

**FIRST AMENDED  
FINDINGS STATEMENT  
State Environmental Quality Review Act**

June 14, 2022

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**JUN 15 2022**  
**VILLAGE OF WARWICK**  
**VILLAGE CLERKS OFFICE**

Pursuant to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act and its implementing regulations at 6 NYCRR Part 617 (collectively "SEQRA"), the Village of Warwick Planning Board, as lead agency, makes the following first amended findings related to the action noted below:

**Name of Action:** Village View Estates Cluster Subdivision and Site Plan

**Location:** 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

**Lead Agency:** Village of Warwick Planning Board

**Contact:** Jesse Gallo, Planning Board Chairman, Village Hall, 77 Main Street, Warwick, NY 10990, (845) 986-2031

**SEQRA Classification:** Unlisted Type Action

**Final EIS Filed:** July 28, 2020

**SEQRA Findings Adopted:** September 8, 2020

**DESCRIPTION OF ACTION:** Robert Silber, Village View Estates, LLC (the "Applicant" or "Project Sponsor") has proposed a residential subdivision and development on property 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 "Project Site"). The development includes construction of 28 single family residential dwellings with related infrastructure. In addition to the dwelling units, the Project includes the construction of a proposed public street, access drives, utilities, sidewalks, lighting, landscaping, reconstruction of the Robin Brae pump station, off-site traffic control devices, and related improvements (collectively the "Project"). The Project is proposed to be serviced by municipal water and sanitary sewer systems. The proposed street will be built to serve the Project. The street will be offered for dedication to the Village. On-site stormwater management will be provided for the Project as required by the Village and NYS Department of Environmental Conservation ("NYSDEC") stormwater regulations. The project will preserve significant open space which will be owned and managed by a homeowner's association to be formed and organized by the Project Sponsor.

**PROJECT HISTORY:** The Project was originally granted conditional final subdivision approval by the Village of Warwick Planning Board (the "Planning Board") on **July 17, 2008**, as a conventional 28-lot

subdivision. That approval has been extended numerous times by the Planning Board and remains in-place as of this date. Upon approval of the current project that prior approval will be abandoned by the Project Sponsor.

On **March 1, 2018**, the Applicant applied for an amended subdivision approval which sought a 45-lot cluster subdivision. On **October 12, 2021**, the Planning Board granted an amended subdivision approval for a cluster subdivision which at the time granted approval for 33 lots, one of which would be used for 5 two-family units constructed as townhouses. The approval of that 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 approval has been and continues to be referred to as the "Reduced Scale Alternative" cluster subdivision and remains valid as of the date of this Statement.

The Applicant is now seeking a second amended subdivision plan approval for the development and construction of 28 single-family residential dwellings with related infrastructure – the "Project" and incorporating thereon a cluster development concept plan. No bonus lots are being sought as part of the Project Plan. In general, the revised Project seeks to readjust the site layout and design so as to reduce the number of structures being constructed from 37 units to 28 and to reduce the amount of land being developed. Importantly, the Project will also provide a number of benefits by reducing environmental impacts over the subdivision/site plans that were previously approved. These benefits include the following, among others:

- 1) A reduction in 37 building structures comprising 42 dwelling units from the **October 12, 2021**, approved subdivision/site plan to 28 single family dwelling units under the Project plan;
- 2) Increase in the total amount of acreage being set aside as "open" space from 9.41+/- acres under the Reduced Alternative Plan to 11.55 +/- acres under the current Project Plan;
- 3) Further avoidance of wetland and stream impacts resulting from the increase in open space area;
- 4) Reduction in traffic impacts resulting from fewer residences being proposed under the current plan as compared to the previously approved plan;
- 5) Reduction in impacts on municipal water and sewer resources due to fewer residences being proposed under the current plan as compared to the previously approved plan;
- 6) Reduction in impacts on municipal services for fire and police protection due to fewer residences and therefore fewer residents requiring such services as is now being proposed under the current plan as compared to the previously approved plan;
- 7) Maintaining the previous agreement to upgrade the Robin Brae pump station.

**SEQRA FINDINGS STATEMENT:** On **September 8, 2020** the Planning Board issued its original SEQRA Findings Statement (the "Findings Statement") based upon its review and consideration of a draft environmental impact statement ("DEIS"), a supplemental environmental impact statement ("SEIS") and the final environmental impact statement ("FEIS") prepared to assess the potential environmental impacts of all phases of the Project including the original 28-lot conventional subdivision as well as the

Reduced Scale Alternative Subdivision. The original Findings Statement is incorporated herein by reference.

The Findings Statement concluded that: 1) The requirements of 6 NYCRR Part 617 had 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; and 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 (of the Findings Statement) in its entirety.

**1st AMENDED SEQRA FINDINGS:** As noted above, on February 2, 2017, the Applicant applied for amended subdivision/site plan approval to make certain changes to the layout of the Project Site and to incorporate therein a reduced scale alternative cluster subdivision. The SEQRA regulations provide that if subsequent project modifications or changes require the lead agency to modify its decision on a project (i.e., like issuing an amended subdivision/site plan approval), the original SEQRA Findings may be amended and filed. 6 NYCRR Part 617.11(a). An amendment of the original SEQRA Findings is now necessary to consider the potential environmental impacts of the Applicant's proposed changes as described above and in the Project's application materials (the "Project Plan").

The findings below consider the unavoidable impacts and areas of concern noted by the Planning Board in the original SEQRA Findings. Each impact and area of concern has been examined. Further, The Board has also considered all other potential environmental impacts of the Project beyond those specifically noted on the Board's prior SEQRA findings.

Based upon the Board's review it has concluded that the current Project will not result in any significant adverse environmental impacts. The Board further concludes that the Project actually reduces and further mitigates environmental impacts over those previously reviewed and approved for the Village View Estates Reduced Scale Alternative cluster subdivision/site plan. See Comparative Table of Project Impacts attached as Exhibit "A" hereto comparing the Project's impacts to those from the project approved on October 12, 2021.

On the current proposal, the Board has reviewed the previously made Findings as studied by the DEIS and SEIS to determine whether they are a matter of concern resulting from the new Project Plan. As to them the Board makes the following amended findings. The Findings made previous hereto are incorporated as though more fully set forth herein and are not repeated for brevity purposes.

**1. As to Section 5.1: Soils, Topography, and Geology**

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% were avoided for construction. In addition, the

Reduced Scale Alternate Subdivision plan proposes that 44% of the area remain as permanent open space after construction is completed. The new project plan proposes that 53% of the Project area remain as permanent open space after construction is completed. Like the reduced alternative plan, 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 maintained 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 proposed 28-lot cluster Subdivision Plan provides even more protection of open space than the Reduced Scale Alternative Subdivision plan and moves the development areas even further away from high quality habitat than the previous plans. 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.

The current Project Plan is even more protective of environmental impacts related to Soils, Topography and Geology than previously approved plans and no other mitigation is required for potential impacts related to Soils, Topography and Geology.

**2. As to 5.2: Ground and Surface Water Resources:**

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 current Project Plan provides even more protection of the open space than previously approved 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 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.
5. The reduction in developed areas will further reduce the impacts of the project on ground and surface Water Resources areas.

The current Project Plan is even more protective of environmental impacts related to Ground and Surface Water Resources than previously approved plans and no other mitigation is required for potential impacts related to Ground and Surface Water Resources.

### **3. As to 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 reduced alternative cluster subdivision project would not be able to go forward.

The current Project Plan calls for the Applicant to make the same improvements to the Robin Brae Pump station as that called for in the reduced alternative cluster subdivision.

**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 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.

The current Project Plan is even more protective of environmental impacts related to waste water treatment than the previously approved reduced alternative cluster subdivision because fewer homes will be serviced the pump station thereby freeing up capacity for other users outside the project and no other mitigation is required for potential impacts related to waste water treatment.

#### **4. As to 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 being 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 being placed in service.

3. The current Project Plan is even more protective of environmental impacts related to water supply than the previously approved reduced alternative cluster subdivision because fewer homes will be drawing upon the water aquifer for water resources and no other mitigation is required for potential impacts related to water resources.

**5. As to Section 5.5: Stormwater Management**

Potential Impacts mitigated by the implementation of the SWPPP include potential erosion from construction activities and the introduction of pollutants from residential activities. The Reduced Scale subdivision plan reduced the overall disturbance within the Village and the stream and wetland were not proposed to be disturbed. The current project plans further reduce the amount of ground disturbance which will further reduce the impact on potential erosion. In addition, the prior plan and the current 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 SWPPP includes the construction of the road in the Town that will be serving as the secondary access. That road is maintained as part of the current project. 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 imperious 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 Planning Board finds that the following mitigation is necessary for this project:**

1. The current project plan provides even more protection of the open space than the previously approved plans. The current plan further 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 the 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. The current Project Plan is even more protective of environmental impacts related to Stormwater Management than the previously approved reduced alternative cluster subdivision because fewer homes will be constructed and a lesser amount of land will be disturbed by the development and

construction and no other mitigation is required for potential impacts related to Stormwater Management.

## **6. 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. The current Project Plan is even more protective of environmental impacts related to Flora and Fauna than the previously approved reduced alternative cluster subdivision because fewer homes will be constructed and a lesser amount of land will be disturbed by the development and construction and no other mitigation is required for potential impacts related to Flora and Fauna.



## **7. Section 5.7: Traffic**

The Planning Board and the Village discussed several alternatives to address the safety of the road, including traffic calming devices on Locust Street. As part of the public safety improvements for this project the applicant previously agreed to and has continued that agreement to 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 previously agreed to and has continued the agreement to 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 the current 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 incorporate stop signs as traffic control devices for traffic exiting the new subdivision onto local roadways.

3. The 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. The current Project Plan is even more protective of environmental impacts related to Traffic than the previously approved reduced alternative cluster subdivision because fewer homes will be constructed and therefore a lesser amount of traffic will be generated by the Project and no other mitigation is required for potential impacts related to Flora and Fauna.

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

The current project plan provides for even more preserved space than that of the prior Reduced Scale Alternative plan. The code requires a 20% set aside, and this has been increased to beyond that provided for in the Reduced Scale Alternative plan, to wit: 44% to the current set aside of 53%. 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.

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

1. The Reduced Scale subdivision provided for a significant amount of preservation of the quality habitat on the site, and preserved areas of 25% slope or more from development. The current plan provides for even more preservation of open space, to wit: 53% of the project site 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. The current Project Plan is even more protective of environmental impacts related to Land Use and Zoning than the previously approved reduced alternative cluster subdivision because fewer homes will be constructed and therefore a lesser amount of land area will be developed by the Project and no other mitigation is required for potential impacts related to Land Use and Zoning.

#### **9. 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. 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. 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.

With the reduction in the number of homes being constructed under the current plan, the impact on school services will be even less than that of previously approved plans.

**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. The current Project Plan is even more protective of environmental impacts related to School Services than the previously approved reduced alternative cluster subdivision because fewer homes will be constructed and therefore a lesser number of school age children are projected to be served by the Project and no other mitigation is required for potential impacts related to School Services.

#### **10. 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. Under the prior reduced alternative cluster plan the decrease in number of units was minor for the Village (42 instead of 43 proposed units) the 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. Pursuant to the current plan there will be even less residents. 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.)

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

1. The Fiscal Impact analysis provided in the DEIS and SEIS provide a sufficient basis for determining the impact on local service districts funded by property taxes.
2. The current Project Plan is even more protective of environmental impacts related to Fiscal Impacts than the previously approved reduced alternative cluster subdivision because fewer homes will be constructed and therefore a lesser number of residents are projected to be served by the Project and no other mitigation is required for potential impacts related to Fiscal Impacts.

**11. 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.

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

No mitigation is required for impacts on cultural resources.

**12. 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 current project plan being of a lesser scale in area being developed and number of units being constructed will have an even lesser impact on environmental factors than previously approved plans.

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

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

**13. Section 5.13: Alternatives**

In prior plans the Planning Board examined several alternatives, including comparing them to the 28-lot subdivision that has preliminary approval. Of all the presented alternatives, the Planning Board determined that the Reduced Scale Alternative plan provided greater opportunities for site preservation, protection of habitat, and protection of sloped areas for a minor increase in the number of developable lots. Now, with the current Project Plan there are even less impacts on land being developed, habitat being affected, and sloped areas being affected.

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

1. The current 28-lot Cluster Subdivision provides even more protection than the previously approved plans by preserving more open space, which reduces the potential for impacts created by runoff from the site. All other plans that were considered under the 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 related to alternatives.

**14. 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.

**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.

**15. Section 5.15: Growth Inducing Impacts**

The previously approved Reduced Scale Alternative Cluster plan proved that the addition of those homes would house approximately 96 residents in the Village and 77 residents in the Town. Those numbers represented 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. The current plan will add even less residents than previously approved plans.

**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.

**16. 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.

**FINDING: For the reasons stated above and as previously stated in the prior Findings made on the Project, the current Project will not result in any additional significant adverse environmental impacts**

and will have an even less adverse environmental impact on the environment and therefore the Findings of the Board on the current Project Plan are wholly consistent with the prior Findings made by the Board on prior approved plans.

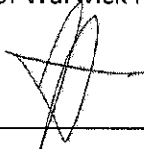
**EFFECT ON PREVIOUS SEQRA FINDINGS:** The original SEQRA Findings issued by the Planning Board on September 8, 2020 including all of their findings, mitigation measures and conditions remain in full force and effect, as applicable, except as may be modified herein.

**CERTIFICATION OF THIS FIRST AMENDED SEQRA FINDINGS:** Based on the foregoing, the Planning Board hereby certifies that:

- A. It has considered all the relevant environmental impacts, facts, conclusions, and findings discussed in the Draft, Supplemental and Final Environmental Impact Statements, and the original SEQRA Findings.
- B. It has weighed and balanced the relevant environmental impacts with the social, economic, and other essential considerations relating to the Project.
- C. The requirements of SEQRA, 6 NYCRR Part 617, have been met.
- D. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Dated: June 14, 2022

Village of Warwick Planning Board



By: Jesse Gallo, Planning Board Chairman

cc: Village of Warwick Village Board  
Village of Warwick Water/Sewer Department  
Village of Warwick Building Department  
Village of Warwick Department of Public Works  
New York State Department of Environmental Conservation (Region 3)  
Orange County Department of Health  
NYSDEC Environmental Notice Bulletin  
Town of Warwick Planning Board  
Town of Warwick Town Board

Exhibit A  
[Comparative Table of Project Impacts]

	28 Lot Subdivision	45 Lot Cluster Subdivision	Reduced Scale Alternative (42 dwelling units)	28 Lot Cluster Plan	Town Property development potential
Acreage	20.3	20.3	20.3 plus land in Town for through road	20.3 plus land in Town for through road	80 +/-
Total acreage to remain dedicated open space in Village	2.8 acres	6.8 acres	8.9 acres	11.6 acres	N.A.
Number of Dwellings	28	45	42	28	25
Number of Structures	28	45	37	28	25
Estimated new residents, children,	57	103	96	57	77
Water/Sewer Requirements (gpd)**	12 school aged	21 school aged	18 school aged	12 school aged	17 school aged
Total land disturbance	12,320/12,300	19,800/19,800	17,380/17,380	12,320/12,320	Individual wells and septic systems
Total impervious surface	17.5	14.8 acres	13.1 acres in Village, 7 acres in Town	11.2 acres in Village, 7 acres in Town	18 acres with all improvements
Linear Feet of Roadway	4.7	5.5 acres	4.8 in Village, 1.2 in Town	3.5 in Village, 1.2 in Town	Total of 3.3 acres with Road
Buffer from unnamed tributary Stream (feet) and Wetlands	3120 feet	2950 feet	2635 feet plus 1400 in Town	1840 feet plus 1400 in Town	1800 feet plus 1400 feet for Village connection
	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 all structures and roads, depending on location.	N.A.