

**Statement of  
Environmental  
Findings**

**For Village View Estates Subdivision and  
Site Plan Approval**

**Date Adopted: \_\_\_\_\_, 2020**

**Planning Board of the Village of  
Warwick**



## **SEQRA FINDINGS OF THE PLANNING BOARD OF THE VILLAGE OF WARWICK REGARDING THE VILLAGE VIEW SUBDIVISION APPROVAL**

Pursuant to the New York State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations, 6 NYCRR Part 617, (referenced herein as “SEQRA”), the Planning Board of the Village of Warwick, NY, as Lead Agency, makes the findings contained herein for the Proposed Action identified below:

**Name of Action:** VILLAGE VIEW ESTATES  
SUBDIVISION AND SITE PLAN  
APPROVAL

**Lead Agency:** Planning Board of the Village of Warwick  
Chairman James Patterson

**Mailing Address:** 77 Main Street  
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**SEQR Status:** Unlisted

**Date Final FEIS Filed:** Adopted (date), Filed on (date)

**Lead Agency Adoption of this Statement of Environmental Findings:** (Date)

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## **Section 1: Introduction**

This Finding Statement is submitted on behalf of the project known as Village View Cluster Subdivision Approval. This findings statement is for the approval of the proposed “Reduced Scale Alternative” cluster subdivision proposal for 33 lots, one of which would be used for 5 two-family units constructed as townhouses. The approval of this subdivision would create a total number of 42 new residential dwelling units with five of the dwelling units proposed as two-family. As proposed, thirty-seven residential structures would be built: 32 single family homes, and 5 two family town houses.

This “Reduced Scale Alternative” was the main subject of a Supplemental Draft Environmental Impact Statement (SDEIS) accepted for review on November 12, 2019, and for which the public comment period ended on December 20, 2019. The Supplemental Final Environmental Impact Statement (SFEIS), which was adopted by the Planning Board on August 11, 2020 and was filed on August 14, 2020, as required in accordance with Part 617 of the Environmental Conservation Laws of the State of New York (SEQRA). The Environmental Impact Statement is on file with the Village of Warwick Planning Department and is available online at the municipal website at <http://www.villageofwarwick.org>.

The environmental impacts of this project were studied under a Draft Environmental Impact Statement (DEIS) that was accepted July 19, 2018 and a SDEIS accepted November 12, 2019. (See Section 4 for further explanation). The public comments and Planning Board response are included in a single Supplemental Final Environmental Impact Statement (SFEIS), which was adopted on August 11, 2020. All documents prepared for this SEQRA process in connection with this application are hereby incorporated by reference.

## **Section 2: Project Location and Zoning Designation**

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 (Residential) 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 to the Village/Town line. Approximately 300 feet of the site fronts directly on Woodside Drive.

## **Section 3: Description of the Proposed Action**

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 a SDEIS accepted for

review on November 12, 2019, and for which the public comment period ended on December 20, 2019.

The entrances to the subdivision are to be constructed through the applicant's property holdings. The access within the Village would be constructed on the applicant's property from Woodside Drive. The other entrance would be constructed in the Town of Warwick with road access onto Sleepy Valley Road, approximately 700 feet from the Town/Village municipal boundary line. (Sleepy Valley Road and Locust Street are the same road and bear a name change at the boundary line.) 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.

An internal road network is 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 on the subdivision plans, 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.

As part of the public safety improvements for this project the applicant will provide a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project. The electronic speed radar sign will be dedicated to the Village after installation.

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 a 10% reduction in rate of stormwater run-off from the rates determined to be present in the existing, non-developed condition.

The Developer has agreed to construct a new operational sewer pump station immediately adjacent to the existing Robin Brae facility and dedicate it to the Village of Warwick. The replacement of this pump station will ensure that the sewer pump station serving this area will not be overburdened by the new residential units that will be constructed after cluster subdivision approval of this project. Upon being placed into service the existing pump station will be disconnected from service and removed by the Developer. The new facility will be dedicated

to the Village and, prior to the issuance of any certificates of occupancy for the residential units within the subdivision and prior to receiving sewer connection permits for new dwellings within the proposed subdivision, accepted by to the Village. A Developer's Agreement will be executed with the Village of Warwick to memorialize the terms of the agreement including the Developer's agreement to bond construction, the construction of the facility to the Village's specifications, and dedication of the facility to the Village. To be included will be a provision for securing and delivering a construction/improvement bond for the facility as well as a maintenance bond that would be payable to the Village in the event the construction/ improvements are not completed by the Developer.

Construction of the project will likely begin in the Fall of 2020 after the SEQRA process and approval of the subdivision has been completed and all other involved agencies have issued necessary permits. Project construction will be conducted in accordance with the approved Stormwater Pollution Protection Plan approved and filed for this project.

## **Section 4: SEQRA Processing History**

This document, a Findings Statement, provides the Planning Board's findings on the potential environmental impacts studied during the SEQRA process of the Village View Cluster Subdivision. The findings consist of required mitigation that would be imposed on the applicant as conditions before, during, or after construction or occupancy of new buildings. These conditions are known in the SEQRA process as "required mitigation" and are built into the subdivision approval resolutions approved by the Planning Board prior to construction activities.

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 following **Section 4.1.**) To be designated lead agency, the agency declares its intention to be "Lead Agency." All involved agencies are required to abide by the required mitigation imposed by this Findings Statement. If another agency does not agree with the required mitigation imposed by this document, they must conduct their own SEQRA review. However, it is unlikely that this situation would occur, since all documents are sent to involved agencies and provided time to comment on each phase.

This SEQRA process included a DEIS and SEIS. The DEIS adopted on July 19, 2018 discussed a 45 Lot Residential Subdivision prepared in accordance with new zoning provisions adopted by the Village for cluster subdivision. After the close of the public hearing, a new proposed alternative plan was submitted for consideration, and the Board determined that the changes in the new Plan warranted study under a SEIS. A SDEIS was prepared and accepted on November 12, 2019 to discuss the new plan, known as the "Reduced Scale Alternative". This SDEIS was subjected to a public hearing, which occurred on December 10, 2019 and public comment period which ended on December 20, 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.

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 the 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.

As a result of the preparation and review of the SDEIS, the Final Environmental Impact Statement for the DEIS was postponed and it was agreed that the SFEIS would be written to address questions from the public comment period of the DEIS and SDEIS. The SFEIS was then adopted on August 11, 2020. Once the Reduced Scale Alternative Subdivision Plan plan has been approved by the Planning Board, all previous subdivision plan approvals would be abandoned for this property.

A timeline of the approvals of the documents for the Cluster Subdivision Plan appears below:

**May 18, 2017** Planning Board declared its intention to act as lead agency for this project.

**October 21, 2017:** Resolution confirming lead agency status.

**December 2017:** The Planning Board set a public hearing for the DEIS Scoping Document on January 18<sup>th</sup>, 2018.

January 18<sup>th</sup>, 2018, the Planning Board rescheduled the public hearing for February 15<sup>th</sup>, 2018.

February 15<sup>th</sup>, 2018: The DEIS scoping document was accepted by the planning board, with the condition that comments be considered for 10 days after the public hearing.

**July 19, 2018:** DEIS for 45-Lot Cluster Subdivision approved for distribution and public comment. This DEIS discussed 2 alternative layouts that were considered by the Planning Board: the originally approved 28 lot subdivision, and an alternative “affordable housing” subdivision layout of 48 lots.

**August 14, 2018** open of the public hearing on the DEIS

**October 18, 2018,** close of the public hearing on the DEIS

**October 28 2018** close of the public comment period on the DEIS.

**May 14, 2019:** letter from the Planning Board reconfirming lead agency stats and intention to study the Reduced Scale Plan.

**July 10, 2019** acceptance of Scope for SEIS, comments accepted until August 5, 2019.

**November 12, 2019** acceptance of the SEIS for public review.

**November 18, 2019,** date of filing of the SEIS, beginning of the public comment period.

**December 10, 2019,** open of the public hearing on the DEIS

**December 28, 2019,** close of the public comment period for the DEIS.

**August 11, 2020** acceptance of the SFEIS addressing public comments for the DEIS and SDEIS.

**[DATE NEEDED]** Resolution for Approval of this Findings Statement for the subdivision plan known as the “Reduced Scale Alternative” discussed as the preferred plan in the SEIS.



## Section 4.1: Involved Agencies:

The following agencies have approval authority for this subdivision application:

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 5: Findings and Mitigation Requirements

The following is the Findings of the Planning Board of the Village of Warwick regarding areas of impact studied in the DEIS, by topic as it is presented in the DEIS.

### Section 5.1: Soils, Topography, and Geology

According to the United States Department of Agriculture Soils Survey for Orange County, this property is part of the geological region known as the Hudson Mohawk Lowland. The property is dominated by Mardin Soils over most of the property, except for the portion of the property nearest to and running parallel to Locust Street. This small portion of the property is classified as Alden Silt Loam and is generally associated with the wetlands and stream present on the property. Soil testing for the previous subdivision proposal confirmed the presence and type of soils found on the Village portion of the property. The Mardin soils on the property were found suitable for development. The site is moderately sloping with the majority of the property being sloped 10 to 15% as described in the SDEIS on page 21.

The Village of Warwick Cluster Subdivision regulations applied to this property (145.29 of the zoning code) require that slopes over 25% be located and protected on the property for

construction. The SDEIS illustrates the slopes over 25%, and overlays proposed construction over the property. For the Reduced Scale Alternative Subdivision, areas over 25% are avoided for construction. In addition, the new development plan proposes that 44% of the area is proposed as permanent open space after construction is completed. No disturbance is proposed to occur within wetlands or streams on the property. A 100 foot buffer from the wetlands and stream area will also be maintain and undisturbed, except for a small amount of disturbance required to create hydraulic connections from the proposed stormwater basins described in the Stormwater Pollution Protection Plan for this project.

The Stormwater Pollution Protection Plan includes an Erosion Control Plan and construction sequencing as required by New York State Law. This plan has been reviewed and has found to be in compliance with New York State. This plan is summarized on pages 28-29 of the SDEIS for this project.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. The Reduced Scale Alternative Subdivision provides more protection of the open space than the previous plans and moves the development areas further away from high quality habitat. All other plans that were considered under this SEQRA process will not be included for further consideration and will be abandoned once preliminary approval has been granted.
2. Implementation and monitoring of the approved SWPPP for this project is a necessary element for controlling erosion during construction and controlling runoff from the site once construction is completed.
3. The requirement of the Village of Warwick to illustrate the reduction of runoff by 10% of the requirement of the SWPPP is necessary for this project and has been implemented in this project.
4. The Town of Warwick Planning Board reserves the right to review construction plans on individual lots within the Town during the process of their subdivision review.

No other mitigation is required for potential impacts related to Soils, Topography and Geology.

## **5.2: Ground and Surface Water Resources:**

The Village View Estates property lies entirely within the Wawayanda Creek watershed which is part of the Wallkill River Sub Basin and is ultimately tributary to the Lower Hudson River drainage basin. The site and lands upstream of it are the headwaters of an unnamed tributary, identified as Index #H139-13-61-9-21-1, which flows under Sleepy Valley Road to the north of the site, at the approximate Town-Village municipal boundary, then through the Village View property to discharge to the south under Woodside Drive via an eight foot wide by four foot high reinforced concrete box culvert. An intermittent spring is also located on the property with the spring only observed to flow during the wetter spring season. There are no other surface water sources associated with the Village View project or its immediate surroundings. The site also contains an area of federally regulated wetlands of approximately 1.07 acres, in which the stream is located.

The current plan proposes no disturbance to the current water resources on the site or connected to the site. The potential introduction of silt from construction activities or residential activities would affect the site if the SWPPP was not developed. However the SWPPP design is in compliance with the State and Village regulations and will be enforced by a qualified individual. Many nearby residents expressed increasing problems of flooding on individual properties along the water courses downstream from this site. In addition, public comments noted the possibility of a high yield well location on the site, and opportunities to develop this well would be foreclosed with the construction of the subdivision.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. The Reduced Scale Subdivision provides more protection of the open space than in any previous plan and moves the development areas further away from high quality habitat. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.
2. Implementation and monitoring of the approved SWPPP for this project is a necessary element for controlling erosion during construction and controlling runoff from the site once construction is completed.
3. The requirement of the Village of Warwick to illustrate the reduction of runoff by 10% of the requirement of the SWPPP is necessary for this project and has been implemented in this project.
4. The Groundwater resources study indicated many areas of potential well development nearer to the current water treatment plant within the Village. Therefore the opportunity to develop a well on this subject property is not required for maintaining an adequate water system.

No other mitigation is required for the impacts on Ground and Water resources surrounding the site.

### **Section 5.3: Wastewater Management**

As Discussed in the DEIS, the proposed lots are within the Village of Warwick's wastewater treatment service area. Based on an analysis performed in the DEIS and SDEIS, the plant has available capacity to serve the project. Connection to the existing sewer system requires the developer to pay hookup fees to the service district, and construct all connection. However, it was identified that the main sewer storage and pumping facility used in this area, called the Robin Brae pump station was insufficient to handle to the increased capacity anticipated by the development and in its current condition could not be relied upon to serve the needs of the new residents within the Village View Subdivision. A preliminary study was discussed in the SDEIS to determine how best to serve the needs of the project and project costs of construction. Four options are described, and the Village determined that from their point of view replacement of

the Robin Brae Pump Station would be the best solution. Without the improvements to the pump station the project would not be able to go forward.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. The Developer will construct a new operational pump station immediately adjacent to the existing Robin Brae facility and dedicate it to the Village of Warwick. Upon being placed into service the existing pump station will be disconnected from service and removed by the Developer.
2. A Developer's Agreement will be executed with the Village of Warwick to memorialize the terms of the agreement including the Developer's agreement to bond construction, construct the facility to Village specifications, and to dedicate the facility.
3. Included in the Developer's Agreement will be a provision for securing and delivering a construction/improvement bond for the facility as well as a maintenance bond that would be payable to the Village in the event the improvements are not completed by the Developer.
4. Preliminary Subdivision approval cannot be approved by the Planning Board until the Developer's agreement is fully executed.
5. The new facility will be dedicated to the Village prior to the issuance of any certificates of occupancy for the residential units within the subdivision and prior to receiving sewer connection permits for new dwellings within the proposed subdivision, accepted by to the Village.
6. There are no current arrangements with the Village to hook up properties developed within the Town of Warwick to the Village's Wastewater treatment plant, and the applicant will need to demonstrate that acceptable septic systems could be provided on individual lots in accordance with Town, County, and State regulations.

No other mitigation is required for the impacts on Wastewater Management.

## **Section 5.4: Water Supply**

As described in the DEIS under Section III-B, Water Resources, the Village of Warwick is located within an area well suited to providing high yielding wells that support its future water needs. The project engineer has indicated that improvements in the water pressure will be achieved via a booster pump station. The pump station will be offered for dedication to the Village of Warwick once placed into service.

Residences in the Town that would potentially be part of a future subdivision request are required to establish individual wells for potable water use. Wells established on the properties developed within the Town would be required to demonstrate that they would be able to serve the residential uses. There are no current arrangements with the Village to extend water service to the properties that will be developed within the Town.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. All new water lines and connections will be required to be reviewed by the Village and the Orange County Department of Public Health prior to be placed into service.
2. All individual wells within the Town developed for residential use will require approval by the Town and by the Orange County Department of Health prior to be placed in service.
3. No other Mitigation is required for impacts on the Water Supply.

## **Section 5.5: Stormwater Management**

The drainage from the property currently flows from the Northwest corner of the property and travels toward the lowest point on the site to an onsite creek and wetlands. Village View lies entirely within the Wawayanda Creek watershed which is part of the Wallkill River Sub Basin and ultimately tributary to the Lower Hudson River drainage basin. The characteristics of the Drainage Basin is more fully described in the SDEIS for this project on pages 37-38. Located on the project is a 1.07 acre federally regulated wetland containing a stream. This wetland and stream is not proposed to be disturbed.

Potential Impacts mitigated by the implementation of the SWPPP included potential erosion from construction activities and the introduction of pollutants from residential activities. The Reduced Scale subdivision plan reduces the overall disturbance within the Village and the stream and wetland are not proposed to be disturbed. In addition, this plan maintains a permanent 100-foot buffer from the wetlands, which will help preserve the quality of runoff attributed to the residential uses on this property. In accordance with Village regulations, the SWPPP is required to demonstrate a 10% reduction of runoff coming from the property post development. This will help to further protect downstream properties from flooding. The new SWPPP includes the construction of the road in the Town that will be serving as the secondary access. Parts of this parcel include stormwater drainage that benefits the Village View Subdivision. The SWPPP has been designed to accommodate future development areas in the Town, with the impervious surfaces estimated by the Developer. The development of the SWPPP to include the Town residential units will create a better overall management system for stormwater management of the Applicant's holdings within the Village and Town.

The public (specifically downstream property owners) expressed concerns of additional flooding, and described ongoing conditions with flooding on their properties.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. The Reduced Scale Subdivision provides more protection of the open space, which reduces the potential for impacts created by runoff from the site. The stream and the wetlands are not proposed to be disturbed. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.

2. Implementation and monitoring of the approved SWPPP for this project is a necessary element for controlling erosion during construction and controlling runoff from the site once construction is completed.
3. The requirement of the Village of Warwick to illustrate the reduction of runoff by 10% of the requirement of the SWPPP is necessary for this project and has been implemented in this project.
4. The Town of Warwick Planning Board reserves the right to review construction plans on individual lots within the Town during the process of their subdivision review to evaluate the impact on the Stormwater Management system created to benefit this project.
5. No other mitigation is required for potential impacts on Stormwater Management.

## **Section 5.6: Flora and Fauna**

As stated in the SDEIS, the site was examined by the project ecologist in 2019. New policy adopted by New York State focuses more on preservation of quality habitat known to be suitable to threatened and endangered species. The policy and its origin are also summarized in the DEIS. The most recent report prepared by the project ecologist can be found in Appendix C of this SEIS.

According to the New York State Department of Environmental Conservation, the project is potentially located near an area native to the New York State endangered Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*). Both species are protected under state law, and potential habitat requires protection or consideration so that natural roosting and nesting habits are undisturbed.

Once construction is completed, 44% of the site will remain undisturbed. This site includes the highest quality habitat associated with the 1.07 acre wetlands which contains a stream and a 100 foot buffer around the wetlands. The construction of the site is planned for areas that have been disturbed by prior farming activities and have regrown with a mix of trees and bushes, with many of the species considered invasive. .

The public expressed concern for the existing fauna that had been observed in and around the site, and perceived encroachment on high quality habitats.

### **The Planning Board finds that the following mitigation is necessary for this project:**

1. The Reduced Scale Subdivision provides more protection of the open space, which reduces the potential for impacts on local fauna that use the site for foraging and shelter. In addition, the higher quality forested wetlands and streams are better protected by the Reduced Scale Subdivision Plan. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.

2. The SWPPP and site plan landscaping plans are required to utilize native species of trees and plants. Use of native species will aid in the restoration of the lands that are protected to their natural vegetative state
3. To protect the endangered species Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*) the applicant will be required to cut trees between October and March so that summer roosts known to occur in the general area will be minimally disturbed.
4. No other mitigation is required for impacts on Flora and Fauna.

## **Section 5.7: Traffic**

A traffic study was performed to analyze the potential impacts of the project on local street infrastructure. This study, prepared by Creighton and Manning, LLP, is included in the SDEIS starting on Page 41. Area roadways were found to have sufficient capacity to handle the needs of the new development, and site distances were found to be achievable on both new intersections planned for Woodside Drive and Sleepy Valley Road.

During the public hearing, several residents expressed their concern about the safety of the streets, especially the narrow roadways, speeding along Locust Street, and drivers that ignored stop signs located at the intersection of Locust Street and Woodside Drive.

The Planning Board and the Village discussed several alternatives to address the safety of this road, including traffic calming devices on Locust Street. In addition, the Village increased monitoring of the roads in this area, and several citations were issued. As part of the public safety improvements for this project the applicant will provide a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project.

### **The Planning Board finds that the following mitigation is necessary for this project:**

1. The Planning Board finds that the Traffic Study has been prepared in accordance with the standards of the profession and sufficiently demonstrated the adequacy of the individual streets to serve the needs of the subdivision.
2. The incorporation of the striping and the electronic speed monitoring sign is a required element of the current site plan and is considered mitigation of the potentially unsafe conditions that exist in the area and are a required part of this subdivision plan. The plans also incorporated stop signs as traffic control devices for traffic exiting the new subdivision onto local roadways.

3. This traffic study assumed a total buildout of 25 lots in the Town and is included in this analysis. No further examination of traffic impacts is necessary with the condition that lots in the Town parcel not exceed 25 residential units.

4. No other mitigation is required for Impacts on Traffic.

## **Section 5.8: Land Use and Zoning**

All properties included as part of the Reduced Scale Alternative proposal are zoned residential (both Town and Village.) This project is proposed under the Section 145-29: Residential Cluster, which was applied to the property to create the Reduced Scale option. A discussion of the different layout options that were considered during this SEQRA process appear in the DEIS in Section III-H on pages 63-78, and in the SEIS in Section III-H starting on page 62, which focused on the current Reduced Scale Alternative as the new preferred layout. The Reduced Scale Alternative was developed after reviewing public comments on the DEIS to lessen the overall environmental impact of the project and create more preserved open space and avoid more sloped areas. With the new development of the Reduced Scale Alternative, the Town requested that the SEIS discuss the development potential of the Town property that is included in this application. The project engineer estimates that the maximum yield is 25 lots if clustering is applied.

The Reduced Scale Alternative provides for more preserved open space on the plan over and above what is required by Section 145-29: Residential Cluster. The code requires a 20% set aside, and this has been increased to 44%. In addition, there is less encroachment on slopes, and no development planned on areas with 25% or more slopes. The increase in the preserved open space concentrates on the side of the property that is nearest to Locust Street, allowing for natural views to be maintained along this roadway.

Public comment regarding the proposed subdivision plan centered on the analysis of the application of 145-29 provisions in the Village Code in the DEIS. Comments were considered by the applicant's engineer, and a more thorough discussion of the project's encroachment on slopes appears in the SEIS on starting on page 21. In addition the plan was changed to create more open space that would further benefit the wetland habitat and stream on the property.

### **The Planning Board finds that the following mitigation is necessary for this project:**

1. The Reduced Scale subdivision provides for the greatest amount of preservation of the quality habitat on the site, and preserves areas of 25% slope or more from development to the greatest extent possible, and has been determined to be consistent with Section 145-29 in terms of regulation and intent. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.

2. No other mitigation is required for impacts on Land Use and Zoning.



## **Section 5.9: School Services**

The proposed development site and the parcel proposed for the Town Road is in the Warwick Valley Central School District. The Warwick Valley Central School District is described in the DEIS in Section III-I, on starting on page 80, including enrollment figures for 2016-2017, which are updated in SDEIS and are discussed on page 65. Overall, School enrollment has declined, and the school has enough excess capacity to accommodate school children that would be living in the new homes constructed on this site. These projections were compared with the school district's budget, and an analysis of the impact of the costs to educate these children were provided. The SEIS states that, according to this study, sufficient tax revenue would be generated by the new homes to cover additional costs associated with the costs of educating new students generated by this project.

Public comment centered on the school child generation figures provided in the DEIS and the SDEIS. However, these figures are consistent with other current studies that examine and project population projections.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. School child generation as stated in the SEIS provides a sufficient basis for determining the impact on local schools.
2. No other mitigation is required for impacts on School Services.

## **Section 5.10: Fiscal Impact**

A fiscal analysis for the Village property appears in the DEIS, Section III-J, Fiscal Impacts, starting on Page 82. It analyzes the projected impacts of providing services to the new residents and the anticipated costs and revenues to each of those taxing districts. Since the decrease in number of units is minor for the Village (42 instead of 43 proposed units) this analysis was not updated for the SEIS. The impact would be nearly the same, and the study concludes that the new Village residents would pay taxes to cover their fair share of municipal services. All service districts have sufficient capacity to serve the residents in the Village and the Town without expansion. The SEIS included a preliminary analysis of the fiscal impact of the maintenance of the road created in the Town to serve the Village residents, since in the beginning properties would not be developed along the road, and tax generation would be at a minimum. It was determined that by the time that the road needed maintenance other than occasionally snow plowing, that the residential units within the Town would be built, and properties would generate sufficient tax revenue to pay for its share of the road. (For more detailed information on the fiscal impact analysis, please refer to the DEIS, Section III-J, Fiscal Impacts starting on page 82, and the SDEIS starting on page 66.)

Commenters questioned whether the costs to provide services would exceed revenue generated. However it was demonstrated in the analysis that the new properties would be assessed at a

higher rate than older housing stock within the Town and Village and all costs of providing services would be sufficient.

**The Planning Board finds that the following mitigation is necessary for this project:**

1. The Fiscal Impact analysis provided in the DEIS and SEIS provides a sufficient basis for determining the impact on local service districts funded by property taxes.
2. No other mitigation is required for Fiscal Impacts.

### **Section 5.11: Cultural Resources**

A Phase I and Phase II Archeological Study was conducted on the project area in June of 2007, and this study indicated that the site does not contain historical or archeologically significant resources, and files have been closed by the NYS Historic Preservation Officer, no impacts to cultural resources are anticipated from the proposed action. The original study is included in the DEIS under Appendix I.

Due to the access change in the project to include a road that would be built within the Town, the applicant engaged the services of Tracker Archeology Services in 2018 to provide an addendum to the original study to include areas of proposed disturbance in the Town of Warwick. This addendum is included in the Appendix I of the SEIS. It indicates that the archeological consultant did not find any artifacts after completing of the study, which included shovel testing in accordance with New York Historic Preservation Office standards. The project archeologist indicates that the area of disturbance is unlikely to yield any archeological evidence and recommends no further study.

No public comments were received regarding impacts on cultural resources.

**The Planning Board finds that the following mitigation is necessary for this project:**

No mitigation is required for impacts on cultural resources.

### **Section 5.12: Adverse Impacts that cannot be avoided**

The DEIS and SEIS stated that there are no impacts that could not be avoid through careful planning and design.

**The Planning Board finds that the following mitigation is necessary for this project**

No mitigation is required for Adverse Impacts that cannot be avoided.

## **Section 5.13: Alternatives**

The Planning Board examined several alternatives, including comparing it to the 28-lot subdivision that has preliminary approval on the Village View Property. Of all of the presented alternatives, the Planning Board has determined that, overall, this plan provides greater opportunities for site preservation, protection of habitat, and protection of sloped areas for a minor increase in the number of developable lots.

No specific comments were received regarding alternatives for this project, other than the general preference for a subdivision with a smaller development footprint and less approved units. The Reduced Scale Subdivision conforms 145-29 Residential Cluster Subdivision provisions.

### **The Planning Board finds that the following mitigation is necessary for this project:**

1. The Reduced Scale Subdivision provides more protection of the open space, which reduces the potential for impacts created by runoff from the site. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.

2. No other mitigation is required for impacts on related to alternatives.

## **Section 5.14: Irreversible or Irretrievable Commitments of Resources**

The DEIS and SEIS indicate that with all development, there are resources that would no longer be available when the development is completed, such as the undeveloped land and public services used to serve the residents once they are living within the development. This is true for any development. There is no extraordinary commitment of resources required for the construction or use of this property as a residential neighborhood.

No comments were received by the public for this issue.

### **The Planning Board finds that the following mitigation is necessary for this project**

No mitigation is required for impacts related to the Irreversible or Irretrievable commitment of resources to serve this project.

## **Section 5.15: Growth Inducing Impacts**

The addition of these homes would house approximately 96 residents in the Village and 77 residents in the Town. This represents only a 1.4 percent increase in the total current estimated population of the Village of Warwick, and .003 percent increase in the number of residents living in the unincorporated areas of Warwick.

A few public comments were received regarding the development of the Town parcel after annexation into the Village under a different zoning regulation. The applicant has abandoned these plans and annexation is not being considered by the Village or the Town.

**The Planning Board finds that the following mitigation is necessary for this project**

No mitigation is required for impacts related to growth inducing elements of this project.

### ***Section 5.16: Effects on Use and Conservation of Energy***

The homes will require electrical and heating services, typical of single-family homes. The service providers have available capacity and are willing to provide service. All homes will be built to incorporate energy saving water fixtures and be insulated in accordance with the building codes to be energy efficient.

**The Planning Board finds that the following mitigation is necessary for this project**

No mitigation is required for the effect on use and conservation of energy related to this project.

### ***Section 6: Certification of Approval of Findings***

After due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 6-17 of the relevant environmental impacts, facts and conclusions disclosed in the DEIS, SDEIS and SFEIS for the Village View Subdivision Approval, and in the entire record, and after weighing and balancing the relevant environmental impacts with social, economic, and other considerations set forth in the Findings Statement, and more fully evaluated in the specific findings on the preceding pages, the Planning Board of the Village of Warwick, as Lead Agency, certifies, for the reasons set forth in these Findings, that:

1. The requirements of 6 NYCRR Part 617 have been met and complied with in full;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the Proposed Action avoids or minimizes adverse environmental impacts disclosed in the DEIS and SDEIS to the maximum extent practicable.
3. Adverse environmental impacts revealed in the environmental review process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision, the mitigation measures, which have been identified in this Findings Statement in the previous sections in Section 5 in its entirety.

These Findings and all obligations set forth herein, shall be incorporated in any further approvals related to the Proposed Action of the Village View Subdivision approval and shall be deemed a part of any approvals given to the project.

These Findings shall be filed with the Planning Board Chairman to the Village of Warwick; the Mayor of the Village of Warwick; and all Involved Agencies as identified in the DEIS and SDEIS; and project Applicant.

A copy of the Findings shall be forwarded to and maintained by the Planning Board Secretary of the Village of Warwick such that they are readily accessible to the public and made available upon request.

Certified by the Planning Board of the Village of Warwick by Resolution adopted on (date of resolution)

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James Patterson, Chairperson  
Village of Warwick Planning Board  
77 Main Street  
Warwick, NY 10990

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Date