subdivision will be paid for by the project sponsor.

SEIS Comment D.1.2: *SEIS Table 2: Comparison of Alternative Subdivision Layouts- applicant to clarify why the water and sewer demand requirements are equivalent. According to Ten State Standards, water usage is typically more than sewer usage (i.e., filling swimming pools, watering lawns, cooking, etc. (HDR, 13)*

SEIS Response D.1.2: We cannot identify any Section of the Ten State Standards that states that “water usage is typically more than sewer usage”. The standard used by the NYS DEC for source development for residential uses are the flowrates established in the Design of Intermediate Sewer Systems. The 110 gallon per day per bedroom flow is inclusive of incidental uses associated with typical residential uses. Swimming pool uses are only accounted for separately when they are proposed a separate, community type use such a clubhouse with a proposed swimming pool. With regard to water consumption due to lawn watering, we are not aware of a NYS standard that quantifies the addition of per unit water consumption for lawn watering.

SEIS Comment D.1.3: *Water, a 2008 plan it is stated the water supply... If that the water supply goes between 20 PSI standard minimum by the Health Department when the fire suppression system is used, that's a health concern. If that water system is stressed and you're in... and you have the paperwork on this, that that is below the Health Department standards. And the pump station. I found out that pump station is going to cost the village close to \$12,000 a year for power, maintenance, whatever it takes. I don't know if water fees for this community was going*

to, was just going to be a burden on the village taxpayer also. That's been kind of glossed over at the SEIS statements. And with these problems with the water system we can, you can approve a 42 dwelling. I mean we don't have great water pressure on that end of town. (Transcript, Mar)

SEIS Response D.1.3: The minimum required water pressure set forth by the regulatory agency is 20 psi minimum at the street fire hydrant over the entire duration of the needed fire flow. The minimum domestic water pressure is 35 psi. Pressure observed in Woodside Drive during hydrant testing revealed a static water pressure of 50 psi with pressure dropping to 45 psi during a 650 GPM fire flow. Based on these pressures, a three-pump booster station is proposed to boost water pressure for the homes lying at the higher elevations within Village View. Two of the pumps will operate alternately with each capable of meeting the peak domestic demand. The third pump will serve as a pump capable of meeting fire flow demand at the upper fire hydrants.

There will be a cost associated with the operation of the water booster pump station. Because this pump station will serve only the Village View project, the 2008 Village View subdivision approval proposed that a Special Improvement District be created for the Village View project. Through this district, the residents within Village View will be charged for the operation and maintenance of the water booster station. It is expected that the Village will require the creation of the Special Improvement District for the current Village View proposal as well.

SEIS Comment D.1.4: *I just have one quick clarification. The gentleman that asked regarding the water supply, was reevaluated in 2008 or has the water supply situation for that whole neighborhood, has it been reevaluated? (A response is provided in the transcript with additional discussion below.) (Transcript, D. Kip)*

SEIS Response D.1.4: The Village is in the process of performing a Village wide study of their water system. The design of the specific water system features serving the Village View subdivision will be reviewed and approved by the Village of Warwick Engineer and the Orange County Department of Health. All proposed systems must meet the applicable regulatory criteria.

2. Comments from DEIS Public Comment Period

DEIS Comment D.2.1: *The proposed development will be using water pumped to the Village View water tank. The Village water tanks are aging, and many are in need of replacement. There is also concern of the impact of forty-eight units on the storage capacity at the Village View water tank. Although we have three reservoirs and one well, in drought situations we are easily at risk. The Village has plans to bring Well #3 back into the system. Well #3 was closed due to influence of surface water resulting in the need for a treatment system for this source. This is a problem that will have to be resolved before it can be returned to the system. According*

to our Water Operator, this well would strengthen the supply and resilience during drought periods (V.Warwick.)

DEIS Response D.2.1: Comment Noted. General renovations of the water treatment plant would be estimated after a plan was developed to improve the service, and costs were estimated. It's premature to try to estimate those costs without a plan to improve the service. The applicant has agreed to contribute to the costs of providing service to the site, however system wide improvements would be an improvement that would require a broader solution to effectively spread the costs fairly among all the users.

DEIS Comment D.2.2: *I don't know if all of us are aware that the water treatment plant needs a major renovation. I was reading about it a little bit more that was in an article that was written. Apparently, sorry, it's going to be very costly, probably the biggest that our community has had ... Will have to do. Please read about it, because I don't think a lot of us are aware of it. They are looking at ways to do this. My question is, has there been discussions with Mr. Silver on financially contributing with the cost of this major renovation? I'm trying to figure out why this plan would be approved. (Donahue)*

DEIS Response D.2.2: See DEIS Response D.2.1.

DEIS Comment D.2.3: *The civil engineer stood up here and he talked about how you guys might have done a calculation for water. The average home use is about 100 gallons per day, 80 to 100. Forty-five hundred ... Sorry, 45 houses, it's 4,500 gallons per day. What I'm curious is how you guys can do a calculation to show how your sewer lines are going to degrade over time. The current lines right now they are, for the current houses, in the village. That's fine, but adding 45 additional houses, how is that going to impact them? It's going to increase them, right? It's going to accelerate the degradation of those lines, so who's going to pay for them? Us. That's going to impact our taxes. I just hope that when you guys do your analysis, you're taking those accounts into effect. Not what it's going to cost to put it in but what it's going to cost to fix it, because now you're adding all these extra homes. (Cassano)*

DEIS Response D.2.3: Water and sewer gallons per day usage is required to be calculated at a rate of 100 gallons per day per bedroom, for a total usage of 16,500 gallons per day for the entire residential use for the **Reduced Scale Subdivision shown in Figure 3.**

DEIS Comment D.2.4: Public Services: *We advise the Village to ensure that sufficient capacity exists within the existing water and sewer systems to provide service to this project. (OCPD)*

DEIS Response D.2.4: Comment Noted.

DEIS Comment D.2.5: *In regard to the Village water supply system, Mayor Newhard wrote, "The Village water tanks are aging, and many are in need of replacement. There is also concern of the impact of forty-eight units on the storage capacity at the Village (s.i.c. – Valley) View water tank." The conclusions on page 29 in the DEIS are in direct contradiction to the assessment*

provided by the Village's top official. It is noted that more detailed assessments of these systems is provided later on pages 39-41 of the DEIS, but even these paint a more favorable picture than does the mayor. Obviously, this discrepancy needs to be resolved and any potential adverse impacts addressed. (Gross)

DEIS Response D.2.5: See DEIS Response D.2.1

DEIS Comment D.2.5: *How can we expect the water pressure on Valley View Circle to be affected by the addition of 45 or more homes to the neighborhood? Water pressure at times seems low when I have two faucets running at once. (Buckley)*

DEIS Response D.2.5: The applicant's engineer and the Village Engineer have discussed options to improve the water pressure on the site and would most likely benefit homes in the nearby areas. Plans would be finalized after the close of SEQRA, and a condition of approval and final Certificates of Occupancy for the homes would require adequate water service without interfering with existing service provided to other members of the community.

DEIS Comment D.2.6: *I think 10 years ago when they came up with this alternate plan there was a water pressure issue which I have not heard anything about in meetings that we have been to. There was an issue about water pressure for the existing homes. (Maher)*

DEIS Response D.2.6: See DEIS Response D.2.5.

DEIS Comment D.2.7: *What is the supply of water to be used by these residents all year round? I will tell you 2 or 3 weeks ago I had a small leak in my water system and we have a well and a pump and low and behold it went dry and we had no water whatsoever, I fixed the leak and I have water again but it made me very aware of the fact that we are not above some enormous underground supply and that we need to have some concern about the fact that these people are all going to be pumping up water out of the ground and pouring it into the streams. Is there going to be enough water to supply all of these residences? Certainly, it depends on what time of the year we are talking about but this happened to me in the spring time after a season of heavy rains. So I am concerned that this may be a vulnerability that has not been addressed. I want to talk about the water going the other direction as well and that is all of these homes are going to have toilets and various facilities like that and what is thought about where all of that is going to go, the issue of sanitary process for that to go back into the ground and not wind up in the stream which would be quite an unpleasant thought, so please consider that. (Tuckfelt)*

DEIS Response D.2.7: See DEIS Response D.2.5

DEIS Comment D.2.8: *The Village of Warwick's Water Withdrawal permit has an established Permissible Service Area (PSA) for some properties outside the Village. This PSA is very limited and does not include any of the project area. Please note that the proposed annexation into the Village must occur before the start of water service to proposed residence at Lot 1. (DEC)*

DEIS Response D.2.8: Both the Town and the Village have endorsed the minor annexation, which cannot be finally approved until the close of the SEQRA process. The proposed annexation does not affect the service, since all the lots are proposed in the Village with the change of the preferred plan to the Reduced Scale Subdivision Plan **(See Figure 3)**

DEIS Comment D.2.9: *A boundary between a geological formation site where that intersection is [Locust and Woodside Drive], which is right on this property. There is a potential for a lot of groundwater, and that's probably why those seeps are here. I think one of the things that probably should be considered in deliberating about this property is that once this property is developed, this property that happens to be within the village boundary, it forecloses any potential opportunity that this property may present for water supply for this village. It's obvious that from everything that was in the EIS that this property contains a high, high potential for producing water supply. That's probably something that should be considered in the EIS as well, since that opportunity will be foreclosed forever. (Gross)*

DEIS Response D.2.9: The location of this potential fracture was disclosed in Section III.B.1 of the DEIS, as well as other locations of undeveloped potential high yield well resources nearer to existing water treatment facilities.

E. Stormwater Management

1. Comments from SEIS Public Comment Period

SEIS Comment E.1.1: *Please give clarification on the final topography of the units on the western side of the project. If the plan will be to create level plots with retaining walls, will this lead to greater stormwater and draining issues? Please clarify how this part of the project will be managed. (VB-11).*

Response E.1.1: The lots along the westerly property line are graded to result in approximately two to four feet of elevation change across the foundation of the dwelling. The side yards are then graded to result in eight to ten feet of elevation change between each of the respective structures. The lots are approximately 85 to 90 feet wide in this area. The change in elevation between each lot is accomplished by land grading. There are no retaining walls proposed anywhere within the development.

SEIS Comment E.1.2: *Where are the house down spouts draining to? (RD Summary -9).*

SEIS Response E.1.2: The current NYS DEC Stormwater design criteria encourage the disconnection of impervious areas from the natural surface water feature into which it drains. This is accomplished by allowing sheet flow of run off from impervious surfaces over vegetated areas to the greatest extent possible. As such, downspouts are directed to splash blocks after which roof top run off will either sheet flow through grassed areas, undisturbed areas or into the drainage system toward one of the water quality bio-retention features.

SEIS Comment E.1.3: *Landscaping and fencing around the retention pond(s). Is it a safety concern? (RD Summary-10)*

SEIS Response E.1.3: The stormwater management features differ substantially from those depicted on the prior 28 lot subdivision plan. The prior plan included “wet ponds” which include a permanent pool of water having a design depth of approximately four feet. The Village View Reduced Scale Alternative incorporates disconnected impervious areas, bio-retention areas and dry type stormwater management ponds. The bio-retention areas are mulched and landscaped and design to provide a maximum ponding depth of six inches. The dry type detention ponds only have water in them during, and immediately after, a storm event. Fencing is not proposed around the dry ponds.

SEIS Comment E.1.4: *Woodside Culvert: Although the flow of the stream that travels the length of the property is intermittent, during heavy rains, it carries a great quantity of runoff. The stream flows underneath a culvert on Woodside Drive that is potentially in poor condition and under sized. (VB-4)*

SEIS Response E.1.4: The Village View site and areas upstream comprise an approximately 138-acre watershed that is tributary to an existing approximately 4 ft. x 8 ft. concrete box culvert that flows under Woodside Drive. Village of Warwick Code requires that projects provide a stormwater management system that will result in post-developed peak flow rates at least 10% below pre-developed levels. Village View is comprised of approximately 20 acres of land that lie within the Village of Warwick limits. The project sponsor also controls an additional 80 acres of adjacent land in the Town of Warwick. The 80 acres in the Town is not subject to the 10% runoff reduction threshold. In an effort to help address existing downstream flooding problems, the Village View project has been designed to reduce the peak rate of run-off for both the Town and Village portions of the project by 10%. The Village View subdivision will therefore not result in an increase in impacts to the existing concrete culvert under Woodside Drive and is expected to help alleviate existing downstream flooding problems.

SEIS Comment E.1.5: *Flooding. I've sent the board pictures in the past of how bad Woodside gets flooded. It is well documented in photos [submitted to the planning board by another member of the community] that flooding on Woodside drive and the intersection of local street is a persistent issue. This is usually associated with the stream... This is associated with this stream and making traveling on Woodside dangerous and at times impassible. There was no assurance that the flooding problem will be corrected with its development. In fact, it may cause flooding issues to worsen due to the clearing of land and the placement of roads accessing Woodside drive very near where the flooding occurs, what is being required to ride 100% whereas be required that there'd be 100% assurance the flooding will be addressed and will not be made worse by development. (Transcript, Mar)*

SEIS Response E.1.5: The Village View project will not correct existing downstream flooding problems. The project will result in a net decrease of at least 10% in peak run-off rates which can be expected to alleviate at least some of the existing downstream flooding problems.

SEIS Comment E.1.6: *I live across the street [from the applicant's property]. I had to put my own curb even before right now. 25-30 years ago, now, we asked the Village, you didn't put in curbs, so I put my own curb in. That was just to control the water, to stay off my property that is just running down to Woodside naturally after a rainstorm. Now what are you going to tell me is it's going to come down off that hill [currently on the applicant's property]. Am I going to need a wall, you know? So, in past plan we found the notes in 2008 plan all home downspouts were to drain into the water retention system to manage water flow. We found paperwork for it, but I don't see it anywhere. This was, even in 2008 there was a water problem with solution was to reduce the water coming off the hill. (Transcript, Mar)*

SEIS Response E.1.6: With regard to the curb the commenter installed on their property, no response is offered. With regard to downspouts within the development, see Stormwater SEIS Response 1.

SEIS Comment E.1.7: *My first concern is storm water drainage pond 2A. I live at 33 Overlook Drive. This pond will be directly above my property on Woodside Drive. If Village View does not maintain this pond and the drainage from it, or if the HOA ceases to exist, does the Village of Warwick take responsibility for maintenance and ultimately is the Village of Warwick responsible for any damage to adjoining properties of Village View? (Transcript, Jarody)*

SEIS Response E.1.7: Easements to the benefit of the Village over all proposed drainage infrastructure that lie outside of the proposed road right-of-way to facilitate maintenance of stormwater management features in the event the Village View HOA fails to do so.

SEIS Comment E.1.8: *Another concern that we have is the stream runs through our back of our property.*

Most of the year it's a dry stream bed, but sometimes, especially last summer when it was very wet, a lot of rain. It was a lot of it almost flooded into our yard. Now my husband keeps the berm, he puts things to build up the bank so that in the event of heavy rain and water, it doesn't flood our property. But I would be concerned with the building and the pavement if that might affect, you know, the level of the stream water in those times. (Transcript, D.Kipp)

SEIS Response E.1.8: See SEIS Response E.1.4 and SEIS Response E.1.5.

SEIS Comment E.1.9: *My property [51 Woodside Drive] already floods, so without trees holding the soil above my property not only will constantly flood but I will most likely now have mud slides from the slope. What retaining wall will prevent this? (Reynolds-9)*

SEIS Response E.1.9: There are no proposed retaining walls on the property. Existing stormwater run-off from the hillside that currently enters the property in question will be

directed toward the stream. The net result will be a decrease in surface water run-off directed toward the property located at 51 Woodside Drive.

SEIS Comment E.1.10: *The following comments are directed at the details of the plans prepared by the engineer, and reviewed by the Town Engineer, both of whom are licensed professionals. These comments require minor adjustments to the plan or the Stormwater Pollution Protection Plan and will be incorporated into the plans if necessary prior to final approval.*

1. **Comment:** *The SWPPP indicates the Village of Warwick is not an MS4 area. Applicant to review the NYSDEC MS4 permit, criterion 3 and revise SWPPP/seek a waiver as needed: "Automatically designated MS4 areas are extended to Town, Village or City Boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived." (HDR,14)*

Response: The Village of Warwick is not an MS4. There is no need for a waiver. Any improvements in the Town will be in accordance with the Town's MS4 obligations.

2. **Comment:** *Provide a populated NOI as part of the SWPPP package for Town review. (HDR, 15)*

Response: A completed NOI will be included in the final SWPPP.

3. **Comment:** *Show contour labels on the WQv area map. (HDR, 16)*

Response: Existing 10-foot contour labels have been added to the WQv area map.

4. **Comment:** *Per Appendix E of the NYS Stormwater Management Design Manual, the Applicant's telephone number must be provided on the stormwater management plans (HDR, 17)*

Response: The Developer's contact information, including telephone number, is shown on page iii of the SWPPP. The SWPPP has not been changed.

5. **Comment:** *The SEIS indicates several sewer pump station alternatives but does not identify which is the selected/preferred alternative. If additional ground disturbance is required as part of the sewer pump station improvements (including the installation of a force main), that area should be encompassed in the ground disturbance limits and erosion & sediment controls should be implemented as necessary and per an updated SWPPP. (HDR, 18)*

Response: The Village of Warwick will decide which of the alternatives is the preferred alternative. Any improvements associated with the sewer pump station will be considered a separate Village of Warwick project for which the Village would develop their own plans and SWPPP, if necessary.

6. **Comment:** *SWPPP does not note any winter shutdown requirements per the NYS Standards and Specifications for Erosion and Sediment Control (refer to page 2.38). Please revise SWPPP to incorporate these additional requirements. (HDR, 19)*
Response: Prior to final approval, the SWPPP will be revised to include the requested details.
7. **Comment:** *Page 11 of the SWPPP narrative indicates hay should be applied to the topsoil for stabilization. Please note that the hay should be air dried and weed seed-free. (HDR, 20)*
Response: Prior to final approval, the SWPPP will be revised to include the requested details.
8. **Comment:** *The SWPPP drawings must include USDA soil survey information, extents of existing vegetation (i.e. tree lines), boundaries of resource protection areas wetlands, streams) including appropriate setbacks. (HDR, 21)*
Response: USDA Soil survey data, FEMA, Data, Aerial photos and other supporting materials are presented in SWPPP Appendix B.
9. **Comment:** *Confirm all line types are present on the legend on the pre- and post-development drainage analysis maps. There appear to be several lines shown on the drawing which are not defined. HDR, 22)*
Response: Line types have been added to the legend.
10. **Comment:** *All detail callouts on the plan sheets should refer to a detail #, in addition to the detail sheet #. Some of the erosion and sediment control feature names vary between the drawing callouts and the detail sheets. For clarification, applicant to include detail #s on sheet 15 and in plan call outs. (HDR, 23).*
Response: The Erosion Control Plan and Details have been checked for consistency and revised as needed. There is no requirement in the DEC SPEDES Permit, Town of Warwick Code or Village of Warwick Code that Details on a Subdivision Plan be numbered. Numbering has not been added.
11. **Comment:** *Applicant to identify which trees are to be protected in place during construction. The tree protection detail is provided on both sheets 15 and 16. (HDR, 24)*
Response: There are no isolated trees outside the area of disturbance that are to specifically be saved. The detail has been removed.
12. **Comment:** *In accordance with the NYS Standards and Specifications for Erosion and Sediment Control (NYSSSESC), silt fence must be installed parallel to the contours to avoid concentrating flow against the silt fence. Applicant to revise silt fence placement as needed. (HDR, 25)*

Response: The placement of silt fence has been adjusted where needed.

13. **Comment:** *A construction phasing plan must be developed which includes the sequence in which the construction activities occur. It should identify which areas are to be disturbed first, include detailed information regarding cut/fill and material transfer and storage around the site, and implementation / relocation of erosion and sediment control measures to ensure that the erosion and sediment transport offsite is being managed at all stages of construction. (HDR, 26).*

Response: A general construction sequence is included in the SWPPP Report. Project Phasing is shown on the Erosion Control Plans. A more detailed narrative of the project phasing will be added to the plans prior to final approval.

14. **Comment:** *Applicant to provide to-scale cross sections of the dry detention ponds. Include all inlet and outlet structure inverts, water surface elevations, and pond bottom elevations. (HDR, 27)*

Response: Cross sections of the dry detention ponds situated within the Town portion of the project will be provided prior to final approval.

15. **Comment:** *Applicant to verify if all riprap aprons at pipe outfalls are shown in plan view to scale. Per the NYSSDESC, the aprons should be symmetrical and the horizontal grade should be 0%. The aprons opening and end widths, as well as the riprap gradation, should be designed in accordance with the state manual. (HDR,28).*

Response: This will be verified prior to final approval.

16. **Comment:** *Temporary and permanent seed mixtures have not been provided for stabilizing disturbed areas during and after construction. Applicant to provide seed mixtures, application rates, pure live seed requirements, soil testing requirements and soil amendment requirements on the plans. (HDR, 29).*

Response: Permanent and Temporary seed mixtures, together with soil amendments, are shown on the Erosion Control Detail sheets. The plans have not been changed.

17. **Comment:** *The designated location for the storage of hazardous materials and equipment must be identified on the plans, including fertilizers, pesticides, herbicides, etc. (HDR, 30).*

Response: A material storage location has been added to the Erosion Control Plan.

18. **Comment:** *Identify locations on the drawings where rolled erosion control products will be installed. (HDR, 31).*

Response: The rolled erosion control product is specified to be used on slopes of greater than 4H:1V. These areas have been identified with a hatch on the Erosion Control Plan.

19. **Comment:** *Concrete washout locations are shown on the plans; however, they are located within 100 ft. of a swale, drainage inlet, and/or waterbody which is not in accordance with the NYSSDESC see page 2.24 (HDR, 32)*

Response: The concrete wash-out location has been moved.

20. **Comment:** *Page 14 of the SWPPP indicates that easements may be needed for the Town and Village to maintain stormwater infrastructure. Proposed easements should be identified on the drawings, if needed, for the permanent stormwater features. (HDR, 33)*

Response: Easements are shown for all permanent stormwater management features that lie outside areas slated for dedication to the municipality. There are no changes to the plans.

21. **Comment:** *Applicant to clarify the inspection and maintenance schedules for all permanent stormwater features, including the responsible party (property owner, HOA, Town on the plans. (HDR, 34).*

Response: Additional detail regarding the maintenance schedule for stormwater features will be added to the final SWPPP.

22. **Comment:** *Basin 1 (presumably) is not labeled on the Pre-Developed Drainage Analysis Map. Please revise SWPPP accordingly (HDR, 35)*

Response: Basin 1 is labeled on the pre-developed drainage basin map. The plan has not been changed.

23. **Comment:** *Provide profiles of the proposed storm sewer pipes. (HDR, 36)*

Response: Profiles of the storm sewer system within the Village portion of the project are largely depicted on the road profiles since most of the system lies within the road right-of-way. Profiles of any storm sewer pipes lying within the Town portion of the project will be provided prior to final approval.

24. **Comment:** *In the existing conditions HydroCAD model, Line 1 is an 18" HDPE pipe. It is listed as part of the flow path in Basin 1, however it is not shown on the drawings. Please include this pipe on the pre-development drainage analysis map. (HDR, 37)*

Response: The 15" pipe is shown on the pre-developed drainage basin map and the section of flow is specifically labeled. The map has not been revised.

25. **Comment:** *The shallow concentrated flow lengths seem very long given some of the slopes. I.e., Basin 1 for predeveloped conditions has a 1,415 ft. shallow concentrated flow length yet a velocity of 6.24 at a slope of 15%. A shallow concentrated flow is also defined following the pipe in this basin. Consider whether this would turn to channel flow before the runoff travels >1,000 ft. Please revise SWPPP as appropriate. (HDR, 38)*

Response: The topography does not reveal the presence of a channel to model as channel flow. Lacking these identifying criteria, it is impossible to model the flow path as channel flow. With regard to the outlet of the pipe, visual observation at the site indicates that there is no defined channel after the pipe outlet. The discharge simply spreads out and puddles. The SWPPP has not been revised.

26. **Comment:** *Soil restoration requirements are not defined in the SWPPP per section 5.1.6 of the NYS Stormwater Management Design Manual. Please revise SWPPP accordingly (HDR, 39)*

Response: Prior to final approval, the SWPPP will be revised to include the requested details.

27. **Comment:** *The SWPPP E&SC drawing and pre/post-development drainage maps are provided at scales 1"=60' Note the Town requires all SWPPP drawings to be at a scale of 1"=50' or greater (Section 164-47.10). Please revise drawing scales for clarify (HDR, 40).*

Response: The Erosion Control Plans have been revised to a 50 scale. The pre and post developed drainage basin maps are not a part of the subdivision plan set and will not be filed with the County Clerk. As such the scale has not been changed. To do so would result in these drawings having to be divided among several sheets thereby making it more difficult to identify overall drainage patterns.

28. **Comment:** *A landscaping plan for the bioretention pond should be shown, including a plant list (i.e., common name, botanical name, size of planting, number of plantings, and details for planting. (HDR, 41).*

Response: Bio-retention landscaping is shown on Sheet -- of the plans.

2. Comments from DEIS Public Comment Period

DEIS Comment E.2.1: *The Village applauds the applicant on increasing buffers protecting the stream corridor as well as its storm water management plan. The stream corridor is problematic when heavy intense rain occurs which results in flooding on Woodside Drive and further downstream at a culvert intake near Maple Avenue that is a continual threat of damming due to debris, and results in severe flooding to adjacent properties. (V.Warwick)*

DEIS Response E.2.1: Comment Noted. **Also see DEIS Response 2 Below.**

DEIS Comment E.2.2: *We are writing to address our concerns over the new proposed development going in off of Sleepy Valley Road. Our main concern is that the village is barely managing the water runoff within the creek that runs down to the trash-rack behind our house now. This continues to be an issue when we receive heavy rains and there is heavy debris built*

up from fallen leaves, branches and/or dumping in the creek-bed. We had to call several times to have the trash rack cleaned and debris removed this spring. We also had to clear the debris ourselves numerous times during the storms this spring to prevent it from overflowing onto our property and possibly flooding the house. We were told that letters were going to be sent out to the homeowners lining the creek stating that no debris should be dumped into the creek bed but as of now we are not sure if these letters have gone out, as one was supposed to be sent to us as well. We are concerned that a new development will create an even bigger water problem. We hope that this matter can be addressed as it has been an issue for 20 years now with no real solution. The stream that goes under Woodside would cause flooding on my property. I have had 6ft. of water in my basement, I have had to spend my own money, my own time to create a swale in my backyard to hopefully alleviate any overflow issues that have happened numerous times, it is a Village easement that goes through behind all of these properties and ends up at my property and then continues on. They are required to take care of it and maintain it but they do not clean it. I see the retention ponds and 2 of them are north or uphill of the property so those would do nothing for the impervious houses and roadways, all that run-off that is generated by this development, 2 of those retention ponds would not even do anything for this. You have one retention pond that is going to take up that whole development. (Krasniewicz)

DEIS Response E.2.2: Water runoff from the development activities and reduced impervious surfaces are required to be managed by a system that is designed and approved by the New York State and the Village of Warwick. The state requires that the runoff from the site not exceed pre-existing levels, and the Village requires the runoff volumes be reduced by 10%. The stormwater management system was designed by a licensed engineer in accordance with all applicable regulations and has been deemed to conform to the design criteria. In addition, changes in the project to eliminate disturbance along the creek and wetlands will help preserve additional existing vegetation, which absorbs more runoff during storm events. In addition, the change to the Reduced Scale plan keeps development further away from the stream and wetlands onsite which absorb water.

DEIS Comment E.2.3: *I live in 14 Pinecrest, which is a dead-end end off of 94. I'm at the very bottom of that hill. That hill starts ...The creek runs along Locust, so when that creek fills up with ... We're just talking the spring with the runoff, the snow melting, there is an underground spring that also pops up, down between Locust and Dunning. That creates a river that flows down between my house and my neighbor's house, and floods my basement. It's happened. I'm there 26 years. It's happened probably 25 times, 24 times. I want to know, as everybody else spoke about the water point and how it goes into that stream. Are there storm sewers? Where are they going to outlet all this water that's going to come off that hill? That's my concern. My pumps come on, and I just look up and I look and I see that the spring is... The creek has overflowed and it's coming out of the ground, out of the ground.... So, not pretty. (Malloy)*

DEIS Response E.2.3: See DEIS Response E.2.2.

DEIS Comment E.2.4: *Stormwater Management: The Stormwater Pollution Prevention Plan prepared for this project should be adequate for the conditions onsite. We advise the Village that any landscaping in the open space area should include woody-stemmed plants and other plants suitable for bioretention, in order to filter as much water as possible before it reaches the flowing stream onsite. (OCPD)*

DEIS Response E.2.4: Comment Noted. See DEIS Response E.2.2

DEIS Comment E.2.5: *Open Space: The ownership and management of the open space is unspecified. We advise the Village to clarify the structure for maintaining the open space, particularly the stormwater management facilities. (OCPD)*

DEIS Response E.2.5: The Applicant has indicated that they welcome any legal instrument that will ensure the Village's authority to correct any maintenance issues related to the stormwater and open space. The Village is weighing their options on this issue and are dedicated to achieving a satisfactory plan for the maintenance of the open space and stormwater infrastructure.

DEIS Comment E.2.6: *Who is responsible for the maintenance and upkeep of the retention pond? Will the retention pond be fenced in for safety purposes? (Maher)*

DEIS Response E.2.6: The retention ponds would have easements for the benefit of the Village over them, and would be owned by the Homeowners Association. The Village would have the right to take corrective maintenance action if the Homeowners Association failed to maintain stormwater infrastructure. There are not fences planned for the retention ponds on site. They are designed to be dry detention ponds meaning they will have no water in them on a regular basis, and will be landscaped in accordance with NYDEC regulations, with other landscaping for beautification as required. If fencing is used, it can disrupt travel by local flora living in the wetlands areas.

DEIS Comment E.2.7 : *I just want to state I have a clear view of that field when the leaves are off the trees in the spring. For maybe five or six weeks, you could just see rivulets of water coming down that hill towards the stream. I have witnessed that for years.[Steve Gross expanded on this idea, saying that this observation was proof of a deep channel cut by runoff coming from the steeper slopes.](Buckley, Gross)*

DEIS Response E.2.7: See DEIS Response E.2.2.

DEIS Comment E.2.8: *Stormwater Management - This is of particular concern as the stream bed culvert that runs behind our property has become quite swollen in heavy storms. With the loss of*

the vegetation and woodlands due to the construction of roads and sidewalks, driveways, etc. there is a potential for increased stormwater runoff onto our property. Presently in periods of heavy rain, such as experienced this past week, there is heavy water run off down Locust St. itself since there are no sewer drains on Locust St. Many times rocks and debris end up on the street and in our driveway after such heavy rains. I have a stream right in the back of the culvert that lies in the back of my yard. I'm one of the few houses that are on the other side of the creek. Well, the flow down that creek, after the snowfall in the winter and things like that, is significant. There are houses that get flooded down from us. The stream goes underground. I don't know if you know about that one or not, but at a point it goes underground and floods houses down on Main Street haven't had a problem. I've been building my banks up. I just kept putting them on and putting them on, and they built my banks up, so I'm not really concerned but I know that the flow with 45 houses going in, the runoff from that mountain down is going to be significant. I don't know if you've done tests on that, or anything that you could determine what the flow might be like, because that's a major concern. That's going to be a roaring brook after the winter, and even on a good rainfall like you saw in the Carolinas this past weekend. A major storm could be a real big thing for that culvert that's there. (Kipp)

DEIS Response E.2.8: See DEIS Response E.2.2.

DEIS Comment E.2.9: *My neighbors on Woodside Drive are extremely concerned about the threat of more flooding and water coming down because as we know, when you clear land to put development in, creates a problem with run off water.(Rubin)*

DEIS Response E.2.9: See DEIS Response E.2.2.

DEIS Comment E.2.10: *Flood risk: In 2012 the DPW raised the road level on Woodside Drive by an average of 612 inches. As a result our basement was severely flooded on several occasions during only moderate rain fall. We suffered tens of thousands of dollars in damages and irreplaceable personal property. Several of our neighbors on Woodside Drive were also flooded. In an attempt to remediate this, the Village installed a system of storm drains at great expense to the tax payers. This only partially corrected the problem. Every time we experience moderate to heavy rainfall, our back yard floods and so too would our basement were it not for the fact that we altered the grade of our front yard and installed a berm in the backyard, also at considerable expense (see photo). We are concerned that paving of the woodlands where the proposed subdivision is located will lead to increased run-off of drain water down Woodside Drive and, consequently, a serious flooding problem. We are not convinced that the measures outlined on Section E3 of the DEIS will be sufficient to prevent flooding of properties and houses further down Woodside Drive. At the June 21st planning board meeting, Mr. Getz expressed some doubt as to whether the size of the storm water basin was adequate.*

Question: (To be addressed by the board and incorporated in the DEIS). Can the board assure us that there will not be a flooding problem for residents of Woodside Drive if the proposed development goes ahead? (Dempster)

DEIS Response E.2.10: See DEIS Response E.2.2.

DEIS Comment E.2.11: *I'm not sure that the Board is aware but that Stream [along Locust Street] floods in heavy rains and hurricanes. Woodside Drive becomes impassible; the properties of every resident on Locust St. become flooded and the way this subdivision is setup going behind residents on Woodside Drive those properties will flood because you have flooding now with that land untouched; imagine when it is developed and you are now taking down all the trees? The weather is so bad down there it has also wiped out 2 roads off of 94, Fairview and flooded by water coming down and they are a good deal away, right off 94. [the commenter also spoke at the September 20, 2018 Public Hearing about potential flooding.] (Maher)*

DEIS Response E.2.11: See DEIS Response E.2.2.

DEIS Comment E.2.12: *Enclosed are photos of water runoff from the Tuesday October 2nd Storm! I took these photos on Wednesday October 3rd at 7:00 A.M! This is a major concern when considering the development of Village View!. [The author of the comment submitted photos taken on Woodside and Locust near the intersection, showing moderate puddling after a recent storm. These photos are in Appendix B. (Hilly)*

DEIS Response E.2.12: See DEIS Response E.2.2

DEIS Comment E.2.13: *We would just like to know what changed in 10 years from the original plan. There is a house put here because of the wetland and environmental, I would like the Board to tell us why this house was not allowed 10 years ago and a road because of environmental reasons because of the headwaters. And safety, safety was a big concern. How do you dig up wetlands to put a retention pond in? That is a wetland; you are digging up wetlands to put a retention pond. We would really like the DEC to get involved regarding the wetlands, the stream and the natural habitats as well as the other requests we have made. [This commenter also indicated that he did not believe that the current SWPPP plan with the detention ponds would be sufficient to stop flooding and there was some back and forth discussion with the Project Engineer in the July 19th 2017 minutes.] (Maher)*

DEIS Response E.2.13: The wetlands have been delineated by the Corp. of Engineers and it is included in Appendix C of this FEIS, The DEIS has already been circulated to the NYDEC, since they are an involved agency. Also see **DEIS Response 2.**

DEIS Comment E.2.14: *Page 13, Paragraph 2: The DEIS notes, “An internal road network would be offered for dedication as public roads to the Village of Warwick.” It then further notes, “Likewise, drainage infrastructure to accommodate stormwater needs would also be dedicated to the public to insure maintenance.” In the case of the roads, the Village of Warwick is specifically identified as the recipient of the road network. In contrast, the stormwater drainage infrastructure is proposed to be dedicated generically “to the public.” As stated in the description, “the proposed drainage improvements that are proposed as part of the site development in the Town of Warwick extend onto parcels within the municipal boundaries of Town of Warwick.”(Gross)*

DEIS Response E.2.14: The Planning Board is currently reviewing options for protecting and maintaining the stormwater infrastructure. Currently these areas are proposed to be owned by the HOA, with easements that would allow the Village to make necessary repairs and maintenance with the option of charging back the HOA if necessary.

DEIS Comment E.2.15: *I have a question regarding the area for the storm water management dry pond 1A. On the subdivision map, I thought it said that the access easement was 2.9 plus or minus acres. Then on the erosion control plan map, it has that same area as 4.5 plus or minus acres, so I was concerned which it is. Then I also have concerns that the water when it's being drained, is being drained into a culvert and swells, which are being maintained by the association. If they are not maintained by the association, are they maintained by the village since this piece of property looks to have been town property and then into the association property. (Charity)*

DEIS Response E.2.15: The dimensions of the planned stormwater management ponds may have changed because this designed was based on the 45-lot Cluster Subdivision Plan, however the new plan, The Reduced Scale Subdivision Plan has some of the same features. The dry ponds are designed to hold water and slowly release it into the natural drainage system at a rate that would be easily absorbed by the existing system. The stormwater drainage system will have an easement that allows the Town and/or Village to maintain the ponds and open space if needed, and bill the homeowners association if needed to recapture the costs of maintenance.

DEIS Comment E.2.16: *Is the applicant proposing that the drainage improvements within the Town of Warwick be dedicated to the Village of Warwick for maintenance, or to the Town of Warwick? Can the Village accept improvements outside its municipal boundaries? Would it make logistical sense for the Town of Warwick to accept the improvements? The specific*

recipient of these improvements needs to be identified by the applicant, as well as identifying any issues that are created by improvements for a Village development project being located on property within the Town. (Gross)

DEIS Response E.2.16: The use of the property located in the Town of Warwick was not changed from the 28 lot subdivision. The applicant received permission from the Town to create an easement for the benefit of Village View, because in terms of design, the current location of the proposed Drainage Structures would benefit the most people from downstream flooding, which has been a historically been a problem. The easement on the property will protect those areas from future development, and those areas would be required to be deducted out of future development proposals in the Town of Warwick. Easements that benefit the public are common instruments, and can be written and enforced in such a way that the public is protected. Both the Town and the Village will approve the easements before filing.

F. Flora and Fauna

1. Comments from SEIS Public Comment Period

SEIS Comment F.1.1: *Does the plan call for the preservation of any important trees? (RD-Summary 11).*

SEIS Response F.1.1: The Plan calls for preservation of the most important ecological resource on the site, the wetlands, which is forested, and the stream on the property, and areas between the stream and Locust Street. There are other areas on the site that will be protected as open space, including a buffer around the wetlands. The planned open space is mostly contiguous and encompasses 8.9 acres of the 20.3 acres of the Village subdivision site. This planned open space does not include any areas used for drainage basins, which over time may feel like open space. No specific trees are identified on the plan for preservation.

SEIS Comment F.1.2: *I moved both my home and world-beloved eco- sustainable award winning successful business to Warwick from Brooklyn in 2018. At the height of the local market to date, I was sold a property, 51 Woodside Drive, with “hiking trails” starting right in the back yard. (Reynolds-1)*

SEIS Response F.1.2: The trails behind your house were likely created by animals passing through the applicant’s property and are not part of the trails network in Warwick. This property has been owned by the applicant for more than 20 years, and the subdivision request was before the Planning Board prior to you buying your property.

SEIS Comment F.1.4: *You're planning to destroy an ecosystem and thriving wooded habitat, you're planning on cutting down the forest that is the very value of being here, you are knowingly willingly choosing and approving the killing of endangered species and wildlife (Reynolds-7)*

SEIS Response F.1.4: Refer to **SEIS Response F.1.1.**

SEIS Comment F.1.5: *What about the light pollution from their street lights illuminating my property? In a storm 2 months ago trees from the future Village View property fell on my property causing damages and still have no been taken care of by the property owner. (Reynolds-4).*

SEIS Response F.1.5: Street lighting standards are established by the Village of Warwick, and the applicant will provide lighting as required for the safety and convenience of the residents. The applicant has been notified of the trees falling on your property and will assist with the removal after inspection to determine if they are his responsibility.

SEIS Comment F.1.6: *Open Space: The ownership and management open space is unspecified. We advise the Village to clarify the structure for maintaining the open space, particularly the stormwater management facilities FSEIS to be prepared for this project. A conservation easement is the best means of ensuring that the proposed open space will remain undeveloped in the future. (OCPD-3)*

SEIS Response F.1.6: The Village Planning Board and Village Board has indicated their preference for the property to be held under ownership of an HOA of the Village homeowners, with an easement that would allow the Village to correct any maintenance issues should the HOA fail to maintain or correct issues within the open space.

SEIS Comment F.1.7: *What about the wildlife affected from the intrusion of the wetlands, a stream and pond that have always been there? There is a large herd of coyotes that live in that field. Where are they going to be displaced to our yards? (Sinsabaugh, 2)*

SEIS Response F.1.7: 8.9 acres will remain as open space, including the wetlands, stream and buffer to preserve the highest quality habitat on site. This habitat has access to water, and sheltered areas and is planned for preservation. It is not likely that coyotes would prefer landscaped lawns over this habitat. During construction animals would likely leave the areas due to the increase in human activity and construction on the site, and return once they are finished.

SEIS Comment F.1.8: *The water table is endangered too if they will be drilling wells and putting in septic systems! (Sinsabaugh, 3).*

SEIS Response F.1.8: The health department requires proof that the water taking for the needs of the residents would not interfere with other area wells. Village View estate residents would not have individual wells, they will be served by an existing water system that has capacity to serve the project, although issues with water pressure would need to be addressed. They will also be served by an existing sewer system that had capacity to treat the sewer, although conveyance issues will also have to be corrected. The correction of these issues related to the water and sewer systems will benefit residents off-site as well, who have experienced issues in the past.

SEIS Comment F.1.9: *So there are some serious issues and concerns with this development. What I ask as a resident of Warwick, somebody that chose to make Warwick home, just like all these people here, please consider carefully... How many times do we see in the news, different parts of the world, different parts of the country. We see the results of when we overdevelop, and we build like crazy. It ruins the environment. It ruins our home, which is the earth. We have to take care of it. So we ask that you do that. If by chance this proposal continues. A few other concerns that I have had to do with conservation. What methods are in place with the existing trees? What measures are in place with new trees? I don't see any landscaping plans. I looked hard to try and find that maybe we're not at that point, but what measures will be taken to ensure conservation? Again, we want to preserve, we want to preserve our home in Warwick and I thank you for hearing this? (Transcript, Spikowski)*

SEIS Response F.1.9: The Village View property is within the Village of Warwick, which is a municipality characterized by smart growth principals. These principals encourage development to take place where there is existing infrastructure to serve the development, instead of areas where there are not available utilities. At a mere 2 residential units per acre for the entire property, this area would still be classified as rural residential. It is true that all lots on the property are 10,000 square foot minimum, except for the town house units. This allows the preservation of the 5.4 acre area nearest to Locust Street, will provide the same overall feeling of ruralness when driving along Locust Street after the project is completed. As a comparison, single family homes close to the Main Street of downtown start at about 5000 square feet. The reduction of lot sizes help to reduce the effects of loss of habitat by reducing sprawl caused by large lot single family development.

2. Comments from DEIS Public Comment Period

DEIS Comment F.2.1: *Flora and Fauna. Under F. Flora and Fauna in the DEIS it states that the site visits took place in April and September of 2005. Endangered and /or State Protected species of animals were not found on site however it is now 2018, twelve (12) years later. Should that site not be revisited? In Table 12 of the Full Appendix Village View DEIS Final under*

Expected or Observed Reptiles and Amphibians there is no mention of any turtles. Having lived on Locust St. with the stream in our back yard for the past 35 years we have had turtles in our yard so it would be expected that there could be turtles in the wetland portion of the proposed subdivision. (Kipp)

DEIS Response F.2.1: At the time that the study was conducted, no turtles were found. However, any turtle habitat on site would be protected, since the area to be disturbed only includes a small area necessary to build a culvert for the stream crossing from Locust Road.

DEIS Comment F.2.2: *My question about the DEIS is about the data that is based on 2005, 2006 and I grew up in Port Jervis and I come back every year for years and years and I have noticed so many changes in the ecologies of Orange County and so I am wondering if that ecological community is considered unchanged from 2005, 2006? Like where is, is there going to be data? I would like to see data that supports that point. (Chionsini)*

DEIS Response F.2.2: This area has been undisturbed and relatively stable for the last 12 years. A field check was conducted by the Project engineer prior to the issuance of the DEIS to confirm the site's unchanged status. The only change was a slight expansion of the sites wetland, due to new standards of wetland delineation.

DEIS Comment F.2.3: *Our peaceful neighborhood and my home are threatened by the loss of woodlands and the negative impacts of development. It is prudent to have an understanding of your plans to address the issues noted.*

1. *What screening will be provided?*
2. *How will water and runoff be addressed?*
3. *How will the roads and impact of increased traffic be addressed?*
4. *What environmental studies have been done?*
5. *What will be done to protect my property from the new road on my property line? [51 Woodside Drive] (Reynolds)*

DEIS Response F.2.3: (by question above): 1. There is no indication of where the screening is needed in this comment. 2. The project engineer has developed a Stormwater Pollution Protection Plan that is designed to address concerns related to water/runoff and is under review by the Planning Board and will be approved by DEC. In addition, the design of the SWPPP is required to show a reduction of 10% of water volume exiting the site, which will help with downstream flooding. 3. A traffic study demonstrated enough capacity on the roads to accommodate the residential traffic expected from this site. 4. The studies that were done for this site are included in the Draft Environmental Impact Statement and Supplemental Draft Environmental Statement prepared to discuss environmental impacts related to the implementation of the proposed project. The applicant's new submission of the Reduced Scale Subdivision preserves almost half the site, and includes the more sensitive areas of the stream

and wetlands. 5. The applicant is willing to meet with the homeowner to discuss screening options.

DEIS Comment F.2.4: *Page 18, Paragraph 4: While admittedly a less important point, the statement, “Valley View Estates is a recently developed subdivision, and accordingly this area is more open and does not contain mature trees along its road” is not accurate. Homes built as part of Valley View Estates date as far back as 1955, and no later than 1999. It is therefore not a recently developed subdivision, and is old enough to support mature trees.***(Gross)**

DEIS Response F.2.4: Noted. Although it is physically possible for a few mature trees to be located on properties on Village View estates because of the age of the trees, these trees cannot be characterized as a wooded habitat. In addition, trees close to the road are routinely trimmed for safety by Orange and Rockland and the local DPWs. The New Preferred Plan, the Reduced Scale Alternative shown in Figure 4, illustrates that no changes are planned for the vegetation along Locust Road.

DEIS Comment F.2.5: *There has been discussion and confirmation that there is a bat habitat, a natural spring, a stream on this property we have not heard any discussions about bog turtles but people know in this area there is bog turtles that live in the Warwick area. We would like some assurance that all of those wildlife and environmental concerns have the appropriate protection in place before any land clearing or developments are done.* **(Maher, Rubin)**

DEIS Response F.2.5: Bog Turtles are normally found near open fields, near shallow flooded areas. This wetland is a wooded bog, and is not a suitable habitat for Bog Turtles. The property is near known bat habitats, and any tree clearing will occur between October 1 and March 31st to ensure that summer roosts are not disturbed. In the previous study prepared for this property, no summer roosts were found on the property. The property’s habitat has been compromised with the clearing of the land when it was used for farming.

DEIS Comment F.2.6: *Section III-F-I does not mention the SEQR Lead Agency coordination letter, CH# 7238, from DEC to the Village of Warwick Planning Board, regarding State-listed threatened and endangered species. The letter notes that this project is in close proximity to known occurrences of the State-listed endangered species, Indiana bat (*Myotis sodalis*). Section III-F-I-b does not mention Indiana bat. The report found in Appendix F determined that the site had unsuitable habitat for most species and that no endangered or threatened species were found on-site. The report referenced in the DEIS was dated November 2006. The site must be reviewed for impacts to Indiana bats utilizing the 2018 US Fish & Wildlife Service Indiana Bat Project Review Fact Sheet (attached). At minimum, all tree removal must take place between October 1 st and March 31 st , as was conditioned in the permit for the previous proposal and will be a condition of any future permits from the Department.* **(DEC)**

DEIS Response F.2.6: The conditions of the site have not changed in the last 12 years, and the Planning Board will require that all tree removal be undertaken between October 1st and March 31st as requested by the DEC.

DEIS Comment F.2.7: [Paraphrased from Public Hearing minutes] *The commenter said that he moved to Warwick because he liked the idea of the Preservation Fund and wondered why it was not used to by this property (Rubin)*

DEIS Response F.2.7: The “Preservation Fund” is a program to preserve farmland in the Town of Warwick by allowing the transfer of development rights to the Village. This provides protection of the farmland from future development. This property was not considered for this program, and was always planned for development.

G. Traffic

1. Comments from SEIS Public Comment Period

SEIS Comment G.1.1: *Width of Sleepy Valley Road after plowing. Is it suitable for safe travel? (RD Summary -1)*

SEIS Response G.1.1: Snowfall and plowing can have the effect of narrowing a roadway depending on accumulations, cleanup between storms, and geometry of the road. According to AASHTO's *A Policy on Geometric Design of Highways and Streets, 2011*, minimum roadway widths are a function of design speed, traffic volumes, and functional class. AASHTO guidelines indicate that a local roadway carrying between 400 to 1500 vehicles per day, such as Sleepy Valley Road/Locust Street under existing and proposed conditions, a minimum 20-foot travel lane width with 5-foot shoulders is desirable for a design speed up to 40 mph. Where roadside barriers (i.e. guiderail) are provided, it's desirable to have a minimum 4-foot offset from the travel lane to the barrier. This has the positive effect of affording drivers more room to navigate the road (even with snow) and a space for pedestrians to walk. The negative effect is that the road will have less of a traffic calming effect and speeds are likely to increase, which is undesirable to pedestrians. That being said, we understand the public has a desire to improve Sleepy Valley Road and Locust Street; however, the project will not result in any substantial increase in traffic on either road; therefore, future conditions will remain substantially the same as existing conditions. It was recently identified that the stop sign on the westbound approach is faded and lost much of the contrast and therefore should be replaced.

SEIS Comment G.1.2: *Why are the 2008 plans improvements for Sleepy Valley Road not included in the new plan? (RD-Summary-2)*

SEIS Response G.1.2: The previous project proposed two site access points to Locust Street within the Village, which would have added two stream crossings requiring fill of areas within the ravine. As currently proposed, the connection to Sleepy Valley Road in the Town of Warwick and the connection to Woodside Drive eliminate these stream crossings and the proposal to widen Sleepy Valley Road/Locust Street. We note that the village side of the project is projected to add six trips in the PM peak hour to the segment of Locust Street/Sleepy Valley Road between Woodside Drive and the project entrance. This equates to one trip every 10 minutes. The town side of the project is estimated to add 12 trips in the PM peak hour, or one trip every five minutes, or a combined average of one additional trip every 3 minutes, 20 seconds. Given that the project will not result in any substantial increase in traffic on Sleepy Valley Road, previously proposed improvements have been eliminated.

SEIS Comment G.1.3: *[Does the current condition of Locust Street require improvements]? (RD Summary-5)*

SEIS Response G.1.3: See SEIS Response G.1.1.

SEIS Comment G.1.4: *Sleepy Valley, Woodside and Locust Street are all very narrow roads with no shoulder or sidewalk. The Board remains concerned about both vehicles and pedestrian safety. (VB-1)*

SEIS Response G.1.4: It is suggested that the Village consider conducting a road use and inventory study, in which the widths and functional use of village streets are assessed. If there is a demand for widening any roads to provide pedestrian and bicycle facilities, a coordinated maintenance program could be implemented. In the case of Locust Street and Sleepy Valley Road, grading onto private property may be necessary subject to the available ROW. Currently, and into the foreseeable future, it is expected that traffic volumes on Locust Street and Sleepy Valley Road will remain relatively low with an estimated 700 to 1000 vehicles a day (vpd), in comparison to Route 94 – 8,350 vpd, and Grand Street – 5,720 vpd, according to NYSDOT counts.

SEIS Comment G.1.5: *I have lived in the same house at 41 Woodside Drive in Warwick, NY. For the past forty years. I served on the Warwick Road Department more than twenty years. I have witnessed from this perspective traffic and road problems of all types. I would like to limit myself to a few remarks which focus on the discussion in the Traffic Report (pp. 41 to 63 in the current SEIS) concerning Sleepy Valley Road. This is the first paragraph under the heading Roadways Serving the Site.” I take serious issue with what the Report says here. I do not see the Sleepy Valley stretch between 76 Sleepy Valley Road and 44 Sleepy Valley Road as functioning anywhere near desirable safety requirements. Sleepy Valley Road was built in the 1920s to service Model T automobiles and horse-drawn vehicles. Its width of twenty feet reflects this fact. I agree with John Sinsebaugh (50 Sleepy Valley Road) account of the very many violent collisions*

with the guard rail and with mail boxes on Sleepy Valley Road caused by speeding automobiles over a long time while he has lived there. I strongly believe that Sleepy Valley Road should be widened by at least ten feet. (Van Duzer, 1)

SEIS Response G.1 5: Over the five years of crash data provided by NYSDOT's Safety and Information Management System, three crashes were reported on Sleepy Valley Road/Locust Street, two of which occurred at the Locust Street/Woodside Drive intersection. No doubt that over the course of 40 years, the commenter is aware of additional crashes; however, based on the minimal increase in traffic volumes related to the project, no significant changes are expected. See also **SEIS Response G.1.1.**

SEIS Comment G.1. 6: *The obsolete and dangerous character of the steep and narrow roadway leading to the intersection of Locust Street and Woodside Drive has been omitted from discussion in the SEIS Traffic Report (pp. 41—63). The statements of long term local residents Stan van Duzer (41 Woodside Drive) and John Sinsabaugh (50 Sleepy Hollow Road) are included with this email. There is no mention in the Sleepy Valley Road section of the Traffic Report (at the top of page 44) of the very many violent collisions – with the guard rail and with mailboxes - which have occurred (well-known to the residents of 46 Sleepy Valley to 52 Sleepy Valley and reported to the Planning Board by Russell Fragale and Mr. John Sinsabaugh in 2018) – caused by cars speeding down Sleepy Valley at very high speeds toward the intersection of Locust Street and Woodside Drive. Sleepy Valley Road was built around one hundred years ago to service Model T Fords and horse-drawn vehicles. At a point where a fatality occurred (48 Sleepy Valley Road) the road shrinks to nineteen feet from the twenty as stated in the report; at the December 10 meeting a long-term resident of Sleepy Valley Road, Dr. Mark Tuckfelt (52 Sleepy Valley Road) recommended widening of Sleepy Valley Road. The description of Sleepy Valley Road in the SEIS, with reference to Mr. Sinsabaugh's statement, represents a very substantial mis-characterization. (Gruin, et al, 3)*

SEIS Response G.1 6: See **SEIS Response G.1.1 and G.1.5.**

SEIS Comment G.1. 7: *[my wife Donna Kip and I live on 25 Locust Street, and we have several concerns. My wife worked very hard on securing some videos of traffic on the intersection of Sleepy Valley coming down intersecting Woodside and intersecting Locust. And we got cars going up Locusts going up because our house overlooks the intersection. We're the second house down from Woodside on Locust street. So as an idea, our kitchen window when we put the addition on, overlooks the intersection. So, and we have some videos which the board might like to look at some time. [These videos were submitted to the board and are part of the public record. They show cars speeding and ignoring traffic controls on Sleepy Valley Road/Locust Street in the vicinity of the site. They are incorporated by reference and available for viewing by contacting the Village of Warwick Planning Board office.] Okay. Tonight, that's up to you guys. But I think it says a lot about the intersection and how dangerous it is because they actually*

neglect the stop sign coming down from Sleepy Valley in the morning. Holy smokes. We moved here in 1984, December. Okay. We had our house built on Locust. It was one of the few lots available, and it's thinks... made me lose my notes. All right, do you want me to just stick to this? [referring to written notes used at the meeting] There's, there's a ton of things I can say. It has truly changed drastically. Our kids could ride their bicycles Locust street without any fear of being hit by a car. My grandson now lives right across the street. Five year old. I wouldn't dare have him ride his bicycle on Locust Street. Okay. That's how big it's changed or will change too in the future here. Okay. I'm going to read up some comments that we, yeah... We actually have a letter that you guys are going to receive today, and it's a two pagers, but I'll just kind of hit the basic points. It went through a lot of things here. (Transcript, G. Kip)

SEIS Response G.1 7: We reviewed the videos provided by the commenter and note the following observations:

1. The video segments are individual clips ranging from 5 to 20 seconds each, not a complete video of a significant time period (i.e. 30-60 minutes). As such, the clips unfairly do not show drivers that may have stopped and obeyed the traffic laws.
2. Some of the drivers slow down to a few miles per hour before proceeding.
3. The drivers in the clips do not appear to encounter any conflicting traffic on the other legs of the intersection.
4. The clips indicate that the intersection operates with little to no delay.
5. We assume that many of the drivers observed in the clips disregarding the stop sign have become accustomed to arriving at the intersection and encounter no conflicting traffic and, unfortunately, decide it's OK to roll through the intersection or not stop at all. Since there are only two opposing approaches to a particular leg, drivers can often check for conflicting traffic more quickly than it takes to bring their car to a complete stop. As such, the drivers in the videos slow down but identify the intersection is clear of hazards and continue before coming to a complete stop. Drivers will naturally become more compliant with the stop condition if traffic volumes increase to a point where more conflicts occur. Under the existing and proposed conditions, there is an average of one car every 40 seconds (existing), which will increase to one car about every 25 seconds (proposed). Even under such conditions, most drivers may still find little to no conflicting traffic; therefore, periodic police enforcement may be necessary to deter the existing stop sign laws.

SEIS Comment G.1. 8: *The road connection through the Town of Warwick parcels and Sleepy Valley Road (at 76 Sleepy Valley Road) is unsafe. A blind hill stands between a motorist driving at fifty or sixty miles per hour going East. A car emerging from the through road where it meets Sleepy Valley Road, seeing the driver's side of a car emerging directly in front of him, would have perhaps less than two seconds to react in order to avoid a serious accident. We hope that the mayor and members of the Planning Board will have a chance to observe and consider this situation. (Gruin, et al, 5)*

SEIS Response G.1.8: Drivers going to 50 to 60 mph are grossly exceeding the speed limit (30 mph in the Town, 25 mph in the Village) and it is unreasonable to design to such conditions. It is the responsibility of the driver to obey traffic laws and driver in a reasonable and prudent manner.

SEIS Comment G.1.9: *The SEIS proposes no mitigation of traffic impacts. At the public hearing, many of the residents attested to the fact that the traffic conditions in that area are already problematic. In addition, the prior 28-10t approval, included significant discussion regarding street improvements to Locust Street and Sleepy Valley as well as not having access on Woodside Drive. Specifically, the FEIS for the 28-10t subdivision discusses improvements to the Locust Street/Woodside Drive intersection. That discussion does not appear to have been carried over to the new proposal. The Board must consider whether the applicant has addressed the safety concerns associated with the Woodside access justifying a deviation from the Planning Board's prior determination. The new proposal should also be referred to first responders for review and comment if it has not already been sent. (Cassidy, 5)*

SEIS Response G.1.9: The project is not adding a significant amount of traffic to area roadways; therefore, the project related impacts are negligible. **See also SEIS Responses G.1.1, G.1.4 and G.1.5.**

SEIS Comment G.1.10: *My name is Raymond Mar and I'm at 52 Woodside drive. At the last meeting it was brought that we should go back and look at the 2006, 2008 FEIS. And I found several things that we're here that are not on this plan. I like to bring them up. Well, the decision filling the village planning board and the village board must make safety paramount. In 2008 the 28 lots subdivision approval, the village planning board members in place at that time would not approve road access to the village view on Woodside drive for safety reasons. The reason it was not approved was safety. In addition, the same planning board required the developer to redesign, re-engineer the intersection at Woodside and Locust. The reasons for this was also safety and it was something that was not in the developer's plan. While there are some proposed improvements in the current plan, Sleepy Valley Road, there are no plan upgrades in the current plan for Woodside. Woodside drive is in need of improvements too. The approval in 2008 required improvements of Sleepy Valley Road to Locusts and an intersection at Woodside and Locust as part of the approval plan. What I'm saying is that when both the accesses were coming out of the Sleepy Valley, Locusts, those two roads were getting major improvements. (Mar, Transcript).*

SEIS Response G.1.10: See SEIS Response G.1.1, G.1.2. and G.1.5. Also refer to Response Q.1.9 for the history of the access on Woodside Drive.

SEIS Comment G.1.11: *I live at 56 Sleepy Valley Road. I've lived there for about 30 years now. I have two safety concerns. One is that Sleepy Valley road is quite narrow. It's barely passable for two lanes of traffic. And there is no sidewalk and no shoulder on either side, so that pedestrian traffic is, is hazardous there and any increase in traffic going up and down that road is going to increase the hazard. Now certainly removing that connection directly to Sleepy Valley road reduces the risk. But even so more traffic going up and down that road is something that needs to be thought about. And maybe some improvement can be made would not be cheap because there's no, there's no land on either side to be able build a shoulder and a sidewalk on. But I think it is a hazardous problem and needs to be thought about. (Transcript, Cutfield)*

SEIS Response G.1 11: See SEIS Response G.1 to SEIS Comment G.1.s #1, 2, and #5.

SEIS Comment G.1. 12: *I'd also like clarification on if a development like this does need secondary access as it's being built now. Just to further explain why I think there's safety issues where the roads proposed to go in, it's pretty much as narrowed as described on a Sleepy Valley there. There's also two major dips as you're coming into that where that road crosses. The sight lines are not good. Like I said, it's narrow. The guard rails for the bridge or you know, only a few feet away. At any given hour, I look out my window, there are people, there are families. I walked daily with my wife and the dog and the kids. There's no sidewalks, and you know, it's not talking about the speed on the roads right now, but that road is used as basically a shortcut to get from one side of town to the other and the speed limits perspective there. So it was a real safety issue that needs to be addressed. (Transcript, Dearson)*

SEIS Response G.1 12: See SEIS Response G.1.1, G.1.2 and G.1.5

SEIS Comment G.1.13: *Some other concerns that I have, some that were mentioned by my fellow residents, the width of Sleepy Valley road. I hate to beat a dead horse, but I know that this road in many spots is less than 20 feet wide. Now, I did some crude math on the number of additional vehicles with this proposal. The one on the left, two cars per dwelling, that's probably conservative. 86 additional vehicles, 86 additional vehicles traveling up and down, sleepy Valley onto Locust. As my neighbor pointed out, they're going to be headed in that intersection where Locust meets 94 Maple Avenue. We can't allow that. Sleepy Valley road must be widened. I'm going to say these words, but I don't mean them. Locust must be widened, but I want that to happen. (Transcript, Spikowski)*

SEIS Response G.1.13: Trip generation presented in the SEIS was determined using the Institute of Transportation Engineers (ITE) Trip Generation 10th Edition for the Single Family-Detached Housing land use code. This trip generation rate is based on over 150 studies used to develop a regression equation that found each house will generate an average of approximately one trip per home in each of the AM and PM peak hours. This accounts for the fact that while each home may own two or more vehicles, not all will necessarily depart/arrive during the peak

hour. Further, not all those trips will exit to Sleepy Valley Road, as some are expected to use Woodside Drive. See also SEIS Response G.1.1, G.1.2, G.1.5.

SEIS Comment G.1.14: *I will address the issues on Locust Street, as that is our address. Locust Street and Sleepy Valley are used heavily and not only the residents of these streets, but as a shortcut for many of the other areas in the village and town is a heavily traveled all hours of the day. Locusts history does not have any sidewalks, so folks walking their dogs must walk in the road. Two cars are coming down, one going up, one coming down the road. The person and the dogs must then walk out to someone's property to let the cars pass. It is already very dangerous and adding more cars will only make it worse. I have personal knowledge of this and we have two dogs. Again, when I go back there with my grandson across the street and kids on Locust Street. It's a dangerous road now because they don't travel 25 miles an hour and on the videos that you'll see the that we took... And I would think a professional doing a traffic study would study the traffic, especially with all the technical equipment that we have today. (Transcript, G.Kipp)*

SEIS Response G.1. 14: SEIS Response G.1.1, G.1.2, G.1.5.

SEIS Comment G.1.15: *She used a little computer, okay, because our window overlook the thing. But boy, I bet you if you put cameras out there, you'd get a real idea of what the traffic is like. And you'll see in these short videos when you take a look at cars just going through the stop sign, boom, boom, boom, boom, boom, ignored. Going up, they even ignore the stop sign many times. And just go up because they want to get the running jump going up the hill. And from Woodside, same thing. It's a congested intersection there. Three roads coming in at one place there. And it's a dangerous intersection. And we're going to have all our cars added. (Transcript, G.Kipp)*

SEIS Response G.1. 15: See SEIS Response SEIS Response G.1.1, G.1.2, G.1.5., and G.1.7.

SEIS Comment G.1.16: *Well I did a Google of the most dangerous days for driving and it turns out Saturdays followed by Fridays and Sundays. So I was wondering if that would correlate with more traffic. You know, I don't know that but I'm just asking that. The video that I took, I took two days. Both were on Sundays. One was November 24th which was the Sunday before Thanksgiving between nine o'clock and 9:55 AM and in 37 minutes, because I was using my phone and I hadn't thought about trying the iPad. So I had my phone and I was holding my phone like this and I couldn't stand there continuously for an hour cause my arms were getting tired. So I had intervals and that's on the video, the intervals. So in 37 minutes, 27 cars went through the intersection. The following Sunday was December 1st and I had set my small iPad right in the window so I didn't have to hold it there. But in looking at it, of course sitting there looking at an hour's worth of video. I only counted cars for 35 minutes, cause I keep sitting there looking at it. So in like 35 minutes, there were 89 vehicles that went through. So I was just*

wondering if they did a traffic study. They should include weekends in a traffic study rather than just weekdays. (Transcript, D.Kipp)

SEIS Response G.1.16: No counts or analysis of weekend traffic volumes was performed because residential developments typically peak during the workweek. With five AM and PM peak periods for weekdays (approximately 20 hours total), the peaks on weekends (typically 4 to 6 hours total), analysis conditions of weekday peak typically yields results that are comparable to weekends, meaning if the weekday results identify any necessary improvements, those improvements will also mitigate weekend impacts. In the case of this project, no significant impacts were identified during the week; therefore, no weekend impacts are expected.

SEIS Comment G.1.17: *Oh yes. Not just cars. There's tractor trailers. One day I saw a 12 foot, backing out. It was one of those huge trucks, and it didn't even stop. It went straight up Locust without stopping, and then when it came back later on it went down without stopping. So that's a safety issue. (Transcript, D.Kipp)*

SEIS Response G.1.17: The traffic counts conducted at the Locust/Woodside intersection observed three trucks, and three buses during the AM peak hour and two trucks and zero buses during the PM peak hour, which equates to 90% cars, 5% buses, 5% trucks during the AM peak hour and 98% cars, zero buses, and 2% trucks during the PM peak hour. The traffic analysis and results include the trucks and buses observed at the intersection.

SEIS Comment G.1.18: *[My husband, Guy Kip] mentioned my grandson. I put him on the bus sometimes in the morning and one morning we were standing at the end of the driveway, which is where the bus stop is, and four cars came right down a little, just one after the other. I mean down Sleepy Valley without even stopping. And I just make sure I tell him this is why you cannot cross the street without looking both ways twice like taught in school. (D. Kipp)*

SEIS Response G.1.18: See SEIS Response G.1.7.

SEIS Comment G.1.19: *I live down Locust, which you don't see on the map over here all the way down to 94. And every one of these cars are going to come out and they're going to come right down Locust Street. It's the quickest way to get through to 94 to get through town without dealing with the traffic light by the hospital. Every one of those cars are going to come down this road. I have recently... if you know Locust Street, I used to have a red house. It's blue now. I expedited it. I expedited getting it paint this fall because if this decision goes through, I'm probably going to put my house up sale right away. Thank you. (Transcript, Cassano)*

SEIS Response G.1.19: Traffic volumes on Locust are estimated to increase by 21 and 26 vehicles during the AM and PM peak hours, respectively, which equates to one vehicle every two to three minutes in either direction.

SEIS Comment G.1.20: *I live on Sleepy Valley road. Just want to start off by thanking the planning board for having the hearing. I also want to thank Mr. Rother. I know it's not easy to put these drawings together. It's a lot of hard work, appreciate that. One clarification that I do want to make on the drawings, there is another outlet that will connect to Sleepy Valley road further North. So we've got one in Woodside, we've got one at Sleepy Valley. Just want to show everybody here. So there is another access point of Sleepy Valley Road. So that's up the North side. (Transcript, Spikowski)*

SEIS Response G.1.20: The development entrance in the town side is approximately 2,300 feet (0.44 miles west of the Woodside Drive intersection.

SEIS Comment G.1.21: *If the 2008 plan stated that the entrance onto Woodside was moved to Sleepy Valley Rd. because of "safety" issues, what has changed to now make it safe? (RD Summary-3)*

SEIS Response G.1. 21: See SEIS Response G.1.2. For a history of the Woodside Drive entrance for this application **See Response Q.1.9**

SEIS Comment G.1.22: *Does the current condition of Woodside Drive require improvements (guardrails, widening) because of the projected increase in traffic? (RD Summary-4)*

SEIS Response G.1.22: No, the projected increase in volumes is 17 vehicles during the AM peak hour and 21 vehicles during the PM peak hour. This will not change conditions on Woodside Drive to any significant effect that would require improvements.

SEIS Comment G.1.23: *Woodside Drive, shortly before it connects with the intersection of Woodside and Locust, shrinks dramatically from 24 feet wide to less than twenty feet wide, and this shrinkage begins less than thirty feet from the single exit driveway from the Cluster Subdivision from which empty during morning rush hours approximately fifty cars onto Woodside Drive moments before reaching the intersection with Locust Street!! (Gruin, et al, 4)*

SEIS Response G.1.23: See SEIS Response G.1.22.

SEIS Comment G.1.24: *And my second concern is traffic on Woodside. Now there are several times a day that cars are parked on both sides of the street near the junction of Crescent. This results in a one lane street without a clear sight, clear line of sight to pass. This will only get worse with increased traffic on Woodside drive. Thank you. (Transcript, Jarody)*

SEIS Response G.1.24: If on-street parking cannot be adequately accommodated, the Village could consider adding parking restrictions to Woodside Drive or Crescent Avenue near the intersection.

SEIS Comment G.1.25: *The intersection of Woodside and Locust has poor sight distance and the stop sign is often ignored. The intersection of Locust and Maple also has poor sight distance and is narrow. (VB-2)*

SEIS Response G.1.25: Operating an intersection as an all-way stop can mitigate situations of poor sight distance. It doesn't appear that the all-way stop is necessary to due traffic congestion. As such, some drivers may think it is unwarranted. Enforcement and education may help improve traffic law obedience. Clearing vegetation along the ROW on Maple Avenue (Rt 94) could improve sight lines.

SEIS Comment G.1.26: *Traffic converging on the intersection sometimes comes in sudden and un-predictable bursts. (Please see the attached chart.) The traffic data presented in the report is based merely on counting turning movements and is made, using computer software, without viewing the movement of actual cars or the numbers or 'clusters' of cars. (the statements of Mr. Sinsabaugh and Mr Van Duzer each long term Warwick resident.) The enclosed chart demonstrates this. An I-Phone 'video' demonstrating a sudden and unpredictable bursts of fast traffic driving down Locust and turning right at Woodside was shown by Guy Kipp to Mayor Newhardt at the December 10 meeting, later forwarded to the Planning Board. (Gruin et al, 1)*

SEIS Response G.1.26: The traffic analysis, conducted according to NYSDOT and industry accepted methodologies, indicates that this intersection currently operates at Level of Service A during the AM and PM peak hours and will continue to do so through Build conditions. Further, videos submitted to the Planning Board indicate that while "bursts" of cars may arrive on occasion, there are certainly many instances where a single vehicle approaches the intersection and does not encounter any other traffic. Further, the videos indicated that even the bursts of cars experienced minimal delays.

SEIS Comment G.1.27: *Widening... Nothing is being done to improve a Woodside Drive. It's the worst part of Woodside drive. In the community, we leave out the driveways and the guardrails. It's a bad part of the road. It's important to note that while the developer has consistently stated the access road on Woodside Drive is more beneficial to the conservation of the environment, namely the stream and wetlands. He is also, he's also confirmed as stating the stream crossings are extremely expensive and therefore the developer moved away from that option due to the cost and the fact requesting route access on Woodside Drive. They never once throughout this entire process mention any concerns for residents, individuals or vehicle safety.*

In addition, when you read the SEIS Comments under the environmental section below, you will read that the road proposed to access Woodside Drive is an environmental violation in addition to being a safety hazard. (Transcript, Mar)

SEIS Response G.1.27: The crash data noted three accidents on Woodside Drive – one was classified as non-reportable (i.e. less than \$1,000 of damage) and the other two involved property damage only (no injuries). This equates to an average of one crash every 20 months. Also, see **SEIS Response G.1.22.**

SEIS Comment G.1.28: *Since there is now an access road planned in the town, a second excess road onto Sleepy Valley should be added into the plan as per the 2008 approved plan. And the road access to Woodside should be eliminated for safety reasons. In addition, Sleepy Valley Road, Locust, and Woodside Drive should all have noted improvements made by the developer again, for safety reasons. Approval should not be granted until safety is made number one priority by the developer and that the planning board's requirements. (Transcript, Mar)*

SEIS Response G.1.28: See **SEIS Response G.1.1, G.1.2, G.1.5.**

SEIS Comment G.1.29: *I've been living on Woodside Drive for over 12 years now. My major concern is also with safety. My house is right next to the house where the road is proposed to go in to access the road. So I had concerns when this plan was presented back in 2006. And that's, they wanted that same road access then, you know as Ray [Mar] had stated. It went back and forth and the safety issues were [brought up and the board] was concerned that they decided to change that plan. And that's when the road access to was changed to Locust and that there was still the access there because from my understanding they needed a secondary access but that would be closed off only for fire accidents. So I would like clarification on why it's back to that access on Woodside drive when it was taken off for safety reasons. (Transcript, Dearson)*

SEIS Response G.1.29: See **SEIS Response G.1.1, G.1.2, G.1.5.**

SEIS Comment G.1.30: *That intersection at Woodside and Locust is a mess. And the state of the intersection at Locust And 94 you know, just I think four or five weeks ago there was a decent accident so I urge you to take that into consideration. I think about the safety issues. I don't know if you guys have gone out there to see where everything is proposed, but if you do that, you know or if you have, I think you can understand where I'm coming from. Thank you. (Transcript, Dearson)*

SEIS Response G.1.30: See **SEIS Response G.1.1, G.1.5 and G.1.25.** Further, the crash data reported six crashes at the Locust Street/Maple Ave (Rt 94) intersection. Of these six crashes, only one resulted in personal injury. There is no discernable pattern in terms of collision type, with a mix of rear end, right angle, overtaking, and animal/fixed object collisions. Contributing

factors for the six crashes include driver inattention, animal's action, following too closely, passing or improper lane usage, and alcohol involvement (which accounts for the single fixed object collision). Based on the minimal increase in traffic volumes related to the project, no significant changes are expected.

SEIS Comment G.1.31: *I live at 6 Locust Street and I just want to also bring up some safety issues, especially if I could grab the map and show it to you. Where the new entrance is to be and where Locust comes down, these are a lot closer than they look on the map. And even with the stop sign here and one here, a car making a left here and one making it right here, they're going to interfere with each other. Somebody's going to have to slow down. (Transcript, Cassano)*

SEIS Response G.1. 31: The development entrance on Woodside Drive is approximately 300 feet from the Locust Street intersection. Cars turning from either intersection will have a clear view of each other in order to assess whom has the right-of-way.

SEIS Comment G.1.32: *Will the projected traffic increases make the Locust Street/Maple Street intersection unsafe? (RD-Summary-12)*

SEIS Response G.1.32: See SEIS Response G.1.30.

SEIS Comment G.1.33: *Will that [Locust Street/Maple Street intersection require any NYS DOT review, approval? (RD-Summary-13)*

SEIS Response G.1.33: There is no work proposed within the State ROW; therefore, no NYSDOT permits are necessary so NYSDOT is not an involved agency.

SEIS Comment G.1.34: *The second one, which I think is even worse is that the intersection of Locust Street with Main Street at the bottom of the road is very dangerous. That's a narrow intersection, and I am repeatedly amazed to see cars coming down the hill who don't pull all the way over to the right so that even though it's narrow to get in there, they wind up blocking it even more. And cars coming on Main Street up or down, suddenly are confronted by an inability to make that turn. And trucks and buses of course magnify the problem. (Transcript, Cutfield)*

SEIS Response G.1.34: See SEIS Response G.1.30. Further, there is no indication that the width of Locust Street has contributed to a safety issue. Drivers on Maple Avenue attempting to turn onto Locust Street that feel they do not have enough space will likely yield to a waiting vehicle on Locust Street until there is enough space to do so. This is particularly true of the three observed trucks or school buses during the peak hours. The crash data indicates that none of the six crashes involved a heavy vehicle. To widen the intersection could involve ROW impacts to the adjacent properties. If adequate ROW exists, certainly vegetation and landscaping on the

adjoining properties would be impacted. Alternatively, striping a centerline on the road, even just on the approach to Maple Avenue could help provide driver guidance to stay within their lane.

SEIS Comment G.1.35: *So I think that in the interest of safety, that intersection where Locust comes to Main street there needs to be made wider. And that's not going to be easy because if you look at the two houses on either side there, there's no expansive property that can be easily said, Oh Hey, we can, we can put another run 20 feet of road there. But I think something needs to be done there. That's, that's risky. And I think cars coming, planning to make a turn onto Locust Street are suddenly confronted by an inability to make that turn because a car coming down the hill is taking up a substantial piece of Locust Street. And I think that needs to be in the plan somehow. And I think that if that, if Locust Street is widened [need insertion here]. Well that's what I was just about to say is that the owners of those two houses are going to suffer a loss. (Transcript, Cutfield)*

SEIS Response G.1.35: See SEIS Response G.1.34.

SEIS Comment G.1.36: *And some compensation needs to be provided, if that needs to be done, with the safety of that intersection really needs to be addressed. Sooner or later we're going to see a truck or a bus crash into a car there because the intersection is not clear. So I ask you please consider that and problem. And there's no easiest solution to it, but I think it's important that it be addressed. (Transcript, Cutfield)*

SEIS Response G.1. 36: See SEIS Response G.1.30 and G.1.34.

SEIS Comment G.1.37: *Intermunicipal Impacts of both this and future projects; Overall, it would be prudent to determine the combined impacts of this project along with the impacts of the future 25-lot cluster in the Town of Warwick. This is particularly important with respect to traffic impact, as well as the design of the future cluster subdivision in the Town of Warwick in relation to the Village View Cluster alternative. The importance is how both projects relate to each other and preexisting development in both the Village and Town of Warwick. (OCPD-4)*

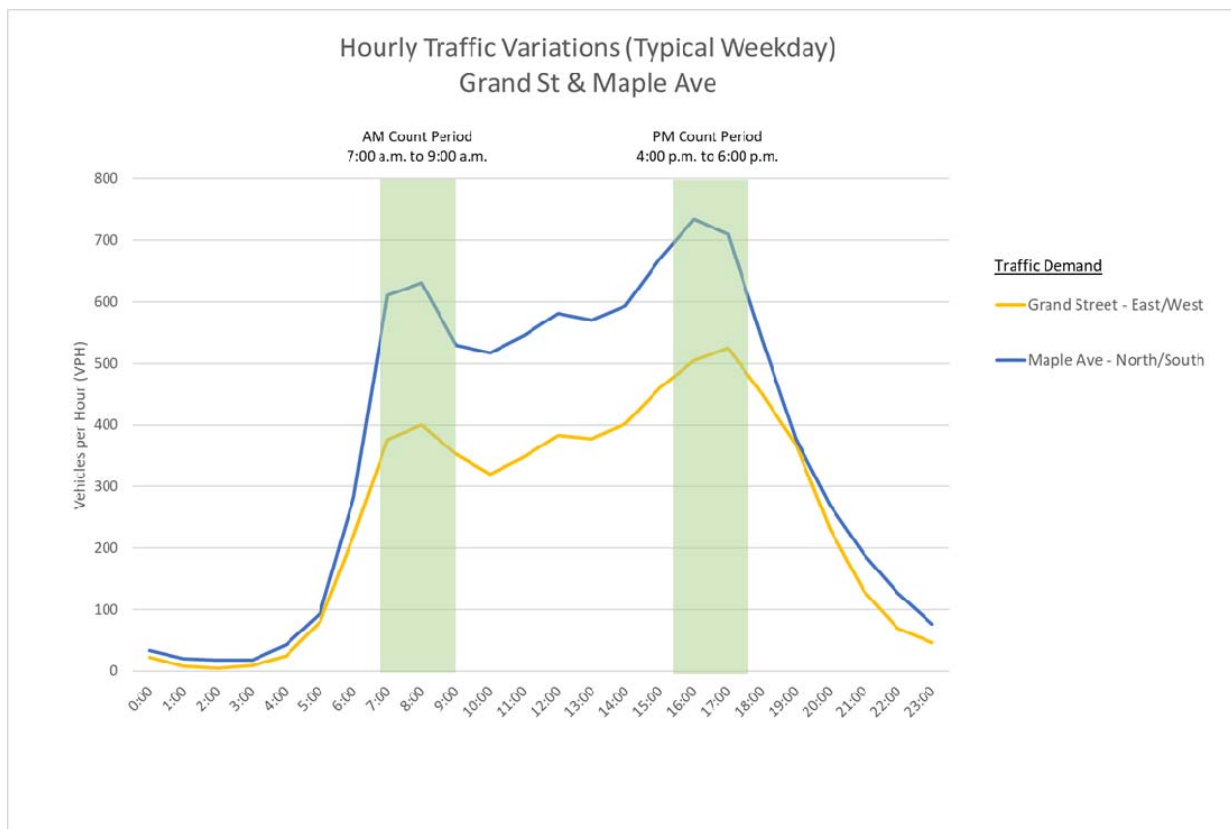
SEIS Response G.1.37: We concur that inter-municipal impacts of both projects should be considered. The traffic impact study dated June 21, 2019 and excerpted in the SEIS, included traffic volumes associated with the previously approved 16-unit subdivision (Zadeh Drive) in the traffic projections and assumed the construction of the 25-lot subdivision in the Town with the completion of the Village development. The findings concluded that the cumulative increases in traffic would have not significant impacts to the transportation system.

SEIS Comment G.1.38: *Does the Traffic Study review the correct peak hours and days? (RD-Summary -14)*

SEIS Response G.1.38: The traffic study was based on the morning and evening peak hours, typically associated with commuter traffic, as is typical for a residential areas. Although the development will generate traffic during the off-peak hours (postal service, garage service, deliveries, etc.), the AM and PM commuter periods are the worst-case conditions. Also, see **SEIS Response G.1.39.**

SEIS Comment G.1.39: *Traffic study, this is what you said it about traffic study. The SEIS traffic study was completed on Thursdays and a Wednesday. The times of the study were seven to 9:00 AM and four to 6:00 PM. These times would not reflect the majority of people who leave earlier than seven due to a long commute as well as students who would be driving home from school earlier than four o'clock, as the Warwick high school day ends at 2:30. Rather than counting the number of additional trips we should be considering the number of additional cars. The number of homes for the village of 42 times at least two drivers per home is 84, plus the additional 25 homes in phase two and at least two teenage drivers cars, so those numbers will actually be higher. (Transcript, D. Kipp)*

SEIS Response G.1.39: Traffic counts collected by NYSDOT on Maple Avenue (Route 94) indicate that volumes at and before 7 AM are more than 55% less than morning commuter period. In the afternoon, the 2 to 3 PM hour is about 20% less than the peak afternoon commuter period. The chart below summarizes the NYSDOT data for Maple Avenue and Grand Street. Also see **SEIS Response G.1.13.**



SEIS Comment G.1.40: *Although sidewalks are part of the plan, there is no use of a complete street model that would include amenities such as a bicycle lane. It is this type of detail that should be part of any new family friendly development. (VB-5)*

SEIS Response G.1.40 The Plan was designed in accordance to the existing zoning code, which was adopted by the Village in accordance with their current planning documents. The Reduced Scale Alternative shows sidewalks on one side of the street. Sidewalks on both sides of the streets, or additional pavement to strip a bike path would have increased the impervious surface and potential runoff.

SEIS Comment G.1.40: *During the summer when the students are out of school, there might actually be more cars on the roads. (Transcript, G.Kip)*

SEIS Response G.1.40: Given that school is in session approximately 10 out of 12 months of the year, traffic counts were conducted while school was in session to account for typical conditions. Traffic in the summer may increase but the project is not adding a significant increase in traffic so the findings of the study continue to remain valid.

SEIS Comment G.1.41: *The roads obviously can't support this influx of traffic (Reynolds-3)*

SEIS Response G.1.41: The findings of the traffic study indicate that the study area roadways will not be significantly impacted by the proposed development.

SEIS Comment G.1.42: *The plan calls for predominantly four-bedroom homes. According to the formula that was used, each home would generate two cars. Time has shown us that this equation is incorrect. The true number of cars will probably be double what has been used in this study. Will the new homes allow for enough parking for four cars? If the overall development produces double the expected number of vehicles, how can the traffic studies be accurate? (VB-3)*

SEIS Response G.1.42: See SEIS Response G.1.13.

SEIS Comment G.1.43: *The number of cars originating in the Village View houses destined for the intersection Woodside Drive and Locust Street during rush hours cannot be predicted with exactitude. The report fixes the number as 35 during morning rush hour. This number appears to us merely as an educated guess. We believe 45 or 50 to be as reasonable a guess. (Guin et al, 2)*

SEIS Response G.1.43: The distribution of traffic in and out of the site is based on engineering judgment, the distribution of existing traffic volumes, and the probable travel routes of residents. Regardless, if the project's traffic volume at the Woodside Drive/Locust Street

intersection were to double during the PM peak hour (due to the ITE data being unreliable or the distribution assumptions are incorrect), it would approximate the development of 134 homes (42 in the village +25 in the town, x2). Under these conditions, the intersection would operate at an overall LOS A with eight seconds of delay, an increase of one second over the results in the traffic study. This indicates the intersection has ample capacity.

Intersection		Control	AM Peak Hour			PM Peak Hour		
			2021 Build	2021 Build Sensitivity	2021 Build Double Trip Gen	2021 Build	2021 Build Sensitivity	2021 Build Double Trip Gen
Locust Street/ Woodside Drive		U						
Locust Street EB	TR		A (7.1)	A (7.2)	A (7.3)	A (7.1)	A (7.1)	A (7.3)
	LT			A (7.7)	A (7.9)		A (7.7)	A (8.0)
Locust Street WB	LR		A (7.7)	A (6.7)	A (6.8)	A (7.6)	A (7.3)	A (7.4)
Woodside Drive NB			A (6.6)			A (7.2)		

SEIS Comment G.1.44: *I'm home every day. I haven't seen anybody. I don't if you've got it written off or what, but... The traffic study conducted a report in 2008 appears to have been done when school was not in session. When the traffic study was repeated in the winter of 2008 it did not take into consideration the addition of 25 homes in the town which will access onto Sleepy Valley, just like 42 homes in the village. The study should be repeated when school is in session and during peak school and bus travel times. Infrastructure. One thing I like to say is about infrastructure. I think all infrastructure, should it be done before a house is completed. (Transcript, Mar)*

SEIS Response G.1.44: See SEIS Response G.1.37, G.1.39, and G.1.40.

SEIS Comment G.1. 45: *Please indicate why traffic counts for the AM and PM peak periods were not conducted on the same day, in the first count day (AM counts were conducted on Thursday January 25th, 2018 and PM was conducted on Wednesday January 24th, 2018 (HDR, 2)*

SEIS Response G.1.45: The traffic counts were conducted on Wednesday January 24 (PM), Thursday January 25 (AM), and Thursday February 1, 2018 (AM and PM). The traffic counts were conducted on different days due to travel and staffing availability because the Grand Street/Crescent Avenue/Liberty Court intersection was added to the analysis. Although not in the original scope, it was added by the applicant's team since it was likely that some residents might use this route. As such, the Grand Street/Maple Ave intersection was counted separately since it was the location least likely to balance with the adjoining intersections.

SEIS Comment G.1.46: *The peak traffic hours were not identified in the text of the SEIS or in the figures. Attachment B is presenting different peak hours at some of the intersections. Please indicate the study peak hours in the report and submit support data to explain how it was calculates (based on the two count days) and any NYSDOT hourly traffic volumes to verify the peak hour time periods identified in the analysis (HDR,3)*

SEIS Response G.1.46: The table below summarizes the peak hours of the study area intersections. See SEIS Response G.1. to SEIS Comment G.1. #39 regarding NYSDOT hourly traffic count data.

Intersection Peak Hours		
Intersection	AM Peak Hour	PM Peak Hour
Locust Street/Woodside Drive	8:00 a.m. to 9:00 a.m.	4:15 p.m. to 5:15 p.m.
Locust Street/NY Route 17A/94	7:30 a.m. to 8:30 a.m.	4:15 p.m. to 5:15 p.m.
Grand Street (CR-1)/NY Route 17A/94	7:45 a.m. to 8:45 a.m.	4:00 p.m. to 5:00 p.m.
Grand Street (CR-1)/Woodside Drive	8:00 a.m. to 9:00 a.m.	4:45 p.m. to 5:45 p.m.
Grand Street (CR-1)/Crescent Avenue/Liberty Court	8:00 a.m. to 9:00 a.m.	4:45 p.m. to 5:45 p.m.

SEIS Comment G.1.47: *Volume figures — the graphic layout of the intersections seem to indicate that there is a direct connection between the intersections along Locust Street, Rt 17A and Grand Street (between Rt 17A and Woodside Dr), which leads to the assumption they should balance. Please indicate in the figures that the intersections are not adjacent and that there are other streets/sink and sources in-between. (HDR,4)*

SEIS Response G.1.47: There are a number of streets, houses, and businesses between the intersections studied and depicted on the traffic volume figures, so most of the volumes at each intersection do not balance, the exception being on Grand Street between Woodside Drive and Crescent Avenue. There are only two houses with driveways to Grand Street between these two intersections; therefore, these two intersections were balanced. Also see SEIS Response G.1.49.

SEIS Comment G.1.48: *Locust St. and Woodside Drive — there is discrepancy in the intersection approaches and movements between figures in the report and Attachment B. (HDR,5)*

SEIS Response G.1.48: During data collection, the intersection was defined as a three-leg intersection with the northbound Woodside Drive approach aligning with the southbound Locust Street approach. During the analysis, the intersection was redefined to maintain Locust Street as an east-west movement. Regardless, the traffic volumes were transposed accordingly.

SEIS Comment G.1.49: *Grand Street/Crescent Avenue — Eastbound Thru AM volume is 168 in Figure 10 and 158 in back up materials in Attachment B. Please indicate if the reason is balancing along Grand Street. (HDR, 6).*

SEIS Response G.1.49: Correct. The traffic volumes were balanced at the Crescent Avenue and Woodside Drive intersections due to their proximity and the fact that they share the same peak hour.

SEIS Comment G.1.: *Please explain the difference in growth factors used in the FEIS (2% per year) and the current study (0.5% per year) (HDR, 7)*

SEIS Response G.1.50: Traffic volume trends have changed in the decade since the FEIS. Most notably, the economic recession of 2008 has resulted in fewer vehicle miles traveled. As such, volumes from the 2006 FEIS submission (counted in 2005) were compared to the 2018 traffic volumes, resulting in an overall average decrease in traffic, as shown in the table below. Therefore, a positive ½ percent per year growth rate was used to conservatively estimate traffic, while accounting for the decreased traffic volumes.

Traffic Volume Growth Rates

Intersection	AM Peak Hour	PM Peak Hour
Locust Street/Woodside Drive	-0.01%	-0.01%
Locust Street/NY Route 17A/94	+0.37%	-0.53%
Grand Street (CR-1)/NY Route 17A/94	+1.0%	-1.3%

SEIS Comment G.1.51: *Please provide back-up data for the 2012 No Build volumes. (HDR, 8)*

SEIS Response G.1.51: Backup data for the 2021 No Build volumes is included in the attached spreadsheet.

SEIS Comment G.1.52: *Figure 17 is not attached to the document. (HDR,9)*

SEIS Response G.1.52: **SEIS Figure 17** corresponds to Figure 9 of the Creighton Manning June 21, 2019 Traffic Study provided in the Appendix of the SEIS. Renumbering was necessary for the flow of the SEIS.

SEIS Comment G.1.53: *In the FEIS the intersection of Grand Street to NYS Route 17A is projected to operate at Level of Service (LOS) F with delay of 129.9 seconds during the Build PM peak hour. (In general a "good" intersection operates at LOS A to C, with the possibility of LOS D if the delay is less than 45.0 seconds. Please explain the difference in delay and LOS in the current study. (HDR,10)*

SEIS Response G.1.53: Several factors have changed to account for the different LOS reported in the FEIS and the SEIS at the Grand Street/NYS Route 17A intersection. For instance, the updated analysis was completed using newer methodologies and data such as the ITE Trip Generation 10th Edition and Highway Capacity Manual 6th Edition methodology (2018), as compared to ITE trip generation 7th edition and HCS 2000 methodology (4th Edition). Beyond these factors, it is noted that the current traffic volumes observed are lower than those presented in the 2005 TIS, resulting in reduced delay.

SEIS Comment G.1.54: *You'll be polluting the air with construction and probably a hundred more cars, you'll be polluting a peaceful area with 7 AM til 7 PM for 5 years of construction noise, you're deciding to put our general safety at risk (Reynolds-6)*

SEIS Response G.1.54: Air emissions and traffic from construction will be temporary and no worse than what is expected of typical residential construction practices, except that the equipment and construction practices have improved from the time in which the existing neighboring properties were built, and the current building energy code will result in more energy efficient homes.

SEIS Comment G.1.55: *The traffic study should address traffic during the construction period. (HDR,11)*

SEIS Response G.1.55: The project owner has been building homes for 35 years and typical construction conditions will be no worse than when the project is complete and occupied. Site

traffic will fluctuate over the season and peak periods will vary. The peak activity will likely be when the roads are paved with employees, equipment, and asphalt being delivered to the site. We expect that the road will be constructed to binder level and remain as such for the duration of the homes being constructed. Once complete, the final top course of asphalt will be installed. This is comparable to finishing and painting the walls of a room before installing the carpet. Also, as noted in SEIS Response G.1. to SEIS Comment G.1. #43 there is sufficient capacity at the Woodside Drive/Locust Street intersection to accommodate at least twice the amount of traffic estimated from the completed project. Therefore, no significant construction related traffic impacts are expected.

SEIS Comment G.1. 56: *[Summarized] Noted that the traffic study was done under perfect conditions "a while ago." (Kerns, Transcript)*

SEIS Response G.1.56: The traffic study was completed under typical conditions with school in session.

SEIS Comment G.1.57: *I've read the entire traffic report very carefully inside the large document. And I found errors in it which correspond to many of the statements that Mr. Spickowsky made concerning estimates of cars and traffic safety. I'm going to send a copy of my remarks about this document to the planning board when I finish it before 10 days from now. (Transcript, Gruin).*

SEIS Response G.1. 57: See SEIS Response G.1.1 G.1.6, G.1.8, G.1.23, G.1.26, G.1.43, and G.1.59.

SEIS Comment G.1.58: *During icy and snowy weather, vehicles like stopped school buses and snowplows cannot be passed [on Woodside Drive]. The addition of thirty to forty cars coming down Sleepy Valley Road from the intersection of the through road from the Town parcel (containing 25 homes) and Sleepy Valley Road will make matters much worse. The existing guard rail prevents the movement to the side of the road of snow during heavy snow storms. (Van Duzer, 2)*

SEIS Response G.1.58: See SEIS Response G.1.1, G.1.2, and G.1.5.

SEIS Comment G.1.59: *A major accident was omitted from the Traffic Report. Four and one-half years ago a car coming down Locust very fast toward the intersection went out of control on an icy road. The car plunged through the guard rail of 29 Locust (Decker house) and drove over the lawn stopping several feet from the Decker house. The accident was reported in the local paper and police cars attended the scene. There was no mention of this accident in the Traffic Report. We request a new Traffic Report which takes into account the full variety of traffic dangers facing our community. (Gruin, et al, 6)*

SEIS Response G.1.59: The traffic assessment notes two crashes that occurred at the Locust Street/Woodside Drive intersection. One of the crashes occurred on January 1, 2015 in which a single vehicle collided with a guide rail due to slippery pavement. This crash was coded as property damage only.

SEIS Comment G.1.60: *I have lived in the same house on Sleepy Valley Road in Warwick New York all my life. I love living here but I will tell you I have witnessed many accidents some at the bottom of my driveway and some just a bit up the road. The road was designed and built long before the type of vehicles that travel it today were ever designed and built. I like to walk up to the end of Sleepy Valley and down to the Village. It is a dangerous road to walk on as it is too narrow and the cars travel too fast on it. A number of years ago after a snow and ice storm. I had a young man trying to make a few dollars delivering pizza flip his vehicle at the bottom of my drive way. He lost control coming down the hill hit the bank and upended the car. Thank God he was not hurt but he seriously damaged his car. They took the car away but never cleaned the oil spill off the road and shortly after a second vehicle carrying young girls hit the oil and climber the bank on the other side of my driveway somehow miraculously not hitting the three large maple trees and ending up on my lawn. Again, by the grace of God no one was hurt. There was another serious accident which resulted in a fatality in the spot between my and Jake Tuckfelt's driveway when a car lost control coming down the hill hitting the bank and a giant bolder that was in it. When I try to walk to town I need to walk on the right side when I walk past Valley View circle as the corner where they put the 3 way stop is blind and not safe to walk on the left side. When the village attempted to control the speed of traffic on Locust/Sleepy Valley Road by installing the 3 way stop instead of ticketing the speeders they installed a guardrail at the intersection which closed off the opening onto Woodside. There were a number of accidents with vehicles hitting that guard rail and school busses could not make the turn in either direction. After much ado the mess was removed and the intersection more passable. The stop coming up from locust is an issue in that when the roads are snow covered cars cannot make the hill if they stop before trying to climb it. From what I had heard they are considering placing another 4 way stop where the new development would connect at the Upper Valley View Circle outlet. This would make it impossible for me and others living up the road to get home with snow covered roads. Let's not forget that they placed guard rails along Sleepy Valley because it drops off severely to the right on the road surface when one is traversing toward town. Those guard rails are all in poor condition and would not keep a car from careening down into the field in the case of an accident. (Sinsabaugh-1)*

SEIS Response G.1. 60: See SEIS Response G.1.1. and G.1.5.

SEIS Comment G.1.61: *I have a hard time trying to cross the road when cars are traveling up and down to the tree farms of course they are all flying with trees tied to their roofs! (Sinsabaugh, 4)*

SEIS Response G.1.61: The traffic analysis indicates that the traffic volumes on Sleepy Valley Road and Locust Street are relatively low, evidenced by the low delays at the Woodside Drive intersection. Future traffic volumes estimate there to be an average of one car every 25 seconds of the PM peak hour on Locust Street. Recognizing that some cars will be bunched together, some will not, a 25-second gap between vehicles should afford the commenter enough time to cross the street.

SEIS Comment G.1.62: *[Summarized] Commenter wanted to know if the access point on Locust Street was going to be eliminated because of the narrowing of the street because of snow conditions that was experienced recently. (Kerns, Transcript)*

SEIS Response G.1.62: There is no proposed action to remove the road connection to Sleepy Valley Road. See SEIS Response G.1.1.

2. Comments from DEIS Public Comment Period

DEIS Comment G.2.1: *The cumulative changes on Town properties that use Sleepy Valley as their main thoroughfare has increased and will continue to increase. The intersection of Woodside and Locust, Locust and Maple are of primary concern due to site distance and general lack of traffic direction clarity due to road width and the unanticipated stop at the intersection of Woodside and Sleepy Valley. The traffic generated by the development will be further intensified by the cluster modification. Most families have three, sometimes four cars, and multiple drivers. We are concerned with additional traffic counts and the wear and tear of roads servicing the development. Although the roads may seem in good condition, the construction phase and additional homeowners will expedite the deterioration of existing roadways. (V. Warwick)*

DEIS Response G.2.1: The homeowners will be contributing to the tax base of the Village of Warwick, which helps to fund repairs to the public roads in the Village of Warwick. As stated in the DEIS, the traffic study indicated that trip generation will be consistent with the carrying capacity of the existing roads. All Road access from Locust Road/Sleepy Valley Road have been eliminated in the Reduced Scale Alternative (Figure 3). Also See DEIS Response G.2.2

DEIS Comment G.2.2: *It is our understanding that the current plans of the developer of Village View Cluster Subdivision has at least one road entrance on Woodside Drive, directly across from the driveway of resident 52 Woodside Drive and in close proximity of driveway of resident 51 Woodside Drive. It is also in close proximity of the intersection of Woodside, Locust and Sleepy Valley. We believe this creates a serious safety issue. Woodside Drive is very narrow at this end of the road. It is also already heavily traveled as a cut-through to the village. With 40 homes and approximately 4 drivers per home, plus school buses, garbage and recycling trucks and*

routine daily travelers, this will increase volume significant. [We think that there is going to be over 200 more cars per home].

When the developer went to the Planning Board approximately 10 yrs. ago, they were told by the Planning Board that no road entrances to the development or homes could be on Woodside Drive due to safety concerns and the fact that the land along Woodside is wetland. We ask that the Planning Board not allow road access to the development or homes built on Woodside Drive for reasons that they did not allow this 10 yrs. ago. (Maher)

DEIS Response G.2.2 The traffic report was prepared by a licensed traffic engineer, and the representations of volumes are based on a traffic study that has been prepared in accordance with the standards of this profession. These studies typically study the impact on public roads during peak periods of traffic (when the traffic is likely to be the heaviest). Even if there are more cars coming in and out of the subdivision on a given day, they would not all be coming at the same time, and therefore would not adversely impact the traffic patterns at the peak hours of traffic. The science of examining the traffic has been established using thousands of studies to model vehicle trips coming and going from uses, like this subdivision. **Also See Section G.1 Public Comments from the SEIS for statements about the safety of Woodside Drive and volume calculations.**

DEIS Comment G.2.3: *I don't think there's going to be anything less than 150 cars for 48 houses. All those cars are going to come down Locust Street. There is no reason for them to go across to Woodside. That's my biggest concern. Also, the road is slanted so when people accelerate you hear their cars. (T. Cassano)*

DEIS Response G.2.3: See DEIS Response G.2.2.

DEIS Comment G.2.4: *None of the drawings that we have seen show the driveways [on Woodside Drive] (Maher).*

DEIS Response G.2.4: These were shown on the full set of engineering drawings available at the Village Hall for review.

DEIS Comment G.2.5: *Just to continue on that, we believe that the last time this was proposed there was a request to make a T out of that intersection, a true T and it is not a true T right now.. It is a Y. It is part of what makes it dangerous as well, even though Stop signs have been put in there cars just fly through that intersection come around that turn and down Woodside Dr. making it very dangerous. The other thing that people need to know about this property if you have not walked it is that it is very steep, it is very deceivingly steep, which is part of why there is so much flooding when there are heavy rains and hurricanes here so again, imagine with the trees taken down and brick and mortar and concrete there. We are asking the Board to*

not approve Road A access on Woodside Dr. and we are actually requesting that a Traffic Safety Study be conducted. That is regarding our first concern (Maher)

DEIS Response G.2.5: See DEIS Response G.2.2 and G.2.6.

DEIS Comment G.2.6: *As it's proposed right now, there is an access road which comes into this new development, and it is pretty much directly across from where my driveway is. One of the issues that I've noticed over the four years that I've been living at the address is Sleepy Valley Road is probably only about 20 feet wide in that location. Sleepy Valley Road has some pretty sharp bends as you're going in a northerly direction, and sight lines of visibility is distorted. By having this access road where they are proposing it, I could just see grounds for a catastrophe. Just in living here for the four years, I've already seen a couple of accidents occur, property damage to 44 Sleepy Valley. Their mailbox was taken out, and the vehicle ended up in their driveway. I just want to know how that's going to be mitigated. (Fragale)*

DEIS Response G.2.6: All existing driveways and potential turning conflicts were examined by the Traffic Engineer prior to the design of the road entrances, which are required to have enough sight distance for safety for the plans presented in the DEIS. However, the new preferred plan, The Reduced Scale Alternative, shown in **Figure 4** illustrates no access from Locust Road (Sleepy Valley Road).

DEIS Comment G.2.7: *In January 2016 the Village Board agreed upon a resolution to adopt the tenants of Complete Streets. The purpose of this resolution was to develop zoning principles that would help enhance our community, especially in new developments. The concept is to design streets, pedestrian, and bicycle thoroughfares and connective pathways that are in harmony. The desire is that these added amenities are to be realized as part of the Village View plan. (V.Warwick)*

DEIS Response G.2.7: The Plan was designed in accordance to the existing zoning code, which was adopted by the Village in accordance with their current planning documents. The Reduced Scale Alternative shows sidewalks on one side of the street. Sidewalks on both sides of the streets, or additional pavement to strip a bike path would have increased the impervious surface and potential runoff.

DEIS Comment G.2.8: *Traffic- Locust St. is a rather narrow two lane road. With no sidewalks or paved shoulders it is difficult to walk our dogs on the street if traffic is coming both ways. One has to step off the roadway to let traffic pass. We can only imagine the difficulties with construction vehicles traveling the road. Presently many drivers travel much faster than the posted 25 mph speed limit. There is also the danger of drivers who do not stop at the stop sign coming down the hill at the intersection of Woodside and Locust. Adding at the least 90 more vehicles on these roads would only increase the likelihood of accidents. My grandson lives across the street and the traffic is of great concern to me. (Kipp)*

DEIS Response G.2.8: The enforcement of speeding is up to the local police department. The preferred plan has changed to eliminate all access from Locust Street. (See **Figure 3: Reduced Scale Subdivision Plan**) Also see **DEIS Response G.2.2.**

DEIS Comment G.2.9: *I certainly agree with the other concerns about what this would do to traffic, there is no sidewalk and no place to put a sidewalk, the ground is a hillside that goes down steeply on one side and up steeply on the other side. When I get in my car [on Sleepy Valley Road] I have to look very carefully because there are people walking with their dogs and thank goodness I rarely have another car coming in the other direction but if there happens to be a car coming in both directions and a pedestrian there is trouble brewing and I don't have any proposal on how to address it but I think it needs to be thought. (Tuckfelt)*

DEIS Response G.2.9: The applicant is not required to construct sidewalks in areas that are not on the property. However, sidewalks are proposed within the subdivision.

DEIS Comment G.2.10: *The gentleman that got up and spoke about Sleepy Valley Road being very narrow, 100% true. You can't get two cars pass by going either way during a big snowfall and the snow is on the river ... Excuse me. The other thing is school buses. The proposed one entrance when you start to come up the hill, in the winter you have to hit your gas to get up that hill. It's always ... The village does a great job, but there is always ice and snow. A lot of times you will butt right up to the back of the school bus, because it's a bad turn. That's one, going at the other end of Sleepy Valley Road, a lot of bad turns. You cannot see coming around bends. It's a main thoroughfare because that's Beverly Drive. That's another development. There is also Sleepy Valley Inn, which also has cars, traveling events. You have the Emmerich Tree Farm in the winter time has cars double-parked on Sleepy Valley Road. You can't get your cars to pass it as it is, and now you've got 30 to 40 cars double-parked on bad turns. It's all just a good catastrophe waiting to happen. I have had cars roll over into my front yard ... Excuse me. Again, that's the other end of the traffic.(Daily)*

DEIS Response G.2.10: The preferred plan under consideration has changed to eliminate all access from Locust Road near the subdivision, and place an access further north on Sleepy Valley Road. The Traffic Study engineer indicated that there is enough capacity on the road to handle the additional traffic. **Also see DEIS Response G.2.2.**

DEIS Comment G.2.11: *Data was only collected for the Traffic Study on 3 dates, two Thursdays and one Wednesday. One would think a Traffic Study would be collected for a continuous time period of at least a week to include weekends, Mondays and Fridays when traffic volumes might be heavier. (Kipp)*

DEIS Response G.2.11: The traffic study was conducted by a licensed traffic engineer employing methods that are found compliant with standards accepted by this profession, and

estimates traffic during peak hours, when the concentration of the trips in and out of the property would be the greatest.

DEIS Comment G.2.12: *Traffic: Woodside Drive already experiences a high traffic volume, especially in the morning and evening rush hours. Many drivers use Woodside Drive to bypass Maple Ave. The posted speed limit is 25 mph, but most drivers go much faster than that, often over 50 mph. There are many children and pets living on Woodside Drive and Crescent Ave and there is a registered day care center on Woodside Drive. We are concerned that the increased traffic volume that will be inevitable if the proposed development becomes a reality will pose increased danger to the residents of Woodside Drive and Crescent Ave, particularly to children and pets. We believe that the projected increase in rush hour traffic volume (37-47 new trips in the AM and PM rush hours) in the DEIS is a gross underestimate and that a new traffic study should be conducted. At the June 21st Planning Board meeting, Mr. Getz noted that some data from the traffic study were not included in Appendix G2. Question: (To be addressed by the board and incorporated in the DEIS) Will the Board perform a new, realistic traffic study taking into account not just residents' vehicles but also commercial vehicles (Garbage trucks, Mail trucks, Federal Express trucks, etc.). If not, why not? (Dempster)*

DEIS Response G.2.12: The Data that mentioned by Mr. Getz, was a compilation of data sheets normally used to create a traffic report and was summarized in Tabular form in the Traffic Study. This information was provided to Mr. Getz. The traffic study includes all trips for all types of vehicle traffic.

DEIS Comment G.2.13: *Access: The intersection between Woodside Drive and Locust St. /Sleepy Valley Rd. is already hazardous. We are concerned that the proposed access road off Woodside Drive close to this intersection will make it even more dangerous. Moreover, it will result in an even higher traffic volume on Woodside Dr. (see above). We believe that access to the proposed development should be off Locust St. /Sleepy Valley Rd. even if this requires construction of a bridge over the stream. Safety should be the main consideration here. In order to obtain access from Woodside Drive will require annexation of a small piece of land from the Town of Warwick. Whether this can be done will require confirmation that the inter-municipal agreement for annexation, last renewed in 2008 for a five-year term, has been extended past 2013. To our knowledge, this has not been confirmed by Town or Village officials. (Dempster)*

DEIS Response G.2.13: The construction of a road across the small portion of land within the town does not require annexation, however, it makes the dedication of the road easier and the responsibility of the maintenance of the road clearer, which is in the public interest. The new preferred plan eliminates all access and stream crossings that were originally planned as part of the project, and creates a larger buffer along the creek and wetlands, which will help preserve the capacity of the natural drainage areas. **(See Figure 3: Reduced Scale Alternative.)**

DEIS Comment G.2.14: *Question (To be addressed by the board and incorporated in the [FEIS]) Has the intermunicipal agreement been updated? (Dempster)*

DEIS Response G.2.14: The intermunicipal agreement is in place. It is in the best interest of the Town and the Village to work together to find ways to make life better for all residents in the Town and Villages.

DEIS Comment G.2.15: *Question: (To be addressed by the board and incorporated in the [FEIS]) About a decade ago, the board refused to give permission for an access road off Woodside Drive citing safety concerns. With the increase in the number of houses and the increase volume of traffic in the current proposal such access would pose an even greater threat to public safety. Is this board less concerned about public safety than it was 10 years ago? Why? (Dempster)*

DEIS Response G.2.15: After consulting with its professionals, the Planning Board has determined that the access from Woodside Drive is adequate for the needs of this subdivision and has less impact to the environment than those that were planned on Locust Drive/Sleepy Valley Road. (See **Figure 3: Reduced Scale Alternative.**) As to the answer regarding the Woodside Drive Access, please see **Section G.1, Responses to the SDEIS.**

DEIS Comment G.2.16: *The road that was being fought to let out on Woodside Dr., is one a very very bad intersection to start with and it is narrow there and one of the nicest things about Woodside Dr. is that there is a lot of children and they play in that area. It is one of the nicest streets for the community and I am very worried about the children because there will be a huge amount of vehicles at multiple times during the day and it would be very sad if that part of our community was taken away because that is what makes our neighborhood such a nice neighborhood (Lurye-Dempster)*

DEIS Response G.2.16: Decisions for access points are made by balancing many points of consideration. The elimination of access from Sleepy Hollow Road/Locust Street is more desirable from an ecological viewpoint, because it is less intrusive on the stream and wetlands, which drains into the Wawayanda Creek, and helps to preserve the capacity of the natural drainage area along Sleepy Hollow Road/Locust Street, which is important for preventing flooding and water quality management. (See **Figure 3: Reduced Scale Alternative**)

DEIS Comment G.2.17: *The traffic analysis (pp. 49-63) styled "G. Traffic" does not mention or contain qualitative aspects of driving on Locust Street. There is no mention of roadway conditions. Sleepy Valley Road and Locust Street are not included in the Study Area of Table III-G-1, Accident Location and type. [At the public hearing he described a bend in the road that creates a blind spot on Sleepy Valley Road, which he considers dangerous] (Gruen)*

DEIS Response G.2.17: Roadways are described in the Traffic study in the DEIS. The second line of the table III-G-1 should have read "Locust Street from State Route 94 to Fern Street."

DEIS Comment G.2.18: *[The following narrative comments on the safety of Sleepy Valley/Locust Road and was included the comment letter submitted by John Gruen dated October 28th, 2018] Extracts from discussions with Russel Fragale (62 Sleepy Valley/Locust) and John Sinsabaugh (50 Sleepy Valley Road) follow:*

Russell Fragale: I have lived in the Village for four years. "When I leave my driveway I wait until I am positive that no cars are driving north on Locust. It is totally blind at the corner of Locust Street and Valley View Circle. There have been four vehicular accidents on Sleepy Valley Road since I have lived here four years. A vehicle destroyed my neighbor's mail box."

John Sinsabaugh, 50 Sleepy Valley Road. "I have lived in the Town of Warwick over twenty years at the above address. Sleepy Valley/ Locust is a dangerous road. It is very hazardous. The left side is totally blind at the upper part of Valley View Circle. There have been so many vehicular accidents on Locust/Valley View I can't even count. The guard rail has been hit so many times I can't even count. Extra traffic we cannot handle. There have been plenty of accidents. At least one fatal crash."(Gruen)

DEIS Response G.2.18: Road access to this subdivision is no longer planned on Locust Street. **See Figure 3: Reduced Scale Alternative.** The traffic engineer indicated that Locust Street has the capacity to handle the additional traffic generated by the project.

DEIS Comment G.2.19: *The measured width of Locust Street falls well below twenty feet at points between the entrance driveway and the end of the guard rail. At 46 Locust the measured width is 19 feet, 3 inches. The DEIS stipulates 20 feet as a uniform minimum. (Gruen)*

DEIS Response G.2.19: See DEIS Response 18.

DEIS Comment G.2.20: *[The commenter, John Gruen, in support of statements made in his October 28th letter, provided photographs from the driveway of 63 Locust/Sleepy Hollow Road in his October 29th, 2018 letter, which are included in Appendix A] The viewer is at the driveway of 62 Locust/Sleepy Valley Road for both pictures. The truck has just appeared in the bend in the road. This is the "totally blind" spot indicated by John Sinsabaugh and Russell Fragale. The future driveway entrance to the Village View is between the two central light yellow telephone poles. The truck has driven up a 15% grade and is at 40 miles per hour. It will reach the entrance driveway in between two and three seconds. Vehicular traffic in the morning and evening out of and into the two lane driveway is described in the DEIS.*

DEIS Response G.2.20: See DEIS Response G.2.18.

DEIS Comment G.2.21: *As part of the Traffic Safety Study I am asking the Board to look forward into the future. I know that you are only concerned with Village property but I have done a little research and that 98 acres above this that this is leading into, this is the only 2 accesses for that*

property, I might be wrong but there is no other way for that 98 acres to get out of there except for these 2 roads. I know that this is in the Town. (Maher)

DEIS Response G.2.21: The adjoining property in the Town of Warwick owned by the applicant is 76 acres, not 98. There is another access to this property on Sleepy Hollow Road. The planned connections are provided as good planning practice, and provides an acceptable solution for an additional access to this subdivision that avoids crossing the stream and wetlands on the property. The applicant has applied for subdivision to the Town Planning Board in accordance with Town Zoning, and the potential yield is approximately 25 lots. The additional lots have been made part of this SEQRA examination with the updated studies included in the SDEIS. Also See **DEIS Response G.2.22**

DEIS Comment G.2.22: *Page 62, Paragraph 1: The total acreage owned by the project sponsor is incorrectly reported as approximately 27 acres rather than 92 acres. The discussion in the paragraph, however, further confirms that the proposed road network is designed to allow further development on the adjacent parcels, and the impact of those parcels therefore needs to be assessed as part of an unsegmented review along with the current proposal. (Gross)*

DEIS Response G.2.22: Although the acreage is misrepresented (it is a typo and actually 76 acres), this paragraph also states that “if the northern property were developed with a comparable amount of homes, the proposed roads within Village View would be adequate to accommodate the additional traffic.” The yield on this parcel was studied in the SDEIS, and is now included in the overall SEQRA review of the project. We would like to note that access to the Town Parcel was always part of the future Plans, although with the Reduced Scale Subdivision Plan, it would be built for second required access to subdivision within the Village.

The project engineer indicated that the property within the Town is subject to 4-acre lot zoning, however with use of the clustering provisions would likely yield 25 lots. The project would still be subject to review and approval by the Town Planning Board and is subject to a entirely different zoning code, and served by infrastructure in a different municipality.

DEIS Comment G.2.23: *I live in 18 Locust Street. I have lived there for 30 years. My concern about this proposal is the traffic, the width of the streets in the area, the lack of sidewalks, the lack of sidewalks all the way from the hospital out to our end of the village, which forces us to have to walk on the highway with no shoulder, if we want to walk from Locust Street into the village. I personally have a disabled daughter who does not walk at all, who is confined to a wheelchair, who in the past I have tried to wheel her up the highway. I can't go on Woodside, there's a hill, and I can't push her. Not only is that a concern for me as the mother of a disabled child. She lacks access to our village. I can't even take her out on Locust Street for a walk. The roads are too narrow, and there are no sidewalks. This not only impacts me. It impacts other mothers with children in carriages, bicyclers, people who walk for just exercise, people who walk their dogs. I have spoken to a number of my neighbors in the last few weeks when I first became*

aware of this, and they all have the same concern. Is there any plan to widen Locust Street, to add sidewalks to Locust Street, to widen Woodside and add sidewalks? (Lundy)

DEIS Response G.2.23: There are no plans within this action to add sidewalks or widen existing streets.

DEIS Comment G.2.24: *I spent two weekends walking around my neighborhood...there wasn't one neighbor who wasn't concerned about traffic., there is already traffic on Woodside Drive and Crescent. Lots of traffic, its used as a cutoff, a detour. All the time we have trucks whizzing by. (Rubin)*

DEIS Response G.2.24: No response required.

DEIS Comment G.2.25: *Page 27: "This property has received subdivision approval for 28 single family lots. This approval included a plan to improve a section of Locust Street along the site's frontage, which would have involved widening the road from 2 to 4 additional feet, relocating utility poles and the guardrail, and clearing in the vicinity of the Locust Street/Woodside Drive intersection. The cost estimates for this improvement were deemed not to be feasible...The widening of Locust Street is no longer proposed with this application." This statement appears to indicate that the widening of Locust Street was required as a condition of approval for the 28-lot subdivision. Locust Street/Sleepy Valley Road in the vicinity of the project site has documented deficiencies, and given the approved subdivision would add vehicles from 28 new homes, the condition to require widening on the part of the applicant was reasonable and justified. With that number now being increased by 17 units to 45, such a condition attached to any approval would be even more justified. Any approval for a cluster subdivision should include a requirement for widening in this area. (Gross)*

DEIS Response G.2.25: The Traffic Study indicated that the road has enough capacity to handle traffic once the subdivision is completed.

H. Land Use and Zoning

1. Comments from SEIS Public Comment Period

SEIS Comment H.1.1: *Affordable Housing: The County Comprehensive Plan is clear that providing housing options that are affordable for residents improves the local economy, provides stability for residents and allows residents to be more invested in their communities.*

- *The proposed "reduced scale alternative" does not designate at this time that any units within the complex should be affordable. The County recommends a minimum 10% of*

units (and ideally more) in a large-scale development should be made affordable; in this case that would be a minimum of five units.

- The Village should therefore require that these units be sold at prices that are affordable to people making 80% of the County's median income. This would translate to a purchase price for these units not to exceed \$260,000 (2017 dollars). This price was determined using the County median household income and an online mortgage calculator; many residents making 80% of County median income may still feel that this purchase price is out of their reach, and so the Village may wish to conduct their own studies regarding affordability.*
- The Village has expressed interest in including affordable housing unit requirements and design standards in their code. Although there are no code standards at this time, we recommend that the Village follow best practices for affordable housing units, including but not limited to: incorporating units throughout a development, rather than concentrated in a small area, and designing units so that they are indistinguishable from market-rate units from the outside. We look forward to working with the Village on updating code language to include affordable housing more easily. (OCPD-1)*

SEIS Response H.1.1: The village code has standards for affordable housing as part of their locally adopted Zoning code in Section 145.29 and has been incorporated into the Liberty Green (as an example) in Warwick. Although there is no requirement to provide affordable housing in this zone or as part of the clustering provisions, the Planning Board has requested that the applicant provide an option with affordable housing, which would be regulated in accordance with applicable Village Regulations concerning affordable housing, and it was discussed as an alternative in the DEIS. The plan that would have provided affordable housing was not feasible for this project. The plan has been changed to include a cluster of Town Houses, which tend to be more affordable than single family homes. These homes are intended to be sold as condominium units. **(See Figure 3: Reduced Scale Alternative).**

SEIS Comment H.1.2 *I think the plans about affordable housing has been kind of dropped in this project. It's been glossed over. Some of the housing should be more affordable? (Transcript, Patterson)*

SEIS Response H.1.2: See Response H.1.1

SEIS Comment H.1.3: *[From] my perspective had let the applicant know that I'm a huge fan of, not affordable housing per se, but workforce housing or starter housing. And I believe that the, I don't know if my opinion is appropriate here or not, but I believe that the townhouses are [the applicant's] approach to workforce or affordable housing. And that doesn't, that doesn't necessarily address the question. So, while the Village code likes affordable housing, it's not required. (Transcript, Kerns)*

SEIS Response H.1.3: No response required. Thank you for your comment.

SEIS Comment H.1.4: *I am an advocate for controlled growth. New housing and new businesses must enhance the quality of life in Warwick, not take away from it. I strongly believe in development that complies with health, safety, environmental and zoning laws and practices – and development that sustains harmony. I am strongly opposed to development that fosters urbanization and stresses the infrastructure. Warwick is a rural area. While it is close to Rockland, Westchester, Bergen and even NYC, it must not become any of those. The expanded plans of Village View clearly fosters urbanization and stresses the infrastructure. Please don't let this happen. Once it is done, it cannot be undone. (Mayer, 3)*

SEIS Comment H.1.5: *Has a comprehensive plan for emergency response and DPW been considered or put in place as it pertains to the ever-expanding development of the Village and Town of Warwick? (Mayer, 2)*

SEIS Response H.1.5: The expansion and needs of the departments are discussed on a yearly basis, when budgeting occurs and taxes are assessed with those budgets.

SEIS Comment H.1.6: *The development is not in keeping with the intent of the clustering law, but seen as a land grab with this specific, excuse me, grab a specific person, purpose of exploiting the code for financial gain to the detriment of the community. This does not fit in our community. There are a number of other examples that have been raised previously in public hearings and in writing about the lack of transparency, or lack of adherence to codes, standards, laws, and the lack of detailed review by experts paid for by the resident. It is clear the developer's priority is profit, not safety of individuals nor the burden has proposed development will have an infrastructure in the environment in Warwick. In summary, there are a number of key areas of concern regarding the enormity of Village View development that impacts safety infrastructure, the environment and the quality of life of the resident. (Transcript, Mar)*

SEIS Response H.1.6 The applicant has a right to develop land in accordance with the zoning code of the Village of Warwick, and has been deemed by the Planning Board to be in keeping with the conservation goals of the Cluster Subdivision Regulations. The Reduced Scale Subdivision Plan preserves almost 50 percent of the property and places all of the stream and wetlands under a conservation easement. In addition, the density of this property in total is a little over .5 acres per dwelling, which is considered a low-density rural residential neighborhood. The overall density of the property within the Town will be approximately 3 acres per dwelling. The opinion of the commenter is their own opinion, and is not based on evidence.

SEIS Comment H.1.7: *Many of these [key areas of concern to the commenter, which included impacts on safety infrastructure, the environment and the quality of life of the resident] have been overlooked by the developer and are not currently required by the planning board. Of note, those items were approved in 2008, 28 lot subdivision by the planning board in place in time. The decision made by the current planning, village planning going into village board will set a precedent for to be, you know, set a precedent for however we knew these cluster subdivisions.*

As I said many times before, this has to be done right. This is, you know, like I said, they're out on land in Rockland County and they're coming up here. Thank you. (Transcript, Mar)

SEIS Response H.1.7: No response required. Thank you for your comment.

SEIS Comment H.1.8: *A 2020 plan requires a walking trail with this, which would make it easier for the residents of the said subdivision to make it easier to Woodside. Since the 2008 approval, the daycare center and the addition of senior housing have increased the volume of traffic on all roads in the immediate vicinity of the village area. The addition to these developments has also presented the safety issues on the road, creating a hazardous intersection at Grand Street and Crescent and the entrance to Liberty Greens. The current planning board must make safety paramount, first and foremost. You should absolutely without question adhere to the requirements of the approval of the planning board in 2008 regarding safety, traffic. In the 35 years, I haven't seen anybody do a traffic study. (Transcript, Mar)*

SEIS Response H.1.8: A traffic study was conducted for the 45-lot Cluster Subdivision Plan and for the Reduced Scale Subdivision Plan by a licensed traffic engineer. The original studies are included in the Appendix of both of these documents. **Also see comments and responses in Section V-G of this document.**

SEIS Comment H.1.9: *[My concern is] around the preservation project plan, community preservation project plan. That's supported by the community preservation fund. This is a required a three-quarter percent real estate transfer tax that all the good people in this room paid, I paid. Why did we pay that? We didn't have much of a choice, but those funds were to be allocated for the protection of open space. And I'll quote from the document, which is vital to the future, social, economic and environmental health. So that was those funds were allocated in good faith by all these, these fine people here and many others in Warwick. They were given to conserve agricultural lands, non-farm open spaces and other open areas such as the lot where this proposal is. They were allocated to protect the natural scenic quality and environment, something that all of us treasure here in Warwick. They were allocated to protect the surface and groundwater. It's from point and non-point source pollution, which any cluster subdivision is going to bring that. These funds were allocated to protect the habitats for the diversity of the existing flora and fauna. And I know I'm not alone. My wife and I walked this road to Sleepy Valley quite often. We've seen coyotes running through there. We've seen plenty of deer. We enjoy hearing the owls in there. So that's something that all the residents, we enjoy that. Those funds were allocated to protect wetlands as important environmental resources and as identified on the plan, there's a wetland that runs right through there. So just to sum up, I feel betrayed a little bit. These funds have been allocated, but here we are considering this proposal that will ruin an open space. Every time I drive down Sanfordville road, I miss seeing that tree that was taken down with such a beautiful open space. These houses are going up and they chop this tree down. This must have been an Oak, must have been, if I had to guess, it was over a hundred years old. They took it down.*

SEIS Response H.1.9: The community preservation fund program that the commenter is referring to is a program that is offered by the Town of Warwick, not the Village. **The Reduced Scale Plan (Figure 3)** illustrates that just under half of the property will remain open space. This includes all of the wetlands and the stream, which provide better quality foraging and shelter. Other areas on the property are dominated by evasive species that have grown in since the farming activities were abandoned.

SEIS Comment H.1.10: *We moved to Warwick because of its scenic quality. It's what makes Warwick home. If we allow this kind of overdevelopment, we're ruining our home. (Transcript, Spikowski)*

SEIS Response H.1.10 See Response H.1.9

SEIS Comment H.1.11: *Our office has repeatedly questioned whether the Village's clustering scheme comports with New York State Law. I have yet to identify any legal authority that authorizes 'pay to play' in an effort to obtain more lots. It does not appear that this issue has been addressed by the applicant or the Village. (Cassidy, 1)*

SEIS Response H.1.11: See Response H.2.11 in the following section.

SEIS Comment H.1.12: *It still appears that building lots are located in primary and secondary conservation areas in contravention of the intent of the Village's zoning code. Specifically, it still appears that slopes in excess of 15% and 25% are still be utilized to achieve the development. (Cassidy, 2)*

SEIS Response H.1.12: The Applicant's engineer disagrees with the assessment. The Planning Board had agreed that the plan now complies with the intent of the zoning code under 145-29 Residential Cluster Subdivision.

SEIS Comment H.1.13: *The SEIS also indicates that annexation of the larger town parcel is not an option. See SEIS, page 10. Any approval should be conditioned on a permanent restriction of future annexation to be recorded against the land records. Failure to include such restrictions only allows a future annexation, entirely negating the analysis contained in the draft environmental impact statement and the supplemental environmental impact statement. (Cassidy, 3)*

SEIS Response H.1.13: No Response Required.

SEIS Comment H.1.14: Annexation: *The proposed stormwater management facilities and a small portion of the onsite easement road are located on property adjacent to the project site and under the same ownership but located within the Town of Warwick. If the applicant chooses to pursue an annexation, the County will support annexing the contiguous property into the Village. (OCPD-3)*

SEIS Response H.1.14. See Response Q.2.22

SEIS Comment H.1.15: *[Summarized] The commenter wanted to know if there were ulterior motives for annexation of the property into the Village for the purposes of creating a larger subdivision that was represented in the DEIS twenty or thirty years into the future, and the proof that was offered was the annexation request for this project. (Kerns, Transcript)*

SEIS Response H.1.15: there are no plans to annex property into the Village other than the small area on the east side of the Property for the purposes of squaring off the property for be benefit of the roads. **See Section IV: Property Description.**

SEIS Comment H.1.16: *[Summarized] The commenter was concerned that the property had been “warehoused for 17 years” and the developer claimed that the economy was the major hindrance to the development. He was concerned that the development would become a “closed community” with more homes (stating that there could be 150 homes) on the Town portion of the property than what was presented in the SEIS. He wanted to know if there was going to be a deadline for constructing the property in accordance to the approved subdivision in and out of the Town as represented in the DEIS. (Kerns, Transcript)*

SEIS Response H.1.16: See SEIS Response H.1.6

SEIS Comment H.1.17: *Do the driveways servicing the proposed lots violate any village standards/” elevations” for grade/slope? (RD-Summary-15)*

SEIS Response H.1.17: Village of Warwick Code specifies that driveways shall not exceed 10% in grade between the street line and setback line. At no point do any of the driveways in the Village View subdivision exceed 10%. In most locations the driveways are graded at 8% or less and the area of proposed garages are generally graded at approximately 3% or less.

SEIS Comment H.1.18: *[There] was a gentleman who raised the issue of elevations for the upper lots. And I have asked to have that information specifically provided about what the elevations are for those homes and whether they fit in with the village code. Just like to have that considered as you review the comments from this hearing. [there was some general discussion between E. Patterson and the board regarding the elevations that she was concerned about. She was concerned about the elevations of the driveways meeting the new public street and whether they all met current code, referring to Mr. Gross’s letter from the previous public comment period.] (Transcript, Patterson)*

SEIS Response H.1.18: Many of Mr. Gross’ comments were directed at the 45-lot cluster subdivision plan, and no longer apply. The driveway elevations and road intersections meet all the requirements of current codes for the **Reduced Scale Subdivision Plan (Figure 3).**

SEIS Comment H.1.19: *All right, that takes care of that. Village law does not allow for more than 3% grade within 50 feet of an intersection. An excess road to Woodside Drive would be more than 3%. Our highway department doesn't need another hill to plow it down. (Transcript, Mar)*

SEIS Response H.1.19: The intersection of the proposed access road with Woodside Drive is graded at -2.0%.

SEIS Comment H.1.20: *Yes. Just one quick question briefly. I wasn't involved in the 2008 plan, but one point that was raised earlier that I just have a question for. If the 2008 plan was approved, and it was correct? For 28 lots? It seems to me that anything that was approved in that plan would automatically be the baseline for this plan. And it seems to from some of the comments being made that there were things that fell through the cracks and that were omitted. So I'm just wondering why did those things go omitted? If I'm correct in assuming that, why would they not be automatically part of the baseline but this plan? I'm just wondering. (Transcript, G. Kipp)*

SEIS Response H.1.20: The applicant was allowed to use the 2008 approved plan as a base density layout required in the analysis of the Cluster Subdivision Plan (**See Section 149.29 of the Village's zoning code**). The application of 149.29 Residential Cluster Subdivision is an "overlay zone," meaning that the applicant has the choice of going through the process described in 145.29 that allows the possibility of creating additional lots as long as permanent open space requirements are met. An analysis of the zoning regulations and how the eligible lots were derived in accordance with 145.29 is included in the DEIS in Section H. The Reduced Scale subdivision complies with the requirements of section 149.29. It also exceeds the open space conservation goals required in this section, and preserves the primary and secondary conservation areas.

2. Comments from DEIS Public Comment Period

DEIS Comment H.2.1: *Although the cluster provision does not speak of adding a percentage of affordable housing, the Village is appreciative of the effort by the developer to address the need by planning six units of townhouses. The Village is also appreciative of the design and architectural sensitivity of the developer in using a vernacular of architectural design that speaks to the heritage of historic architecture in the Village. We also recognized the added natural buffers in the new plan. (V.Warwick)*

The reduced roadway, the lack of cul-de-sacs, and connective roadway are positive planning features and represent a more sustainable model of development. (V.Warwick)

DEIS Response H.2.1: No Response necessary. Affordable housing is no longer offered as part of the Reduced Scale Alternative, but the planned cluster of Town Houses, which will be offered for sale under condominium ownership will be more affordable than the single family home.

DEIS Comment H.2.2: *The Village has championed anti-sprawl zoning and recently rewrote its cluster subdivision code. The Village recognized the use of clustering as a way of creating stronger Village neighborhoods and protecting the natural environment. Clustering allows for this protection but also presents challenges of a greater intensity of use. The Village View cluster proposal replaces the original twenty-eight lot subdivision with forty-five lots, or an additional seventeen lots with little, if any, gain of open space which is normally the positive result of clustering.*(V. Warwick)

DEIS Response H.2.2: These comments no longer apply since they were based upon the **45-lot Cluster Subdivision Plan (Figure 2)**, which has been replaced by the **Reduced Scale Subdivision Plan (Figure 3)** The new preferred plan increases the buffer to the stream and wetland to 100 feet from roads and property lines, and preserves almost 50% of the property.

DEIS Comment H.2.3: *The Village grows one neighborhood at a time and we appreciate the steps that the applicant is making to create a new and beautiful addition to our Village. We also recognize some of our limited capabilities due to over stressed infrastructure which remains one of our greatest challenges to future growth.* (V.Warwick)

DEIS Response H.2.3: No Response Required, Water and Sewer Services more specifically addressed in **The SEIS, and in previous Sections of this document.**

DEIS Comment H.2.4: Affordable Housing: *The County Comprehensive Plan is clear that providing housing options that are affordable for residents improves the local economy, provides stability for residents and allows residents to be more invested in their communities. The applicant has proposed an alternative development plan that permits 48 units, with six of those units being side-by-side duplexes, which would be the affordable units within the subdivision.*

- a. *In the interest of increasing the supply of affordable housing units throughout Orange County, we recommend the adoption of the "affordable housing alternative" that proposes the duplex units.*
- b. *The Village should therefore require that these units be sold at prices that are affordable to people making 80% of the County's median income. This would translate to a purchase price for these units not to exceed \$260,000 (2017 dollars). This price was determined using the County median household income and an online mortgage calculator; many residents making 80% of County median income may still feel that this purchase price is out of their reach, and so the Village may wish to conduct their own studies regarding affordability.*
- c. *The Village has expressed interest in including affordable housing unit requirements and design standards in their code. Although there are no code standards at this time, we recommend that the Village follow best practices for affordable housing units, including but not limited to: incorporating units throughout a development, rather than concentrated in*

a small area, and designing units so that they are indistinguishable from market-rate units from the outside. We look forward to working with the Village on updating code language to include affordable housing more easily. (OCPD)

DEIS Response H.2.4: The Village has adopted Affordable Housing Requirements in their zoning code. Although there is no requirement to provide affordable housing in this zone or as part of the clustering provisions, the Planning Board has requested that the applicant provide an option with affordable housing, which would be regulated in accordance with applicable Village Regulations concerning affordable housing, and it was discussed as an alternative in the DEIS. The plan that would have provided affordable housing was not feasible for this project. The plan has been changed to include a cluster of Town Houses, which tend to be more affordable than single family homes. These homes are intended to be sold as condominium units. **(See Figure 3: Reduced Scale Alternative).**

DEIS Comment H.2.5: *I have grown up in Warwick, my whole life. I now live on Galloway Heights, I formally lived on Woodside. I am one of a very few handful of people my age from my class who came back to Warwick and decided to stay in Warwick. I stayed in Warwick because of how Warwick is. I stayed in Warwick because Warwick is my home and I love Warwick and I like the village. And that's where I chose to buy a house and start my adult life. I look at this development and I think, Mr. Rother had mentioned the planning board meeting last week that this development would be a good starter for young families. I don't know many young families that are going to look into four-hundred thousand plus dollar homes with taxes above ten thousand dollars on point two acre lots to start. I know I certainly couldn't do that to start. I bought a starter house. I bought a twelve-hundred square foot house on point three acres and that's a starter home for a young family just starting out. Not a four-hundred thousand dollar plus home. As a planning board, you are planning the future of Warwick. If this is the direction that Warwick is going in, with taking land and going to continue put cluster homes in, I can personally say, having lived here for twenty-nine years. I will be one of the first people to put my house on the market. If that's the direction that Warwick is gonna go in and we're just going to have continuous cluster homes taking up land and taking up space, I mean that's just not, that's not the reason I stayed. I stayed because of how Warwick is, and I would like you to consider keeping Warwick how it is. Beautiful, quiet, with not divisions of cluster homes. That's not, that's not Warwick. So, I'd really just like you to consider people like me. The younger group that would love to stay in Warwick. Warwick is not cheap to stay in, I was only able to do it because I have amazing parents who helped me to stay in Warwick, because they knew I wanted too. If that's the group you're looking for to stay here, I can tell you right now. Young families starting out are not going to move into that division, with the price of the homes. So I just wanted to say from a younger perspective cause I know you all have been bombarded with environmental things, but from a different look, I don't think that this is the direction that Warwick needs to go in. And so I just wanted to say from a different view, that I would like you all to consider that. (Mark)*

DEIS Response H.2.5: The Village and the Planning Board understands how much of a struggle it is for young families to establish homeownership in the Village of Warwick. For this reason, the Village has incorporated affordable housing into the zoning code. This code provision ensures that young families, who may not have the advantage of parents that are financially capable of helping their children like the commenter, stay in this community. Young families and professionals just starting out in their careers are a valuable asset because they offer long term continuity and stability to the communities they settle in. That said, the Planning Board or the Village would not be able to compel all new housing development to be at rates that are affordable to young families, this goes against the principles of the free market. Home prices estimated in the DEIS are projections, based on the understanding of the market conditions by the applicant, and would be subject to market conditions when they are sold. The cluster provisions allow for some of the scenic portions of the land being developed to be preserved, and remain an asset to Warwick.

DEIS Comment H.2.6: *The other thing I am wondering about is the affordable housing part, is that a requirement or is that voluntary by the builders, I was just confused about that because at one point I thought it was a requirement and at another point I saw that it was voluntary and I just got confused. (Choinsini)*

DEIS Response H.2.6: The applicant is not required by Village Law to provide affordable housing in this subdivision, although the Village does require affordable housing in other zoning districts, and has a definition that guides its standards and implementation.

DEIS Comment H.2.7: *Increased size of proposed development: In 2007, the proposal was for a 28 lot subdivision. This would be much more consistent with the character of our village. Now the project has mushroomed to a 48 unit cluster subdivision, which is definitely out of character with our village and, in particular, with the quiet, residential area of Woodside Drive and Locust Street. There is a reason Sleepy Valley Road is aptly named! The mission statement of the 2004 Comprehensive plan states that "This Comprehensive Plan for the Village of Warwick seeks to articulate a vision and to outline appropriate methods to permit growth and development while protecting and enhancing those attributes which define the Village of Warwick, including the economic and social vitality of its business district and the charm, historic character and uniqueness imparted by its rural setting". The proposed development is in direct conflict with this vision.*

Question: (To be addressed by the board and incorporated in the [FEIS]) Why is the board even considering such a large increase in the size of the project?

Question: (To be addressed by the board and incorporated in the [FEIS]) Is the builder's profit margin more important to the board than the character of our village, the vision of the Comprehensive Plan, and the safety of its residents? (Dempster)

DEIS Response H.2.7: This project was designed in accordance with 145.29 Residential Cluster Subdivision, which was adopted in 2009, which allows for flexibility in design and bonus density for dedicated conservation areas at a minimum of 20% of the property. The plan has achieved a conservation set aside of 30% of the site in the previous plan described in the DEIS, and the new preferred plan expands the conservation area to almost 50% of the property. The zoning code was written in response to changes in the Village's comprehensive plan. The Planning Board has no opinion on the profits of the builder. The DEIS and the public hearing allow the Planning Board to consider new information that could potentially lead to better design of the subdivision, which lead to the development of the new preferred plan shown in **Figure 3**.

DEIS Comment H.2.8: *Page 65, Paragraph 3: "4. To create neighborhoods with a traditional Village character as discussed in the Village's Comprehensive Plan." A "walkable community" is more suitably designed on level land than the steeply sloping conditions of the project site. While the project sponsor is trying to design this project to comply with this goal, the slopes that will necessarily be associated with the subdivision roadway will likely diminish the walkability of the neighborhood. Likewise, the 3-mile round trip distance to downtown and back will likely discourage making this trip by foot in most cases. (Gross)*

DEIS Response H.2.8: The new preferred plan creates some opportunity to walk within the subdivision, although the Village cannot enforce the use of alternative forms of transportation. **See Figure 3: Reduced Scale Alternative.**

DEIS Comment H.2.9: *Affordable Housing: We are concerned that the proposed development plan includes 6 affordable housing units. We believe there is already a sufficiency of affordable housing in Warwick with units in Liberty Green, Chelsea Gardens, and Park Lane Apartments. I'm not sure if this is a HUD thing, I would like it addressed. Question: (To be addressed by the board and incorporated in the DEIS) How can you justify the inclusion of affordable housing? (Lurye-Dempster)*

DEIS Response H.2.9: The Village incorporated affordable housing provisions into the Locally adopted code (Section 145-129 of the Zoning Code) in order to provide residential units for our young families and senior that are more vulnerable to changes in housing costs. These are regulated by the Village, not HUD, which is a program for housing assistance. The Planning Board requested an option for inclusion of Affordable Housing in this project, which would be designed to blend in with the single family homes, and sales of these units would be regulated by the Village Code. Affordable housing, defined and regulated by 145-129 of the Village Code is no longer offered in the new preferred plan.

DEIS Comment H.2.10: *As the newest neighbor and one of the most directly impacted by the Village View Cluster Housing subdivision, I am deeply disappointed and opposed to development that will have several negative impacts on a currently beautiful neighborhood that include:*

- *Destruction of a thriving ecosystem, plants, marsh, natural spring, bats and wildlife including endangered species like the bog turtle.*
- *Environmental issues of flooding, runoff and pollution .*
- *Dramatic increase in traffic in a quiet residential neighborhood*
- *Devalue current property values*
- *Negative Visual Impact*

(Reynolds)

DEIS Response H.2.10: The DEIS and the SEQRA process completed for this project are the tools used to examine potential environmental impacts from this project. The new preferred plan increases the conservation areas to almost 50% of the property. **(See Figure 3: Reduced Scale Alternative.)**

DEIS Comment H.2.11: *Village Law 7-738(b) states, "A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the planning board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements." (Emphasis added) Although the Village Code authorizes additional lots upon the payment of a fee, the local law (LL 14 of 2015) that authorizes clustering does not contain any language superseding state law. As such the Planning Board must apply 7-738 and the applicant is limited to 28 lots under state law. (Cassidy)*

DEIS Response H.2.11: The commenter is referencing a section of New York State Law, which provides guiding principals regarding processing planning board applications. This section of law applies when communities have zoning regulations but have not adopted standards for clustering, and allows them to consider this method of development to preserve open space. Incentive zoning, such as the provisions in this law are permitted and are incorporated into many other community's zoning provisions across New York State. The authorization for incentive zoning is provided in Section 145.29 D.4. of the Zoning Code, and allows an applicant to request an increase of the allowable lots over and above the established based density.

DEIS Comment H.2.12: *In addition to the legal infirmities of the present application, the application all but ignores the stated intent of clustering found in both state and local law. Under a true clustering scheme, this project would take 28 units and centralize them on smaller lots resulting in less infrastructure, and greater open space. Unlike a true clustering scheme, it*

appears that the applicant has used clustering as a tool to cram as many units onto the site as possible rather than as a tool to avoid environmentally sensitive areas. Indeed, the additional units require off site infrastructure that was not necessary under the former 28 lot plan. Moreover, if the intent of the Village leaders is to have 10,000 square foot lots, then the Village should change its base zoning rather than giving a density bonus under the guise of clustering (Cassidy)

DEIS Response H.2.12: See DEIS Response H.2.11

DEIS Comment H.2.13: *In an attempt to follow the instructions outlined for the four-step procedure in Section 145-29, the map on the following page draws an approximate boundary (in purple) around the very steep slopes (in excess of 25%) and wetlands. This would be the area required by the clustering provisions to be included in the Primary Conservation Area and preserved as Open Space. The delineated area on this map differs significantly from what has been shown by the project sponsor. [Note: this map that is referred to in this comment is located in Appendix B and is part of Mr. Gross's original comment letter submitted on October 27th, 2018](Gross)*

DEIS Response H.2.13: The initial slopes map provided to the Planning Board was prepared by a licensed engineer and reviewed by the licensed engineering consultant. Both of them agree that the map provided by Mr. Gross was in error. Maps illustrating slopes were included in the SEIS, and also show an overlay of the new Preferred Plan, the Reduced Scale Alternative Subdivision over the respective slopes. **(See Section III.A. of the SEIS.)** The Planning Board requested this layout because it reflected less encroachment on the stream and wetlands and eliminates encroachment on many of the sloped areas.

DEIS Comment H.2.14: *The brown line drawn on the map [provided in his comments in Appendix A] shows the approximate (as drawn free-hand on a computer graphics program) location of the 100-foot setback from the purple boundary around the very steep slopes and wetlands that should have comprised the Primary Conservation Area. While Step 2 advises that dwelling units should not "generally" be located within 100 feet of very steep slopes and wetlands, this graphic clearly illustrates that proposed dwelling units have been located without any regard to the 100-foot advisory, with some units actually within the purple boundary. (Gross)*

DEIS Response H.2.14: The project engineer certified the slopes map, which was checked by the Village Engineer prior to proceeding with the four-step design process require in 145-29. The new preferred plan illustrates a 100-foot buffer from wetlands and the stream, although it is not required. The SEIS illustrates that no disturbance is proposed on areas with slopes over 25% (See Figure 3: Reduced Scale Alternative.)

DEIS Comment H.2.15: *Page 64, Paragraph 3: This section of the DEIS is intended to show how the proposed subdivision is compatible with the provisions of Section 145-29 of the Zoning Code. In my professional opinion, the proposed project is not at all compatible with these provisions, and the purported compatibility as expressed in the DEIS is contrived. To make the case for compatibility, the DEIS compares the project to the purposes for cluster subdivision as enumerated in the Zoning Code. (Gross)*

DEIS Response H.2.15: The project was examined by the Planning Board and its professionals and found to be compliant with the intention of the 145-29 Residential Cluster Subdivision provisions. The above comment is the opinion of the commenter. However, the Planning Board negotiated a new plan that achieved a greater amount of conservation area in response to comments by the public. **See Figure 3: Reduced Scale Plan)**

DEIS Comment H.2.16: *As one of the primary purposes of the Zoning Code's clustering provisions is the avoidance and preservation of these specified sensitive environmental features, there is no compelling justification for the Planning Board to approve 17 units, and possibly even 20 units, above and beyond the yield plan lot count of 28. Based on the guidance in the Zoning Code, it appears that, at a minimum, the following lots should be eliminated: lots #5, 14, 26, 27, 28, 29, 30, 31, 32, 33, 37, 40, 44, and 45. Other lots might also be considered to be removed for their proximity to steep slopes and wetlands. The elimination of these 14 lots would reduce the proposed lot count to 31 lots, which will still give the applicant bonus density for clustering. (Gross)*

DEIS Response H.2.16: These comments no longer apply with the change of the preferred plan. In response to Public Hearing comments, the Planning Board requested that a new plan be developed, and the board is satisfied that the new preferred plan meets the goals of conservation envisioned by the zoning code. **(See Figure 3: Reduced Scale Alternative.)**

DEIS Comment H.2.17: *Page 19: Figure II-B-2 "Existing Resources Map" depicts an extent of the area slopes in excess of 25% that differs from a graphic presented by the project engineer at the September 20th public hearing. The area of these slopes shown on that graphic is greater than what is depicted in the DEIS. In accordance with the Village of Warwick Zoning Code, Paragraph 145-29(3)(a) "Step 1: Delineation of Open Space Lands", the area of the site determined to be occupied by slopes in excess of 25% is a critical factor in delineating the Primary Conservation Area for a cluster subdivision. The discrepancy between the map presented in the DEIS and the map presented at the public hearing needs to be explained, especially as it pertains to the proposed cluster subdivision layout. (Gross)*

DEIS Response H.2.17: See DEIS Response H.2.13.

DEIS Comment H.2.17: *Page 64, Paragraph 5: "2. To conserve important unique and sensitive natural features such as steep slopes, floodplains, stream corridors, and wetlands by permanently setting them aside from development." As was stated earlier, Section 145-29 of the Zoning Code requires that a cluster subdivision is to preserve "Primary Conservation Areas" that "shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%)." Of these, wetlands were already avoided in the 28-lot subdivision per federal regulations protecting them, and floodplains are absent from the project site. The benefit of clustering in protecting these resources, therefore, would be largely limited to the avoidance of steep slopes. The extent of slopes in excess of 25%, as delineated by the project sponsor, is depicted in "Figure III-H-3: Step 1 - Primary and Secondary Conservation Areas" on page 72. To be compatible with Section 145-29, all of these delineated slopes (absent the small individual outliers) should be included within the Primary Conservation Area. However, as seen in "Figure III-H-4: Step 2 Potential Development Areas" on page 73, this is not the case. In fact, as seen in "Figure III-H6: Step 4 Potential Lot Lines" on page 75, one home is proposed directly on the prohibited slopes, in flagrant disregard of the provisions of Section 145-29, and several other homes also encroach directly on prohibited slopes. (Gross)*

DEIS Response H.2.17: See DEIS Response H.2.13.

DEIS Comment H.2.18: *Village Code requires dwelling units to be located at least 100 feet from primary conservation areas and 50 feet from secondary conservation areas (see 145-29(E)) and further states that "house lots shall not encroach upon Primary Conservation Areas," (145-29(H)) there are no fewer than six lots shown on the proposed cluster diagram with dwelling units located directly on top of slopes in excess of 25 percent, a primary conservation area. (Cassidy)*

DEIS Response H.2.18: This comment no longer applies with the change of the preferred plan to the Reduced Scale Alternative. No disturbance to areas with 25% slopes are proposed.

DEIS Comment H.2.19: *Section 145-29 of the Zoning Code lays out a four-step procedure to follow in laying out the design for a cluster subdivision. Although these steps are laid out in the DEIS, it is apparent that the steps were not followed faithfully as intended in the Zoning Code. The four steps start with identifying "Primary Conservation Areas" that "shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%)." The Code goes on to describe Secondary Conservation Areas that could be included in the proposed Open Space Lands, but it is clear that the Code intended for wetlands and slopes in excess of 25% to be included in the Primary Conservation Areas to be avoided and preserved. (Gross)*

Response: See DEIS Response H.2.13 and H.2.14.

DEIS Comment H.2.20: *Indeed, the proposed layout does place all of the wetlands and the unnamed stream within the proposed Open Space Lands, but with the exception of that portion which needed to be disturbed to provide site access, all of the same wetlands and the stream were preserved with the approved 28-lot subdivision as well. However, while all the slopes in excess of 25% were identified in DEIS Exhibit III-H-3 as Primary Conservation Areas, contrary to the instructions contained in the Zoning Code, only a portion are proposed to be avoided and placed within the proposed Open Space Area. Proposed lot #37, in fact, is comprised almost entirely of slopes in excess of 25%.***(Gross)**

DEIS Response H.2.20: This comment no longer applies with the change of preferred plan. In response to the comments from the public hearing, the Planning Board and the applicant developed a new preferred plan which exceeds the goals of the Village and the Zoning regulation regarding conservation of land. **(See Figure 3: Reduced Scale Alternative.)**

DEIS Comment H.2.21: *In locating house sites, Step 2 advises, “Dwelling units should generally be located not closer than 100 feet from Primary Conservation Areas.” Therefore, not only should houses not be proposed on slopes greater than 25% such as within the aforementioned lot #37, they should also be located 100 feet distant from them, as well as from wetlands. The DEIS notes as a benefit of the proposed plan that structures will be located at least 30 to 80 feet from the edge of wetlands, but this distance is not in compliance with the guidance in the Zoning Code that this distance be 100 feet.* **(Gross)**

DEIS Response H.2.21: See DEIS Response H.2.20.

DEIS Comment H.2.22: *In regard to Purpose #2, the DEIS also claims compatibility by stating, “The area being preserved is the stream, wetlands, and forested setting around the wetlands with a buffer that ranges from 30 to 80 feet, as measured from the edge of the individual home lots.” As noted earlier, Section 145-29 states that dwelling units should “be located not closer than 100 feet from Primary Conservation Areas,” which then means that the 30 and 80 foot distances cited are insufficient to satisfy the requirements of the Village of Warwick Zoning Code for a cluster subdivision. It is also incorrect for the DEIS to state that the buffers preserve the “forested setting around the wetlands.” As also noted earlier, a significant portion of the “preserved buffer” will not be preserved in its “forested” state. Much of the natural vegetation in the buffer will be completely removed in order to regrade and build up berms right up to the edge of the wetland for the construction of two large stormwater detention ponds. Much of what should be a preserved natural buffer as per the requirements of the Zoning Code will also be occupied by pavement and the fill slope of the subdivision road, encroaching as close as 20 feet from the wetland edge. In fact, almost all of the encroachment on the wetland is from the roadway or the detention ponds, which is eliminating the majority of the required 100-foot natural buffer. Only two houses would encroach directly on the wetland. Rather than the homes being in a range from 30 to 80 feet from the wetland, the truth is that one home is about*

30 feet away, and the other is about 80 feet away. The areas occupied by the detention ponds provide zero forested buffer, and as little of 20 feet of forested buffer would exist between the subdivision road and the wetland.(Gross)

DEIS Response H.2.22: See DEIS Response H.2.20.

DEIS Comment H.2.23: *The statement that the proposed cluster subdivision “places homes and lots further away from the stream and wetlands than what was previously approved in the 28-lot subdivision” is misleading in implying that the current proposal provides better protection to the wetland resource onsite. In comparison to the approved 28-lot subdivision, little, if anything, is gained. In fact, in many places, the 28-lot subdivision provides greater protection to the wetlands than does the cluster proposal. Where, adjoining Woodside Drive, the cluster proposal shows a detention pond completely eliminating the wetland buffer up to the wetland edge, the 28-lot subdivision instead shows a residential lot with a house situated approximately 90 feet from the wetland edge. North of this lot, with the exception of the riprap outlet, the bermed edge of a stormwater detention pond in the 28-lot subdivision is about 50 feet from the wetland edge. In the same area where the cluster proposal shows the subdivision roadway 20 feet from the wetland edge, the 28-lot subdivision instead proposes a residence situated at the edge of a 50-foot buffer, and a protective post-and-rail fence proposed at around 40 feet from the wetland edge. Two other detention ponds further north are situated away from the wetland edge, with the closer of the two about 20 feet from the wetland, except again for the riprap outlet. The detention ponds shown in the cluster proposal are situated 0 feet from the wetland edge. While the 28-lot subdivision is more impactful on the wetlands in other areas, such as resulting in more wetland fill due to two road crossings rather than one, based on these comparisons, it is clear that the cluster subdivision proposal utterly fails to satisfy the stated goal to provide superior protection to the wetland resource over the conventional subdivision.* (Gross)

DEIS Response H.2. 23: See DEIS Response H.2.20.

DEIS Comment H.2.17: *Additionally, as the cluster subdivision proposes home sites within areas with slopes in excess of 25%, it is disingenuous to refer to these as “areas that are more developable.”* (Gross)

DEIS Response H.2.17: See DEIS Response H.2.20.

DEIS Comment H.2.18: *The plan fails to identify slopes over 15% percent as required.* (Cassidy)

DEIS Response H.2.18: The requirement that identified all slopes over 15% is part of the preliminary step in the process outlined in Section 145-29,E. “Cluster Subdivision Design Process” of Warwick’s Zoning Law. This information was provided to the Planning Board at the

beginning phase of this process. This information was also provided in the SEIS for the Reduced Scale Alternative Plan. This information does not restrict development on sloped areas, however, it provides general information of the topography of the site. The 4 step process described in 145.29.E.3 only requires that 25% slopes be shown to guide the development of the Primary and Secondary conservation areas.

DEIS Comment H.2.19: *The plan fails to show the existing tree line as required. (Cassidy).*

DEIS Response H.2.19: As described in Section III-F of the DEIS, significantly large trees are limited to areas in the wetland area or within the steeply sloped areas between the wetlands and Locust Road that were not cleared for farming. These areas will remain undisturbed in the **Reduced Scale Alternative shown in Figure 3**. Habitats on the property are typical of areas that were cleared for farming, then allowed to regrow naturally and dominated by evasive species.

DEIS Comment H.2.20: *Page 65, Paragraph 2: “3. To provide multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings and sites, and fieldstone walls.” In showing compliance with this goal, the DEIS cites an increase of preserved open space from 2.8 acres to 6.8 acres, but much of what is being set aside as a “preserved open space” is not being preserved, but rather is being cleared, graded, and utilized for stormwater management. (Gross)*

DEIS Response H.2.20: The proposed areas of disturbance would be limited to areas of construction and will be delineated as required by state law in accordance with the SWPPP and filed construction plan.

DEIS Comment H.2.21: *As just discussed above, the statement, “The previous design had more encroachment on the wetlands and stream, thereby increasing the potential of disturbance and inappropriate use by residents,” is misleading. (Gross)*

DEIS Response H.2.21: The comment no longer applies with the change of preferred plans. The new plan maintains a 100-foot buffer from the Stream and Wetland, and does not include any stream crossings, and sets aside almost 50% of the property under a conservation easement. **(See Figure 3: Reduced Scale Alternative.)**

DEIS Comment H.2.22: *The next statement, “The advantage of the open space cluster design over the previous plan is that its allows for areas that are more developable to be used for smaller home sites, in trade for a plan that better preserves the natural beauty of the stream habitat, which is the most in need of protection” is also incorrect in that, as discussed, the “natural beauty of the stream habitat” is not being preserved. (Gross)*

DEIS Response H.2.22: See DEIS Response H.2.21.

DEIS Comment H.2.23: *Page 64, Paragraph 4: “1 To provide greater economy, efficiency and convenience in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required.” The DEIS cites a reduction in road length of 200 feet as showing compatibility with this purpose. The actual length of roadway proposed, as provided on DEIS page #12, is 2950 feet. The length of roadway approved for the 28-lot subdivision is 3120 feet. The reduction of roadway is therefore 170 feet, not 200 feet. The difference of 170 feet represents a very minor 5.8% reduction in road length. In exchange, the project sponsor is seeking approval for 17 additional units, a gain of 60.7%. This lopsided gain for the project sponsor in exchange for such a minor reduction in road length is not consistent with the stated purpose. (Gross)*

DEIS Response H.2.23: This comment is no longer applies, since it is based on the 45-lot Cluster Subdivision Plan. The new preferred plan shown in **Figure 3** reduces the road construction in the Village to a greater extent than the previous plan, as shown in **Table 1** in this FEIS.

DEIS Comment H.2.24: *Page 66, Paragraph 3: “6. To implement policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Village Comprehensive Plan, including provisions to create a greenway trail system and other areas for active or passive recreational use for the benefit of present and future residents.” The failure of the cluster subdivision proposal to offer any real increased protection of the stream corridor and wetlands has been discussed previously, as has the failure of the proposed layout to avoid the disturbance of very steep slopes. An amount of land is proposed for preservation in the center of the site, but the configuration of this land provides no possible connection to adjacent offsite properties (already owned by the project sponsor) to allow for a greenway trail system. This is largely due to the fact that the project sponsor is attempting to use the cluster provisions to achieve a windfall increase in the number of dwelling units rather than to actually avoid sensitive lands and preserve more open space as intended by these provisions. Foregoing an increased lot count in order to keep more land open in a natural state, and possibly provide for a greenway trail system to continue offsite, would be far more consistent with this particular goal than would the project as currently proposed. (Gross)*

DEIS Response H.2.24: The potential to connect greenways or trails was examined for this site. There are no trails nearby that could be extended onto the site. The wetlands on site contain a stream which continues upstream onto property controlled by the applicant in the Town of Warwick. Downstream portions of the stream have already been affected by prior development. No other area has special significance after examination of the features of the site.

DEIS Comment H.2.25: *Page 66, Paragraph 4: “7. To conserve scenic views.” The DEIS cites the “Views from Locust Street into the stream and wetland habitat be continued to be enjoyed by travelers of the street and residents of this subdivision” as compliance with this goal. However, as has now been repeatedly pointed out, the proposed 45-lot cluster subdivision will greatly impact this natural stream and wetland habitat, and provides no real advantages in this regard over the approved 28-lot conventional subdivision. (Gross)*

DEIS Response H.2.25: This comment no longer applies with the change in preferred plans. Also see Table 1 for a comparison of the proposed plans. The new preferred plan illustrates the maintenance of a 100-foot buffer from structures and home lots from the wetlands and streams on the property. See **Figure 3: Reduced Scale Alternative**.

DEIS Comment H.2.26: *Page 66, Paragraph 5: “8. To promote development in harmony with the goals and objectives of the Village Comprehensive Plan.” As has been stated several ways above, the proposed cluster plan fails to achieve the stated goals and objectives of the cluster provisions, and by extension, those of the Village Comprehensive Plan. (Gross)*

DEIS Response H.2.26: The statement is the opinion of the commenter. In the Planning Board’s opinion, the new preferred plan, which was developed in response to public comments, meets the goals of the zoning code and Village’s Comprehensive Plan. See **Figure 3: Reduced Scale Alternative**.

DEIS Comment H.2.27: *Page 67, Paragraph 4, etc.: [In the transcript on Sept. 20, 2018 Mr. Gross discusses the validity of permitting the additional lots and stated that the lot count should have been based on the Yield Plan of 28 lots]. The lot count for a cluster subdivision is based on a yield plan that determines how many dwelling units could be achieved via a conventional subdivision. In this case, that purpose is served by the approved subdivision for 28 lots. As provided for density calculations for cluster subdivisions, however, this number “may (emphasis added) be increased to the maximum number of units that will fit on a parcel while maintaining all setbacks required herein and maintaining a minimum lot area of 10,000 square feet.” The DEIS incorrectly states that the number of lots “are based on” this maximum, but left out the phrase “may be increased to the” preceding “maximum number”. The DEIS is therefore very misleading, and implies that increasing the lot count in this manner is a requirement of clustering. This is far from the truth. Rather, any increase in lot count over that determined by the yield plan is at the total discretion of the Planning Board, which in the alternative, may also determine that an increase in the number of lots would be contrary to the purposes of clustering, especially as it pertains to preserving sensitive environmental features. (Gross)*

DEIS Response H.2.27: See DEIS Response H.2.28.

DEIS Comment H.2.28: *Along with the removal of lots [5,14,26-33, 37,40,44,and 45], the section of the proposed roadway that crosses slopes in excess of 25%, just uphill of the Locust Street entrance, should also be removed. As there is a requirement for two points of access for the subdivision, it is recommended that the entrance from Locust Street be shifted to the other entrance point approved for the 28-lot subdivision, which is directly across from the southern Valley View/Locust Street intersection (shown on the next page with gray lines). This placement will create a four-way intersection with Locust and Valley View Roads, provide better sight distance than the currently proposed entrance point, cross the wetland at one of its narrowest points, and avoid construction on slopes in excess of 25%. The original access road can be converted to a cul-de-sac extending eastward from the subdivision's main road (shown on the next page as a gray circle). This will also greatly reduce the length of roadway required when compared to both the approved 28-lot subdivision and the current proposal. Combined with the elimination of at least 14 lots, the area of disturbance and impervious surfaces will also be significantly reduced, all while still allowing the applicant an increased number of dwelling units than originally approved. (Gross)*

DEIS Response H.2.28: The detailed description referring to the plan details no longer applies with the Change in preferred plans. In response to public comments, the Planning Board requested a new plan that created more conservation areas, which lead to the development of the new preferred plan, shown in **Figure 3: Reduced Scale Alternative**. The new plan increases the buffer from the streams and wetlands and will place almost 50% of the site under a permanent conservation easement.

DEIS Comment H.2.29: *Page 28, Paragraph 4: The DEIS states, "The implementation of the proposed action, or the construction of the proposed 45-lot single family subdivision as proposed, would be like other single-family subdivisions in the area." This statement is certainly not true of the immediate neighborhood surrounding the proposed project. The 21 closest homes lining Woodside Avenue are on lots that average 49,941 square feet, or 1.15 acres. This is nearly five times the size of the lots proposed for the Village View Subdivision. Single family homes on Locust Street sit on lots averaging 0.89 acres, nearly four times the proposed lot sizes. Even lot sizes on Valley View Circle, which are considerably smaller than most others in the neighborhood, are generally 0.34 acre or above. This is close to 1.5 times the proposed lot sizes. It is therefore unclear by what measure the proposed subdivision was compared to "other single-family subdivisions in the area." The compatibility of the proposed subdivision should be judged within the context of homes within the neighborhood of the proposed project. (Gross)*

DEIS Response H.2.29: The commenter does not note that although the lots are larger on other properties, there is no set aside for dedicated open space, and that these other lots in adjacent subdivisions were developed prior to the adoption of the comprehensive plan and

adoption of the zoning provisions, which now encourages the reduction of sprawl and encourages a variety of homes to encourage diversity. Regardless, these homes will be similar in size to other new homes in Warwick. Individual house lots vary within the Village depending on the age of the home. For example, there are home lots adjacent to the downtown that are smaller than 10,000 square feet. The overall density of this proposal per acre is just under .5 acre per dwelling unit.

I. School Services

1. Comments from SEIS Public Comment Period

No comments were received for this section of the SEIS.

2. Comments from DEIS Public Comment Period

DEIS Comment I.2.1: *School District: We are concerned that the estimated 21 new students entering the school system is completely unrealistic for a proposed 48-unit development. If, as is highly likely, more students enter the school system this will have negative fiscal implications for the school system. We respectfully request that the fiscal implications be recalculated with a more realistic estimate of the number of new students entering the school system. At the June 21st Planning Board meeting, Mr. Getz challenged some of the assumptions in the Fiscal Analysis. Question: (To be addressed by the board and incorporated in the DEIS) Will the board perform a new, more realistic calculation of the fiscal implications? If not, why not? (Dempster)*

DEIS Response I.2.1: The discussion with Mr. Getz was focused on the Village Taxes, and the difference between Table III-J-1 and III-J-2 in the DEIS. The property is currently exempt from Village Taxes to the general fund because it is a vacant property. The analysis is consistent with the number of school children generated from households in the Village of Warwick. **See DEIS Response I.2.3 below).** The new preferred plan reduces the number of homes and therefore would generate less school children than the previous alternatives.

DEIS Comment I.2.2 *Page 24, Paragraph 2: "The proposed 45 lots are to be used for the construction of single family detached dwellings, projected to have 4 bedrooms. Consistent with the latest census data, the project would generate approximately 2.29 persons per home, or 103 new residents, of which 21 would be school-aged children." The population projections are grossly underestimated. The DEIS incorrectly uses census data, rather than using demographic multipliers that are based on surveys conducted at specific housing developments of similar types and bedroom counts. Residential Demographic Multipliers developed by Rutgers University, Center for Urban Policy Research, for the State of New York (published 2006) project*

a 4-bedroom single family detached dwelling will generate 3.67 persons per home, or 165 new residents for the 45 proposed homes. Of these, 47 would be school-aged children (1.05 per home), more than double what the DEIS projects. (Gross)

DEIS Response I.2.2: See DEIS Response I.2.3

DEIS Comment I.2.3: *Assuming the cost estimate of \$25,022 per student in the DEIS is accurate, the actual fiscal impact of 47 new students on the school system would be approximately \$1,176,034, or about 2.23 times the \$525,462 estimated in the DEIS. Assuming the estimate in the DEIS of \$384,535 in school taxes to be generated by the built project is correct, the project would be expected to adversely impact the school district with a deficit of about -\$791,499. The DEIS also provides another figure; the amount actually to be raised by property taxes of \$16,445 per student. Assuming this figure is accurate, the projected number of students would generate a demand on school property tax revenues of \$772,915, which would still result in a deficit of -\$388,380. (Gross)*

DEIS Response I.2.3: The study by Rutgers characterizes populations is based on a study released in 2006, and likely based on earlier population data, which has less validity as it gets older. Using straight line demographic multipliers are accepted practice in areas where the population growth has been stable, and not subject to significant growth. For example, the Citizen's Foundation of Orange County prepared a 2012 Quality of Life Report which stated that the 2010 population of the Village of Warwick was 6978, which would have been based on an estimate since the numbers would not have been officially released at that point. The Census data reports that in 2010 the actual number of residents in the Village of Warwick was 6719, which was lower than projection reported in the Citizen's Foundation report. The new estimated 2018 population number is 6828 (for a total of 109 new residents over an 8 year period in the Village), despite the fact that there were 118 new single-family building permits issued between 2010 and 2014, according to city-data.com, which is based on census data and public records reported by communities. This decline in number of residents and students is felt in the school district as well. Despite the alternative analysis that suggests that the impact has been understated, the analysis conducted by the commenter does not take into account the declining population in number of school children per household and in the school in general, the state contribution per student to the district, the differences between the fixed costs of the school district and the ones that are associated with the student population, and the evidence of the school closure that indicates an attempted to lessen those school costs. In fact, between the time that the DEIS and the SDEIS was completed, the School District reported 70 less high school students in their annual report submitted to the NYS Board of Education.

In today's market, trends associated with the demand for larger homes do not automatically translate into more population or school children. More people have other use for the extra

bedrooms in the house, even if they are not occupied by children, such as a guest bedroom or home office for telecommuters or sole proprietors.

DEIS Comment I.2.4: *Page 81, Paragraph 2: As noted above, the methodology employed to project population is unacceptable within the industry. Population projections cannot be based on the overall population of Warwick divided by the number of housing units, as was done in the DEIS. Doing so does not take into account a myriad of factors, such as the fact that Warwick contains multiple neighborhoods comprised in part or entirely of senior citizen housing, which will have a high percentage of single occupancy units and no school-aged children. Even if the senior citizen housing was ignored, it is also clear that the 4-bedroom homes would be larger and would generate more school children than the average home currently in the Village. Using industry accepted demographic multipliers that were developed by surveying actual communities in New York State that are comprised of four-bedroom single family detached homes, the number of school children for the 45 proposed homes can be projected to be 52, approximately 150% greater than the 21 students estimated in the DEIS. (Gross)*

DEIS Response I.2.4: See DEIS Response I.2.3

DEIS Comment I.2.5: *The DEIS also calculates the available capacity of the school district by adding in the capacity of the Pine Island and Kings Elementary Schools, both of which are closed and therefore this capacity is not available. The DEIS then does go on to state that the current excess capacity without these schools is about 400 students, but leaves open a clear critical question by then using the phrase, “with less available capacity in the elementary school grades.” Accordingly, it is unclear whether the capacity of the elementary schools really is sufficient to handle the increased number of elementary school students that would be generated from the proposed project. In short, the analysis of the impact on the school district contained in the DEIS was incorrectly performed and is completely inadequate. (Gross)*

DEIS Response I.2.5: The comment in the DEIS was not meant to suggest that the district could create capacity by reopening schools, it was meant to illustrate the population trends of the school district. There remains enough capacity in the school district, even if all students were elementary aged children. However, this is not likely to happen.

DEIS Comment I.2.6: *Interestingly, in comparing the current proposal to the approved 28-lot subdivision, the DEIS reports the population projection for the approved project as 57 new residents and 12 school-aged children, despite the fact that the original DEIS for that project, using more accurate multipliers, estimated 113 new residents and 25 school-aged children. This error then in turn negates the impact assessments for any other calculations that are dependent on a reasonable population projection, such as fiscal impacts. (Gross)*

DEIS Response I.2.6: We disagree with the use of the multipliers as stated above and used corrected numbers more in line with the current thoughts on population projection for the region. We question the viability of use of methods for projecting rural/suburban populations that was developed over 12 years ago, based on size of the home and number of bedrooms. The use of the Rutgers multipliers would grossly overestimate the population of Warwick, which has been growing at a much slower pace, as indicated in the current census information for Warwick over the last 20 years. Also see **DEIS Response I.2.3.**

J. Fiscal Impacts

1. Comments from SEIS Public Comment Period

SEIS Comment J.1.1: *There were several questions about the Village's fee per additional lot – is it \$50,000 and where will that money be used? (This is more a question to the Village Board than Planning Board) (DG Summary-1)*

SEIS Response J.1.1: According to the analysis conducted by the county and adopted by the Village to justify the fees, the money would be added to the municipal budget to offset the impacts of additional residential units permitted beyond the base density as part of the 4 step analysis outlined in Section 145.29 Cluster Subdivision.

SEIS Comment J.1.2: *Why isn't the community preservation fund money being used to preserve this property? (DG Summary-2)*

SEIS Response J.1.2: The Community Preservation Fund money is a program authorized by the Town Board of the Town of Warwick. It is used to allow property owners within the Town to offer up the development rights to create a permanent open space easement on the land in exchange for money and tax abatements. It is voluntary, and farm owners within the Town have taken advantage of this program. This program is not available to the developer of the subdivision before the Village Board.

SEIS Comment J.1.3: *The DEIS discussed this issue referencing the alternative plan. The current plan provides a greater number of "affordable" dwellings similar to the previous alternative plan yet provides no discussion of the nature of those dwellings. Also, by distributing the number of bedrooms by a mix of number of bedrooms in the single-family dwellings can allow for a greater number of "affordable" dwellings. (VB-8)*

SEIS Response J.1.3: The number of bedrooms within the homes is planned to be consistent with the market demand. Although it is true that family size has generally decreased, more people use additional unused bedrooms as a home office, hobby rooms and guest rooms. The homes on the lots are custom built. Even though the exteriors may share a common aesthetic, the interior of the homes will reflect the tastes and budgets of the individual buyers.

SEIS Comment J.1.4: *In J. Fiscal Impacts the applicant failed to recognize the tax implications of the change in housing type from one dwelling on a single lot to the revised layout which includes 10 dwellings on a single lot (resulting in a condominium ownership structure). The tax structure of those two types is calculated differently and would result in a decrease in tax revenue for the 10 dwellings on a single lot. The applicant should calculate the difference in taxes under the new plan and mitigate the loss in taxes and whether there is a resultant decrease in services. A final decision on whether to allow this ownership structure would require the input of the Village Board. (VB-6)*

SEIS Response J.1.4: A reduction of the taxes paid per individual dwelling would help to keep the homes affordable, which the board has shown concern. The Village Board is correct to point out that the Condominiums would most likely be assessed at a lower rate. In accordance with data available online for similar condominiums in the area, taxes are assessed by useable square footage, at a rate of about 1/3 to 1/2 of the average new single family home. Therefore the taxes generated by the sale of the homes and condominiums would be correctly reduced by 4,500-7,000 per year for the total taxes for each unit, in which the Village would receive about half (general budget and special districts included). Taxes generated by the homes would average about Our research indicated that taxes were higher for units that were in a Townhouse style, and most of the Condominiums researched were small units of less than 1500 square feet.

SEIS Comment J.1.5: *The DEIS on page 84 states that the Village "receivers approximately \$89,594,537 raised by property taxes" based on the 2017-18 Adopted Budget, This number is in error and the correct number is 3,304,264,51 (VB-7)*

SEIS Response J.1.5: The number provided by the Village Board is correct. The first number \$89,594,537 was the combined value of the assessed property reported in the budget for that year. The analysis was based on budgeted items for each taxable service district, and not on total budget, so there is no need for correction of any other section of the DEIS or SEIS, other than the taxes generated by the proposed condominiums in the Village View Project. Even with the reduction of taxes generated from the project, on the whole, the project generates sufficient tax resources to pay for its fair share of residential services.

SEIS Comment J.1.6 *Have our local Emergency Responders, i.e. fire, police, and ambulance, been engaged in the Village View development discussions? What about the DPW? If not, I believe it is critical that they are. The addition of app. 67 homes in the combined development will put significant stress on our already under-staffed volunteer firefighters, volunteer ambulance and the police force. In addition, as has been discussed in all the proposed plans, the roads, intersections, grading, and other factors could present real challenges for these groups in the event of an emergency situation and during times of inclement and dangerous weather. (Mayer, 1)*

SEIS Response J.1.6: Other local service providers have had the opportunity to comment on the site plan since the beginning of the planning process. They are normally engaged by the project engineer who incorporates their suggestions into the site plan. As stated in the DEIS, the increase in residents is very small in terms of percentages when compared to the total population of the Village and Town of Warwick.

SEIS Comment J.1.7: *The developer is consistently challenged at \$50,000 per lot fee. The developer has previously requested a waiver or reduction of this fee. These monies are critical to support the infrastructure and if waived will set a precedent that would have longterm detrimental impact on Warwick. I been a part of the meetings with the planning board, but I read some of the letters about it, that the company that did the math on all that said that it would be detrimental to the village 30 years down the road a fee charge was reduced from \$50,000. (Transcript, Mar)*

SEIS Response J.1.7: No response required.

SEIS Comment J.1.8. *And then the last thing that I've thought of is one of the planning board meetings last year, there was a mention of a fee per lot. And at that time there was a discussion, but they never really came up with what the fee might be if there would be a fee. (Transcript, D.Kipp)*

SEIS Response J.1.8: In accordance with current regulations, the applicant would have to pay \$50,000 per additional residential lot over the base density.

SEIS Comment J.1.9: *So we're wondering if [the fee assessed per lot would] cover in the event that the homeowner's association doesn't maintain their areas as they should. And then I guess the village might be able to use that money in the fund, but I don't know whatever came of that issue. We never heard it since then. So is that something that's still under consideration or you know, we're just wondering about that as well. [General discussion of the videos that she submitted covered in a previous comment that encourages the board to consider these videos.] (Transcript, D. Kipp)*

SEIS Response J.1.9: The Village would require that an easement be placed over the privately held infrastructure and open spaces on the property to allow them to be able to take corrective action and bill all property owners within the proposed HOA for the costs of the corrective action.

SEIS Comment J.1.10: *[B]ecause of your decisions to date, you're planning on destroying a community, you're planning on taking away our privacy, your decisions will be lowering our property values. (Reynolds-4)*

SEIS Response J.1.10: The applicant has a right to develop land in accordance with the zoning code of the Village of Warwick. The development of this property was expected, since he has been negotiating a plan with the Town and Village for nearly 20 years. The responsibility of the Planning Board is to process the application in accordance with local laws, which have been

developed in accordance to the Village's adopted comprehensive plan. Property Values have increased in the Village of Warwick because of the demand for residents. The opinion of the commenter is their own opinion, and is not based on evidence.

2. Comments from DEIS Public Comment Period

DEIS Comment J.2.1: *Page 83, Last Paragraph: In accordance with Comment 5, the analysis of impact on county services should be rerun using a projected project population of 165. (Gross)*

DEIS Comment J.2.2 *Page 84, Paragraph 4: In accordance with Comment 5, the analysis of impact on Village services should be rerun using a projected project population of 165. (Gross)*

DEIS Comment J.2.3: *Page 84, Paragraph 6: In accordance with Comment 5, the analysis of impact on Town services should be rerun using a projected project population of 165. (Gross)*

DEIS Comment J.2.4: *Page 85, Paragraph 1: As illustrated in Comment 47, the fiscal impact on the school district from the proposed project will result in a deficit, not a surplus. (Gross)*

DEIS Comment J.2.5: *Page 85, Last Paragraph: With at least school services, the additional population will exacerbate the already adverse impact discussed in Comment 47. (Gross)*

DEIS Response to Comments J.2.1 to J.2.5: See **DEIS Response I.2.3** in previous Section for Comments on the DEIS for the school impacts.

DEIS Comment J.2.6: *What is the price point of the homes? (Maher)*

DEIS Response J.2.6: According to the DEIS, the price point of the homes is expected to average \$400,000 per home. Pricing of new homes is dependent upon the market, and may vary from statements in the DEIS and SDEIS once built.

DEIS Comment J.2.7: *Page 28, Paragraph 5: The DEIS touts as a benefit that the project will keep the price of homes in Warwick low by providing additional housing stock. Specifically, it argues, "New homes also help to control the cost of living in popular communities like the Village of Warwick, by providing for a housing demand that could eventually put upward pressure on all housing costs as new residents seek homes. Increased demand on available housing results in making homes less affordable for everyone and pricing out more price sensitive members of their community, such as the young adults that grew up in Warwick, and now would like to establish home in this community." According to Zillow.com, accessed 10/11/18, the "market temperature" in the 10990 zip code is characterized as "cold" and is a buyer's market. The website further reports the median home value in 10990 to be \$314,900.*

The DEIS estimates the new homes would sell at approximately \$400,000, or 27% higher than the current median value of a home in Warwick. Especially considering that these homes would be on small 10,000 square foot lots (which should have lowered the estimated value), it is difficult to understand how there is a basis to claim that the proposed project will aid in providing housing that is more affordable to “more price sensitive members” of the community. (Gross)

DEIS Response J.2.7: Information provided on Zillow.com is anecdotal, and average costs of new houses is different than the average costs of all housing. Price of homes vary in the Village and Town of Warwick, based on the location, size and condition. The DEIS provided an average projected cost based on current market information as estimated by their marketing team. The price of individual homes will most likely be dictated by buyers preferences.

DEIS Comment J.2.7: *What is the tax structure for these homes, condos or townhouses? (Maher)*

DEIS Response J.2.7: Homes will be sold under private ownership to individual buyers and will be subject to taxation as a residential property.

DEIS Comment J.2.8: *Property Values. If the proposed development goes ahead it will result in a marked reduction in property values on Woodside Drive and Locust Street. This is unacceptable to those of us who have worked hard to be able to afford to live in the Village, to purchase our homes and to upgrade and improve them. (Dempster. Maher)*

DEIS Response J.2.8: There is no evidence to support this claim.

DEIS Comment J.2.9: *Question: (To be addressed by the board and incorporated in the [FEIS]) Will the board undertake a study to assess the negative impact of the proposed development on property values in the immediate neighborhood? If not, why not? (Dempster)*

DEIS Response J.2.9: The property is being developed in accordance with applicable zoning provisions, and will be single-family homes on individual lots, which is the same use as most of the surrounding property. These homes will be offered for sale at the market rate at the time they are built and be subject to taxes due from the individual home owners. Since the uses are similar, an assessment of the economic impact on surrounding homes was not deemed necessary.

K. Cultural Resources

1. Comments from SEIS Public Comment Period

No comments were received for this section of the SEIS.

2. Comments from DEIS Public Comment Period

DEIS Comment K.2.1: *Section III-K-1 notes that the State Historic Preservation Office recommended a Phase I Archeological Study and subsequently a Phase II Archeological Study. This section also notes that the file was closed. Appendix I of the DEIS included a copy of the Phase II Archaeological Study for the project. However, no correspondence or determinations from SHPO were included in the DEIS or Appendices. Appendix I also lists the project as 'Valley View Project,' while the project is the 'Village View subdivision. (DEC)*

DEIS Response K.2.1: The reference to the project as “Valley View” is a typo. The closed nature of this project indicates acceptance of the findings of Tracker Archeological Services, which found no significant historical or archeological resources on site, as stated in the report, after approval of the methods of study and examination by the SHPO office. In any case, the only area where evidence was found is within the conservation area, which will not be disturbed. No other action was deemed necessary.

L. Adverse Impacts that could not be avoided

1. Comments from SEIS Public Comment Period

No comments were received for this section of the SEIS.

2. Comments from DEIS Public Comment Period

DEIS Comment L.2.1: *Page 88, Paragraph 1: This analysis is simply incorrect. The project will clearly have adverse impacts that cannot be avoided. Any development of a naturally vegetated property will. These include the removal of forest and other vegetation, disturbance of steep slopes, filling in wetland, and more. This paragraph needs to be entirely rewritten. (Gross)*

DEIS Response L.2.1: **Section VI of the DEIS, Irretrievable and Irreversible Commitment of Resources** discloses the loss of habitat on the property. This has been reduced with the Reduced Scale Subdivision, which is now the preferred plan and will preserve almost half of the site.

M. Alternatives

1. Comments from SEIS Public Comment Period

No comments were received for this section of the SEIS.

2. Comments from DEIS Public Comment Period

DEIS Comment M.2.1: *Page 88, Paragraph 4: The description of the impact of the 28-lot conventional subdivision is exaggerated, with part of it greatly exaggerated. The DEIS states “This project approval included two crossings over the wetlands, and permanent loss of about a half-acre of wetland overall.” This statement exaggerates the wetland impact by more than 5x. In truth, the 2006 DEIS calculates the wetland disturbance to be only 4342 square feet (just under 0.1 acre), but only 3592 square feet (.08 acre) would be permanent. This is far less than a half-acre, which would be 21,780 square feet. The DEIS also states that “homes were closer to the wetland areas,” but as detailed in Comment 29, this is a half-truth at best, and doesn’t take into account the detention ponds that would remove all the existing vegetation within the preserved “open space” where they would be placed, with berms constructed with zero buffer at the wetlands edge. Finally, it is not likely that “the cost of the homes would be higher, since the cost of the infrastructure on the site would be spread over fewer homeowners.” Rather, the price of the homes would be set by market value, with any higher cost of infrastructure simply reducing the profit margin for the project sponsor. (Gross)*

DEIS Response M.2.1: this comment no longer applies, since it is based on the 45-lot Cluster Subdivision Plan. As a result of public comment, the **Reduced Scale Alternative (Figure 3)** demonstrates more preserved open space than the previous plan.

DEIS Comment M.2.2: *Page 89, Paragraph 2: As has been detailed in the preceding pages, there is much in the summary of the potential impacts of the preferred alternative that should be changed, starting with the characterization of what is a highly constrained property with severe limitations to development as a “highly developable property.” (Gross)*

DEIS Response M.2.2: The statement is the opinion of the commenter. The project property was once cleared and farmed and vegetation was allowed to regrow. In addition, the property has preliminary approval for a 28-lot subdivision, therefore it is developable.

DEIS Comment M.2.3: *Page 90, Paragraphs 1-2: The number of residents would increase from a projected 165 to about 172, and the number of school children would increase from 47 to about 51. The assessment provided should be reconsidered with these numbers in mind. (Gross)*

DEIS Response M.2.3: See DEIS Response I.2.3.

N. Irretrievable and Irreversible commitment of Resources

1. Comments from SEIS Public Comment Period

No comments were received for this section of the SEIS.

2. Comments from DEIS Public Comment Period

No comments were received for this section of the DEIS.

O. Growth Inducing Impacts

1. Comments from SEIS Public Comment Period

SEIS Comment O.1.1: *[Reading from the letter] Section two, growth and reducing impact. That was one of the things, growth and reducing impact. The homes rise in a reduced scale alternative, will have four bedrooms according to the SEIS. The addition of these homes would house approximately 96 residents in the village. So 42 homes with 96 people comes out to 2.29 people per home. Ha, ha, ha. There is no such thing in 0.26 okay. But anyway, she wants me just to read. All right. The numbers don't make sense. Any family purchasing a four bedroom home would be at least three people per home, which would be 128 but more likely people per home, which would be about 168. Some of these homes would include teenagers who are driving of course. Then add in the phase two which would add more people and therefore more cars. We got to look at stage two coming down the pike as well. (Transcript, G.Kipp)*

SEIS Response O.1.1: It is common practice for census statistics to be expressed in fractions of people per household, it is not meant to be interpreted as a fraction of a person living in a household. For example, two homes that have 3 people living in one household and 2 people living in the other household would average 2.5 people. The use of fractions ensures that population is expressed accurately. The average size of households has been declining in Warwick as the population as a whole has become older, and children move out and parents stay in their homes. In addition, more people are working at home (telecommuting or with a home business) and extra bedrooms are often used for this purpose. As a whole, this is reflected in the U.S. Census Data available for the Village of Warwick.

Although it is true that children who become teens are often provided with a car by their parents when they first start driving, not all children in a single subdivision turn into drivers at the same time. The traffic study accounts for these trips because it is based on evidence that includes studies of thousands of residential subdivisions studied by the experts in traffic generation.

2. Comments from DEIS Public Comment Period

DEIS Comment O.2.1: *Page 92, Paragraph 1: Once again, this paragraph should be rewritten utilizing a population projection of 165 new residents. This paragraph also understates the potential development of the additional 78.75 acres, which the project sponsor has admitted is his intention to develop following receiving approval for the current proposal. As stated earlier, the development of these parcels should legally have been considered within this DEIS. (Gross)*

DEIS Response O.2.1: See DEIS Response I.2.3

P. Effects on use and conservation of energy

1. Comments from SEIS Public Comment Period

No comments were received for this section of the SEIS.

2. Comments from DEIS Public Comment Period

No comments were received for this section of the DEIS.

Q. Other Comments

1. Comments from SEIS Public Comment Period

SEIS Comment Q.1.1: *I was told about the open spaces preservation in a way that made me believe the wooded area encompassing my property [51 Woodside Drive] was in fact that the 2008 approved development was completely hidden from me by the very same realtors that already had the deal of selling these future homes. I was totally conned. I spent every penny I've ever made to date based on the promise of a life in the woods within a historical village that contained preserved open spaces. I was sold the dream life! I planned on staying here forever, initially. I began renovating and restoring this 1870 farm house dumping money in that I will never be able to get out. I'm now currently heavily considering leaving Warwick because of Village View. It's been the most unpleasant year of constantly upset, otherwise lovely people, consumed with worry about the impending effects of the Village View Cluster Home Subdivision. Everyone but you and the developer are being absolutely realistic about the devastating impact this will have. (Reynolds-2)*

SEIS Response Q.1.1: The applicant has a right to develop land in accordance with the zoning code of the Village of Warwick. The development of this property was expected, since he has been negotiating a plan with the Town and Village for nearly 20 years. The responsibility of the Planning Board is to process the application in accordance with local laws, which have been developed in accordance to the Village's adopted comprehensive plan. The Planning Board and applicant are sympathetic to your concerns, however the new plan will provide open space on two sides of your property, the rear, and across the new entrance from Woodside Drive, and provide a large contiguous buffer for the stream along Locust Street. There is room to plant a visual buffer between the new road and the property line to soften your views. The reduced scale plan is a demonstrated improvement over previous plans in terms of reaching conservation goals.

SEIS Comment Q.1.2: *An adequate buffer zone is not currently in the plan. That's the house here [pointing to the map] And then you've got the drive [located near the new planned road on Woodside drive] that will make this intersectional look that congested, but you know, driveway, driveway, her driveway. And you're supposed to put some kind of a wall in or some kind of a stockade fence in to make the view better, which you know. (Transcript, Mar)*

Response Q.1.2: At this time there are no proposed walls of stockade fences proposed within the project.

SEIS Comment Q.1.3: *This is disgusting to say the least. I feel so duped by Warwick, boasting itself as a town of values while shady pocket lining deals like this one strangle the towns integrity and diminish the value of being here to current residents. You're so blinded and concerned by creating this addition for potential future residents but you're hurting all the ones who are already here. No one will want to be burdened with this high of taxes now that you're choosing to dissolve the value. There's no longview merit in your plans! Please, I urge you to reconsider the destruction of this community. I personally am terrified as one of the most if not the most directly affected property. This stress has affected my general happiness and well-being and made the decision to move here a regret. (Reynolds-8)*

SEIS Response Q.1.3: The applicant's plan has been deemed to be consistent with the current zoning regulations and provides the advantage of creating permanent open space on the property. The property across the new road from you will remain open space (part of the drainage system and will be landscaped once the project is finished.

SEIS Comment Q.1.4: *I live in Warwick because I love it here I do not want to see my quality of life destroyed. (Sinsabaugh,5)*

SEIS Response Q.1.4: See SEIS Response Q.1.1.

SEIS Comment Q.1.5: *[Summarized]The commenter asked about the home that was built on 75 Sleepy Valley Road on the applicant's property. He noted that the building of the house started*

that house in December of 2017 and remains unsold with an asking price of 600,000 for a 2500 square foot house. (Kerns, Transcript)

SEIS Response Q.1.5: This single-family house was built as a model home to demonstrate the style of home available to new purchasers. Homes that would be built by the applicant would vary in accordance to the needs of the purchasers, which is common practice for new homes. It is planned for a two-acre lot in the Town, and is served by a private well and septic. It is priced in accordance with the market values for new homes on similar sized lots. Sale of this house has not been actively pursued by the developer, but it will eventually be sold.

SEIS Comment Q.1.6: *I'm a new resident. Me and my wife recently purchased a house this summer not knowing any of this stuff up front. We're on Locust Street, 21. Guy [Kipp is] our neighbor. Basically, the two things that really kind of bother me especially being a fresh move in, one that would be the Warwick tax. You know, we paid a premium to come here. We really wanted to be here for that reason. We thought this is a great community. That's why we came in here. We wanted to be involved with everything here. So being involved in this is what's going to make us part of this community. Me and my wife walk our dog, right, two times a day up and down the Locust, Woodside, Crescent, all over town. It's something where there's been many times like a few other people mentioned two cars on the road were trespassing or almost getting hit. There's more times than not that we're having cars whiz by us. As a guy that's involved in the automotive world all the time, I can give you a rough guesstimate that they're going way faster at 25 miles an hour. It's a problem. One of the other questions that I had not been super versed on this, the 2008 plan, is this the last update to this? I'm asking. I don't know. Is there something newer? Whether it's traffic stops, whether it's water, sewer, any of this stuff. Is there a newer plan than this that's been presented then 2008 because I hear everybody talk about 2008 and it's 2019 I just want to know. [The date of the new plan and review was provided at the meeting as starting in 2017 and ongoing to the present date, last submitted as revised in November of 2019] (Transcript, Payne)*

SEIS Response Q.1.6: The issues with speeding would be the responsibility of law enforcement. **(Also see Section V.G. Traffic)** The Plan under consideration is the Reduced Scale Subdivision (See Figure 3), which a full set of plans including the SWPPP has been developed and being considered for approval..

SEIS Comment Q.1.7: *Well, the one other point was [referring to] the streets Locust, Woodside, there were events in the 2008 plan that don't seem to, that don't seem to be in this one. So, one questioned I had: You mentioned, the sidewalks that's within development. I just want to be clear with everybody that's in the room, those sidewalks are dumping onto the streets that don't have any sidewalks? (Transcript, D. Kipp)*

SEIS Response Q.1.7: The applicant is only proposing to put sidewalks on new streets within the subdivision, and is not required to construct streets on existing public streets outside the subdivision.

SEIS Comment Q.1.8: *The circulation list in the Notice of Acceptance PDF has the wrong address listed for the Town of Warwick (Town Board, on page 2 of 3) Please revised to 132 Kings Highway. (HDR, 12)*

SEIS Response Q.1.8: Materials were hand delivered to the Town municipal offices, but we will correct the address in future correspondence.

SEIS Comment Q.1.9: *Please give a history of why the entrance on Woodside was not originally considered in the twenty-eight (28) unit version and why was it changed? (VB-12)*

Response Q.1.9: The initial subdivision proposals for the Village View proposed an entrance to Woodside Drive as the main point of entry. In fact, the initial submittal had a single entrance to Woodside drive as the only access point with an internally looped road and future stub to adjacent land owned by the project sponsor. Because the Village Code requires two points of access for subdivisions of 20 lots or more, a second access point was provided to Locust Street. Subsequent to multiple iterations of these initial plans which depict the main access point to Woodside Drive, at the request of the Village, the main entrance to Woodside Drive was relocated to Locust Street. Doing so resulted in a second stream crossing and additional wetland impact. The relocation of the proposed Woodside Drive entrance to Locust Street was not due to any environmental constraints as some have claimed. In fact, the change resulted in added environmental impact. The relocation was also not due to traffic safety as the change resulted in the entirety of eastbound project traffic to travel through the Woodside Drive/Locust Street intersection. The change also resulted in the need to make significant improvements to Locust Street in order to improve sight distance.

The RSA that is the subject of this FEIS is proposed as a clustered type subdivision. One of the main objectives of clustering the development as to protect Primary and Secondary Conservation areas as permanent open space. The most significant Primary Conservation Area within the Village View site are the stream and associated wetlands. By returning the proposed entrance to Woodside Drive, and providing a second means of access through the Town property to Sleepy Valley Road, impacts to the stream and wetland are completely eliminated. The Woodside Drive entrance location also offers significantly improved safety with regard to vehicular movements due to the availability of sight distances to the north all the way to the Woodside/Locust intersection, and to the south for a distance exceeding 500 feet. Finally, the Woodside drive location allows for more gentle grading and less cut and fill of the proposed road as compared to the two stream crossings to Locust Street which require substantial fill sections.

SEIS Comment Q.1.10: *I would like the Planning Board to review the reasons that the entrance via Woodside was not permitted in the 2008 approval because I think that's important at this point, seeing as though that's the only access and the secondary access that would come through the project that goes in through the Town would ultimately... It's not Sleepy Valleys.*

That's why I want to know if it's Locust's or at the Sleepy Valley point. So that's something to be considered for the secondary access.

Response Q.1.10: See Response Q.1.9, above.

SEIS Comment Q.1.11: *The village adopted a more comprehensive master plan includes a strong suggestion if not a requirement for sidewalks. And I know that the sidewalks were taken off this project. And I don't know if they remained off, but it's just a question that I'd like to be considered. (Transcript, Patterson)*

SEIS Response Q.1.11: On the original cluster subdivision plan, known as the 45-lot plan, sidewalks were initially shown on both sides of the street. In an effort to reduce the amount of impervious area, consistent with the goals of cluster development, the Planning Board authorized the elimination of sidewalks on one side of the street. In response to subsequent comments received from the Mayor and Village Board, the present RSA plan proposes sidewalks on both sides of the street in areas where there are proposed dwellings. Sidewalk is not proposed in areas where there are no dwellings, such as on the north side of the entrance road from Woodside.

SEIS Comment Q.1.12: *No one will answer me about what's being done to preserve my safety and privacy. WHAT IS BEING DONE? Tiny well-spaced plants next to the road along the full length of my property [51 Woodside Drive] does nothing to protect me from the issues this community brings upon my home and investment. I need a full green buffer on my side of the property line sistered by a very tall secure wall blocking any trespassers or view of my property in addition to retaining all of the construction debris etc. from landing on my property. (Reynolds-10).*

SEIS Response Q.1.13: The applicant has indicated his willingness to meet with the commenter and discuss details of a planting buffer, and to ensure her safety and privacy during construction. The property boundaries and limits of construction would be staked in the field prior to commencing construction activities. The proposed landscaping shown on the plan consists of a double wall of Pine and Spruce to be staggered 10 feet on center.

SEIS Comment Q.1.14: *Additional Agency Referrals: Orange County Executive Order No. 4 of 2018 requires coordination among the three County Departments responsible for reviewing land development and associated permits, namely Planning, Environmental Health and Public Works. Due to the scale of the development and the connections to public water and sewer, the Orange County Health Department Division of Environmental Health will need to be consulted and approve portions of the project as it constitutes a "Realty Subdivision". (OCPD-2)*

SEIS Response Q.1.14: Comment Acknowledged.

2. Comments from DEIS Public Comment Period

SEQRA and Subdivision Review Process

DEIS Comment Q.2.1: *Lead Agency:* County Planning has no objection to the Village assuming Lead Agency status for this project for purposes of SEQR (OCPD)

DEIS Response Q.2.1: No Response necessary

DEIS Comment Q.2.2: *This project is undergoing a coordinated SEQR review. Once this Board renders its SEQR findings statements, all other agencies are bound by those findings and we are unlikely to be able to revisit SEQR if something arises in the future. It is essential that this Planning Board take the requisite "hard look" at all of the impacts (Cassidy)*

DEIS Response Q.2.2: No response necessary.

DEIS Comment Q.2.3: *The DEIS together with the layout of the proposed subdivision suggests that the applicant may be segmenting review. Under the SEQR regulations, the Planning Board must consider the entire set of activities or steps must be considered. Considering only a part or segment of an action is contrary to SEQR. 6 NYCRR 617.3(g). Here, the DEIS contains references to future development and calls for stormwater infrastructure uphill from the proposed site and further calls for road connectivity for future development. see DEIS pages 61, 62. The applicant owns significant additional acreage adjoining the site. (Cassidy)*

DEIS Response Q.2.3: The 28-lot subdivision plan also utilized property within the town in the same areas for stormwater management, because the placement of the ponds in this area achieved the best result for the plan, and achieved goals of providing better protection from flooding. The Town required a special use permit, which was granted, and has indicated a willingness to allow the same construction to occur. Management of the stormwater retention pond can be satisfactorily achieved with the use of dedicated easements, and this area would be deducted from developable area if and when a plan is presented to the Town Board. Connectivity to adjacent lots provides alternate routes of access through the subdivision, and alleviates congestion onto adjacent roads. These access points were provided for as a matter of good planning practices and are not required for the proposed subdivision, nor are they required for access to develop the lot in the Town of Warwick. All proposed options described in the DEIS, SDEIS and this FEIS share the stormwater plan and connectivity features. With the SDEIS, the additional development of the 76 acres became part of this SEQRA review, and development of the adjoining property in the Town was included.

DEIS Comment Q.2.4: *Page 16, Paragraph 3 reads, “The intent of SEQRA is to provide better information through the coordinated environmental review to the permitting agencies prior to approvals. This coordination helps to avoid irrevocable decisions that could occur during the permitting phases that could potentially cause unintended or lasting harm to our communities.” This is a true statement, but as required under SEQRA, the coordinated review must consider the “whole action,” which necessarily includes all the development that the project sponsor is contemplating to occur on the adjacent parcels within the Town of Warwick, and which would be dependent on infrastructure now proposed for the Village View project. In this case, the Town of Warwick Planning Board would be another agency included in the coordinated review.*

Quoting from the SEQR Handbook, “Reviewing the ‘whole action’ is an important principal in SEQR; interrelated or phased decisions should not be made without consideration of their consequences for the whole action, even if several agencies are involved in such decisions. Each agency should consider the environmental impacts of the entire action before approving, funding or undertaking any specific element of the action [see subdivision 617.3(g)]”

Specifically, the project sponsor is proposing the development of 20.3 acres within the Village of Warwick, but owns an additional 78.75 acres of adjoining land within the Town of Warwick. Some of this land is actually being developed for roadway and stormwater management purposes, but the DEIS fails to provide acreage estimates for this portion of the land, which should be considered part of this proposal. It is clear from the subdivision layout, which has the primary road terminating in a cul-de-sac placed on the adjacent sponsor-controlled land within the Town of Warwick, as well as multiple statements contained within the DEIS, that the project sponsor intends to develop his holdings within the Town at some future point in time, either in accordance with Town of Warwick zoning, or via a renewed annexation request, in accordance with Village of Warwick zoning. The future development of these holdings by the project sponsor is in fact acknowledged as a “growth inducing impact” of the current proposal on page 92 of the DEIS.

The segmentation of the development of adjacent portions of land under the control of the same owner into separate reviews is completely contrary to the intent of the State Environmental Quality Review Act (SEQR), and is prohibited except under limited circumstances. As defined in SEQR and in the DEC’s SEQR Handbook, segmentation is defined as “the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR.” The SEQR Handbook in fact specifically cites as an example a situation similar to the proposed project before the Planning Board. “There are two types of situations where segmentation typically occurs. One is where a project sponsor attempts to avoid a thorough environmental review (often an EIS) of a whole action by splitting a project into two or more smaller projects.” Given the obvious intent of the project sponsor to

develop this land, and the fact that the proposed layout currently being considered will actually enhance and encourage the developability of the Town lands, this Planning Board, as lead agency, must consider the impacts from the total potential development of the project sponsor's holdings, even though the approval authority will rest within another agency.

The consideration of this DEIS at this point, without any analysis of the potential development of the adjacent properties, is therefore premature and flawed. This SEQRA review should therefore be held open until this segmentation issue is rectified. Again, quoting from the SEQR Handbook:

“Segmentation is contrary to the intent of SEQR...The decision to segment a review must be supported by documentation that justifies the decision and must demonstrate that such a review will be no less protective of the environment...However, the ‘separate’ actions that a project sponsor may cite as being independent, unrelated activities needing individual determinations of significance, more often than not are linked either through application or proximity and therefore...subject to legal challenge if a segmented review was to proceed.”
(Gross)

DEIS Response Q.2.4: This comment no longer applies. With the review of the Reduced Scale Subdivision Plan, the Town Property was examined and included in the SDEIS. **Also see DEIS Response Q.2.3.**

DEIS Comment Q.2.5: *There have been many planning board meetings as well as village board meetings. Residents, board members and experts have raised very serious concerns about this development, some related to infrastructure, some related to safety, some related to quality of life, and others related to the environmental impact. This is the first cluster subdivision to be built since the new clustering law was past two years ago. The decisions made about this development will set a precedent for all future clustering. We must get this right. As of right now, there are serious concerns with the plans. It is my belief that because of these, the DEIS should have never been approved. Quite frankly, the DEIS and FEIS from 2008, which had many of the same concerns, should not have been approved, either. The planning, village and town boards are accountable for the decisions made about this development. Based on what we have heard, I am asking that this project go back to square one and the FEIS not be approved. We must get this right for the future of the village.* **(Maher)**

DEIS Response Q.2.5: The decision to approve the DEIS and SDEIS was based upon review of a number of consultants, and subjects that were required to be addressed in the DEIS were also subject to a public hearing and review by all involved agencies. The Planning Board has followed all laws regarding the SEQRA review of this application.

DEIS Comment Q.2.6: *The DEIS is highly deficient, and does not meet the standards required by SEQRA. The largest deficiency is that the SEQRA review is segmented, considering only the first*

phase of the project sponsor's intended overall development plans. The proposal itself is also flawed in that it fails to follow the instructions in the Village of Warwick Zoning Code for both determining a lot count and designing a layout that actually preserves the elements that the Code requires be placed into a Primary Conservation Area, and further to place residences 100 feet away from these preserved elements. Most importantly, no justification has been provided to the Planning Board as to why any number of units at all should be approved beyond the established base number of 28 units. Methods of analysis, such as in projecting population and assessing fiscal impacts, are also flawed, and fail to provide an accurate projection of potential impact. Rather than proceeding to a Final Environmental Impact Statement, the project sponsor should be required to bring the DEIS into compliance. This can probably be best accomplished within the framework of SEQRA by requiring the preparation of a Supplemental Environmental Impact Statement (SEIS). (Gross)

DEIS Response Q.2.6: The comment is the opinion of the commenter, and final determination of the need for additional studies is made by the Lead Agency, in this case the Planning Board. In this case the Planning Board determined that a SDEIS would be prepared to study an additional subdivision layout, called the Reduced Scale Plan, and include the impacts of the development of the applicant's holdings within the Town. **Also See DEIS Response Q.2.3.**

DEIS Comment Q.2.7: *Our neighborhood and our region is at risk by continued development. It is not in with what we all bought into by choosing to live in Warwick. I am concerned about the safety and impact on our neighborhood and myself. There will be a road abutted to my driveway which will make it dangerous even getting in and out of my property. My property as well as my neighbor's properties has beautiful trees and a wetland which provide a natural habitat for wildlife that is threatened by your development plans. I hope you will address the significant issues of environment, traffic water, sewer, visual impact and safety. If I had been made aware of this horrible development I would not have purchased my property or moved both my home and business here. (Reynolds)*

DEIS Response Q.2.7: The wetland the commenter is referring to will be preserved under a conservation easement, since it is entirely on the applicant's property. The configuration of the new entrance on Woodside Drive was designed in accordance with standards that create safe ingress and egress for all existing turning movements and well as the new subdivision. There is room to add trees to soften the look of this entrance from her driveway, and the applicant is willing to negotiate a pleasant buffer with the homeowner.

DEIS Comment Q.2.8: *We really kind of word of mouth heard that this was raising its head again after 10 yrs. and doubling it from 24 to 48 is a concern. [The commenter cited several concerns, including traffic, lack of sidewalks, and destruction of trees.] Are we supposed to be given notice that this is coming up by written information in our mailboxes? We just heard from word of mouth that this was actually happening so that is where my concern is. (Haag)*

DEIS Response Q.2.8: The notices for the DEIS public hearing were in the Warwick Dispatch as required by Law, and posted at the Village Hall and on the Village Website. In addition, if you live within 300 feet of a subdivision, you are mailed a notice for the public hearing on the subdivision.

Required Permits

DEIS Comment Q.2.9: *Additional Agency Referrals: The Orange County Executive has recently signed Executive Order No. 4 of 2018, requiring coordination among the three County departments responsible for reviewing land development and associated permits, namely Planning, Health and Public Works. Due to the scale of the development and the connections to public water and sewer, the Orange County Health Department Division of Environmental Health will need to be consulted and approve portions of the project (OCPD)*

DEIS Response Q.2.9: The Orange County Health Department Division of Environmental Health is listed as an involved agency.

Subdivision Design and Maintenance

DEIS Comment Q.2.10: *What is the acreage of the lots? (Cenot)*

DEIS Response Q.2.10: The lots are required to be a minimum of 10,000 square feet.

DEIS Comment Q.2.11: *Although the Planning Board has allowed the applicant to have sidewalks only on one side, we believe in the long run the neighborhood would be better served with sidewalks on both sides of the street. In the spirit of Complete Streets, a bike lane and street trees would be important additions. (V.Warwick)*

DEIS Response Q.2.11: The Planning Board is currently weighing the pros and cons of providing sidewalks on both sides of the street. Sidewalks were deemed necessary for only one side of the street and saves on impervious surface. Dedicated bike lanes were not considered necessary in a residential subdivision, since traffic is slower moving on a residential subdivision street. In addition, dedicated bike lanes would require a widening of the road, which would increase impervious surface.

DEIS Comment Q.2.12: *Will the public have access to the community, the open space, the roads? Would the public have access to land under the dedicated conservation easement? (Maher)*

DEIS Response Q.2.12: The roads will be dedicated to the Village of Warwick, and will be open to the public, just as any other public road. The open space is currently proposed to be part of the HOA, which will be owned by the homeowners of the subdivision and is not proposed as a public land.

DEIS Comment Q.2.13: *Is the HOA paying for the maintenance of the properties, roads, etc. or will services be provided by the Village of Warwick DPW? (Maher)*

DEIS Response Q.2.13: Dedicated public streets and infrastructure will be maintained by the Village. The HOA will be responsible for the maintenance of the open space and drainage areas and easements will be dedicated to the Village to allow the Village to take corrective action and charge the HOA and individual owners for the costs of repairs.

DEIS Comment Q.2.14: *Also, there's talks of building a bridge in order to cross the stream there. Who is going to maintain the bridge (Fragale)?*

DEIS Response Q.2.14: This preferred design, the Reduced Scale Subdivision, no longer includes a stream crossing, therefore this comment is no longer valid.

DEIS Comment Q.2.16: *The following comments were offered by the Planning Board Engineer, Dave Getz, P.E. after receiving revised subdivision plans from Kirk Rother, P.E.*

The 48-lot alternative plan includes 42 single-family dwellings and six affordable units. Three duplex buildings are proposed to provide the affordable units, which are shown on the plan on Lots 23, 24, 37, 38, 39, and 40.

2. *Information has been provided on street trees and street lighting on Sheet 3. The proposed number of trees should be identified. We recommend that the size of the deciduous trees should be 2 to 2-1/2 inches DBH because we expect that they will have a better survival rate than larger trees will. We also recommend that red oaks be included in the proposed mix of species, and that locust trees be omitted.*

3. *Additional information is needed on the proposed evergreen screening proposed along the road entrance near Woodside Drive: the species mix, size, and spacing. The same information is needed for the proposed detention basin plantings shown on Sheet 12.*

4. *Rain gardens have been added on Lots 9, 10, and 11 to provide treatment of runoff. They should also be provided on Lot 8.*

5. *The layout of the easement for Bioretention Area 2 should be adjusted to match the revised grading. An easement should be added for Area 3.*

6. *The fire department should be contacted to review the proposed hydrant locations. A detailed design of the proposed water booster station will be needed at the time that final subdivision plans are prepared.*

7. *Additional utility profiles should be provided with final subdivision plans.*

(Getz)

DEIS Response Q.2.21: All requested changes to the plans will be incorporated into the Plans as requested prior to final approval, as applicable to the new proposed plan, the Reduced Scale Alternative.

Annexation

DEIS Comment Q.2.22: *Annexation: The proposed stormwater management facilities and a small portion of the onsite easement road are located on property adjacent to the project site and under the same ownership but located within the Town of Warwick. If the applicant chooses to pursue an annexation, the County will support annexing the contiguous property into the Village. (OCPD)*

DEIS Response Q.2.22: No annexation of the Town property west of the subdivision is proposed at this time.

DEIS Comment Q.2.23: *... all of these concerns are exponentially magnified given the fact that there is a real possibility of this subdivision expanding with annexation of Town of Warwick property. We hope that the Planning Board shows concern for the current residents in this neighborhood who will be so negatively impacted by this proposed Village View subdivision. (Kipp)*

DEIS Response Q.2.23: See DEIS Response Q.2.22.

DEIS Comment Q.2.24 *In the Dispatch it talks about annexation of Town land of just a little sliver of ½ acre to avoid a road going over the stream. That is all it said. With that annexation of that little sliver the builder gets an extra lot. It is nice that he is not going to disturb the stream and do more DEC studies and so on but he is getting an extra building lot with that little sliver, which is not full disclosure. I read the Dispatch and it said nothing about an extra lot because of that. We all know what is coming, Phase 2, that little circle on the left hand side, that is not a circle, that is a road to go up to the next 70 acres. They are in the Town that is planned to be annexed in, I know we are not talking about that today but that is Phase 2 and if this happens that is next. So all of these issues that everyone is talking about drainage, flooding, and traffic is going to be three times the amount. I know that land very well, I live right across the street for over 20 years, I have been a homeowner in the Town of Warwick since 87 so I am familiar with what goes on. To go from 28 to 45, 48 condos/townhouses I don't think it is fair. I am looking for full disclosure, up front; tell us what it going on, no hiding slivers. (Schnabl)*

DEIS Response Q.2.24: The plan shows a little pie shaped area used for the road on the east side of the property. The annexation of this property is proposed to “square off” the property lines, so that the road going over it (which is proposed as a public road) will not require cross-agreements and easements between the Town and the Village of Warwick. The Town and the Village have agreed that this small annexation would be a benefit to both municipalities. Also See DEIS Response Q.2.22.

DEIS Comment Q.2.25: *One of my concerns I have with this project, to Mr. Gross's point about that this additional 80 acres that the developer would like to develop and add to the build. What you're looking at here is he wants to put in 40 something-odd houses here, multiply that for 20 acres. If you allow him to annex 80 acres into the village from the town, do the math. You're talking about over 200 cluster homes in an area of 80 to 100 acres that are all wet, that are highly sloped. I'd like to review what Mr. Gross said. You have to look into the totality of the 28 presentation here, which was approved for 28. There's a reason why you people approved only 28 way back when, because you probably took a lot more into consideration. You have to take into totality the whole project of what they are looking to do down the road. My main concern is this: what is to prevent them from taking their 20 acres, getting this approved from the village here, putting with Green Realty as they said they were going to do, but not have an ulterior motive? Hold on before they do it, get the approval for the 80 acres, and then turn this 100-acre lot that has 200 homes approved and turn it off to a closed community. Like [Bruderhoff, like Kiryas Joel], is that being allowed in the Village of Warwick? (Kearns)*

DEIS Response Q.2.25: The adjoining acreage owned by the applicant is 76 acres. **See DEIS Response 22.**

Marketing

DEIS Comment Q.2.26: *Is the development being marketed to any specific demographic, group or community? If so, who are they? (Maher)*

DEIS Response Q.2.26: There are no plans to market the homes to any specific demographic, group or community.

DEIS Comment Q.2.27: *Are there floor plans of the homes to see? Can we walk through the spec house? Will the homes have more than one kitchen? (Maher)*

DEIS Response Q.2.27: As the subdivision plan has not been approved, there is no spec house available for inspection by the public. There are no plans to have more than one kitchen in individual homes.

DEIS Comment Q.2.28: *What real estate agency will be marketing and selling the homes and to whom will they be marketing them to? (Maher)*

DEIS Response Q.2.28: Currently the Real Estate Agency planned for representing the owner once the construction is finished is the Green Team of Warwick. They will be marketed to qualifying individuals that would like to buy a house in Warwick.

DEIS Comment Q.2.29: *Are these considered homes, condos, or townhouses? (Maher)*

DEIS Response Q.2.29: With the current preferred plan shown in Figure 3: Reduced Scale Subdivision Plan, The Project consists of 32 single-family homes, and 5 Townhouses.

DEIS Comment Q.2.31: *During this time of political upheaval and uncertain interest rates, there is a chance that homes will not sell as fast as anticipated. How is the Village protected if the builder cannot or will not finish the project? How is the Village protected if the builder goes bankrupt? (Buckley)*

DEIS Response Q.2.31: Since the property is privately owned, the “protection” of the Village residents would extend to only those items that would cause immediate harm and endanger neighboring properties, such as the impact on stormwater management. The Village requires a bond to be in place as insurance to protect surrounding properties by paying for construction of facilities that would in affect protect neighbors from harm.

DEIS Comment Q.2.32: *[DEIS] Page 24, Paragraph 3: The estimated construction period is estimated to be 60 months, or five years. This is an extremely lengthy period of time, and the sheer duration of construction activities will create an adverse impact on neighboring landowners and neighbors. This impact needs to be identified and analyzed. Will the same construction hours be maintained throughout the life of the construction? Is any phasing being considered, or will the lots be developed in a more haphazard fashion? (Gross)*

DEIS Response Q.2.32: See DEIS Response Q.2.33

DEIS Comment Q.2.33: *I would like to know if the developer of the proposed Village View Project will have a time limit within which to complete the project. My property borders this proposed project and I can envision much disruption to the peacefulness and cleanliness of the neighborhood while the work is being done. (Buckley)*

DEIS Response Q.2.33: The most disruptive part of construction would occur with the grading and establishment of infrastructure (roads and drainage structures), but the disturbance caused by these activities will vary depending on the areas where construction crews will be working. After the grading is finished and roads established, the building of individual homes will be a less evasive process, since the building of the homes will be paced with sales.

DEIS Comment Q.2.34: *Also, should this project go forward, I would hope that they will not name any of the roads "Village View" as that will be adjacent to my current road "Valley View". I would expect a mail nightmare should this happen. (Buckley)*

DEIS Response Q.2.34: The final names of the streets are decided upon dedication to the Village. The Planning Board understands your concern and will take your request under serious consideration.

Other

DEIS Comment Q.2.35: *Question: (To be addressed by the board and incorporated in the DEIS) Why did Dr. Olsen make a motion, seconded by Mr. Gallo, to approve the DEIS when these*

concerns were still unanswered? Why did four members of the Board vote "aye"? Why did Ms. Boland abstain? (Dempster)

DEIS Response Q.2.35: Ms. Boland chose to abstain because she felt that she did not have enough prior knowledge of the application. She serves as an alternate Planning Board member.

DEIS Comment Q.2.36: *There was general discussion of the noticing of the public hearing in the July 19th 2018 Minutes.*

DEIS Response Q.2.36: The Planning Board and the Applicant's engineer responded to these questions, and indicated that the hearing was noticed properly in the Warwick Dispatch, and owners within 300 feet of the property would also be sent notices of the public hearing for the subdivision. The public hearing was noticed for the September 20, 2018, and the public hearing for the DEIS and the subdivision ran concurrently at that time.