



Blain Town Square - Draft Scoping Document

Identity of Potential Significant Adverse Impacts, Mitigation Measures, and Alternatives to be studied pursuant to State Environmental Quality Review Act ("SEQRA") 6 NYCRR §617.8 for the Blain Town Square Environmental Impact Statement

Name of Action: Blain Town Square

Location of Action: Town of Warwick, Orange County, New York.
The site is located on the northbound side of NYS Route 94, approximately 1,100 ft. east of Warwick Turnpike, across from the Price Chopper entrance. Town of Warwick Tax Parcel ID: 53-1-8.

Lead Agency: Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990
(845) 986-1120
planning@townofwarwick.org

Project Sponsor: NTBS Management Group, LLC
c/o Kirk Rother, P.E. (Contact)
5 Saint Stephens Lane
Warwick, NY 10990
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Preparation Date: March 4, 2026

Revision Date(s):

Public Hearing Date:

Final Adoption Date:

INTRODUCTION

The Sponsor (NTBS Management Group, LLC) proposes a mixed-use commercial-residential-recreational development on approximately 38 acres of land within the Town's Community Business (CB) Zoning District. A Full Environmental Assessment Form, Part 1 and 2 has been prepared. The Planning Board classified the action as a Type I Action, identified other agencies involved in the action, declared its intent to be Lead Agency on August 20, 2005, and is conducting a Coordinated Review. There being no competition for the Planning Board to act as Lead Agency, the Planning Board has assumed the role of Lead Agent.

A Draft Environmental Impact Statement (DEIS) will be prepared in accordance with the requirements of the New York State Environmental Quality Review Act (SEQR) and SEQR Regulations found in 6 NYCRR Part 617.9, to assess the potentially significant adverse impacts of the proposed mixed-use commercial-residential-recreational development known as Blain Town Square.

A Public Scoping Session will be held for this Draft Scoping Document. After the public scoping session the Planning Board will adopt a Final Scoping Document which will be used as the basis for the preparation of a Draft Environmental Impact Statement ("DEIS").

The Draft Environmental Impact Statement shall address all items and conform to the format outlined in the Final Scoping Document, including the potentially significant adverse impacts of the project identified by the Planning Board. The DEIS may also contain studies completed by the applicant in addition to those detailed herein. The DEIS will be prepared in a generic form to evaluate the overall impacts associated with the full development, with generic approvals sought for various uses and structures. Specific uses may require separate site plan approvals. If any thresholds analyzed in the generic EIS are exceeded in future phases, the Planning Board may reopen the SEQRA review to analyze those new impacts.

Based on the Long EAF, agency responses, and project description, the following potential environmental impacts are anticipated for the project:

1. Traffic in this area of the Town on State Route 94 is known to be congested, particularly during fall apple picking season. Modifications to Route 94 will likely be needed to accommodate the proposed project. Other intersections in the vicinity of the project may also be affected by traffic generated by the proposed project. The NYS DOT has requested that a traffic impact study analyze the intersections at Route 94/Warwick Turnpike, Route 94/ShopRite, Route 94/Leo Kaytes Ford, Route 94/Price Chopper (project entrance location), Route 94/Route 1A, NYS Routes 17A/94, and NYS Route 94/Sanfordville Road.

2. The project site contains a Class C tributary to Wawayanda Creek, which will be the "receiving waters" for stormwater discharges from the proposed paved areas.
3. The site is located within the screening area for endangered or threatened species, including the Bog Turtle.
4. The property has been identified as archaeologically sensitive by New York State.
5. The proposed action will increase electric use and heating/cooling demands, with effects on greenhouse gas emissions needing identification and addressing.
6. The proposed action has the potential to affect community service providers, including fire, ambulance, and police.
7. The project will require increased water supply and sewer capacity above that which is currently available.
8. The project site sits above the Principal Aquifer and Sole Source Aquifer for the Northwest New Jersey Basin, requiring protection measures for groundwater.
9. Construction is proposed on areas that may cause soil erosion and sedimentation of surface waters. Regrading of soils may result in a significant amount of soil removal from the site.
10. The project involves potential disturbance to wetlands or adjacent areas, requiring jurisdictional determination from DEC.
11. The project abuts a residential district. Noise from truck traffic and loading/unloading, as well as lighting of parking lots, recreation areas and buildings, has the potential to affect nearby residents.
12. The project will irreversibly convert agricultural lands used to non-agricultural use within Orange County Ag District #1.

PROJECT SCOPING

This Draft Scoping Document is the initial step in the Scoping process. It is based on the applicant's materials and agency feedback. This Draft Scoping Document will be used as the document to guide the applicant and its consultants in the preparation of a Draft Environmental Impact Statement.

DESCRIPTION OF THE PROPOSED ACTION

The Sponsor (NTBS Management Group, LLC) proposes a mixed-use commercial-residential-recreational development on approximately 38 acres of land within the Town's

Community Business (CB) Zoning District. The project will be built in phases, with generic approvals sought for some of the uses and structures. Specific uses may require separate site plan approvals.

Planned improvements include eight proposed structures with a total footprint of approximately 145,200 square feet, comprised of a mix of office, retail, food service, and Tier 1 and Tier 2 uses as permitted by Zoning. Four of the structures will each have 18 one-bedroom accessory apartments on the second story (72 units total) with ground level access from the rear. A ninth structure and associated athletic field for indoor and outdoor sports and recreation is also proposed.

Other improvements will include access roads, parking (752 spaces per zoning analysis), utilities (connection to Fairgrounds/Price Chopper water and sewer districts, with potential onsite well supplement), stormwater management facilities, and a new driveway entrance on NYS Route 94. Water consumption is estimated at 30,000 GPD, and sewer generation at 30,000 GPD.

The project has been designed with architectural features honoring Warwick's agricultural roots, paying homage to the historic Blain Family homestead. The Town of Warwick Design Guidelines have also been incorporated. The proposed project requires Site Plan Review and Special Use Permit Approval from the Town Planning Board as well as approvals and project reviews from other Involved and Interested Agencies as listed later in this document.

GENERAL SCOPING CONSIDERATIONS

Unless otherwise directed by this Scoping Document, the specifications for environmental impact statements found in 6 NYCRR 617.9(b) apply to the content of the DEIS and are incorporated herein by reference. The DEIS will assemble relevant and material facts, identify and analyze significant adverse impacts, identify mitigation measures, evaluate reasonable alternatives, and will be written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, referenced in the DEIS and included as an Appendix. The DEIS will conform to the format outlined in this scope. Given the phased nature of the project, the DEIS will evaluate impacts for the entire project in a generic form, with a more detailed analysis of the first phase. If future phases exceed any of the thresholds analyzed in generic form, the Planning Board may reopen the SEQRA review.

The entire DEIS document will be provided in both paper and electronic (PDF only) formats. Paper form will be for the Planning Board's completeness review and for later public and agency review. Electronic form will be for posting on the Town's website and distribution

and through the Town's Muni Collab portal. The applicant will coordinate with the Town Planning Board Secretary to determine the number of paper copies of the DEIS needed for the completeness review.

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

DEIS SCOPE AND CONTENT

The DEIS document shall contain the following information:

1. Cover Sheet. The DEIS shall begin with a cover sheet identifying the following and conforming to 6 NYCRR 617.9(b)-(3):
 - a. This is a Draft Environmental Impact Statement.
 - b. Date Submitted for completeness review.
 - c. The name and location of the project.
 - d. The Town of Warwick Planning Board is acting as the Lead Agency for the Project with the name and contact information of a person at the Agency to be contacted for information.
 - e. The name and address of the Project Sponsor, and the name and telephone number of a contact person representing the Sponsor.
 - f. The name and address of any preparer(s) of any portion of the DEIS and the name and telephone number of a contact person representing the preparer.
 - g. Date of acceptance of the DEIS and date of SEQR public hearing (to be inserted at a later date).
 - h. The deadline by which comments on the DEIS are due (to be inserted at a later date).

- i. A list of all Consultants involved with the project with associated names, addresses, telephone numbers and project responsibilities.
 - j. Table of Contents: The DEIS will include a table of contents identifying major sections and subsections of the document including a list of figures, tables, appendix items, any items submitted under separate cover, and a list of any additional DEIS volumes, if any.
 - k. Environmental impact issues for which the applicant submitted plans and data, all SEQR documents (including Full Environmental Assessment Form, Positive Declaration, technical letters from involved and interested agencies), proposed mitigation measures, and correspondence prior to the Planning Board's Positive Declaration, will be resubmitted in the DEIS as an Appendix. Summaries of the materials, or reference to them, will be included in the DEIS to provide a complete record of all environmental review issues and their consideration.
2. Copies of all official correspondence related to issues discussed in the DEIS.
 3. Site Plan
 4. Traffic Impact Study (TIS), including specific intersections identified by NYSDOT.
 5. Stormwater Pollution Prevention Plan (SWPPP)
 6. Wetlands Delineation and Jurisdictional Determination (from DEC)
 7. Threatened and Endangered Species Report/Habitat Survey
 8. Cemetery Protection Measures/Letter from NYS Division of Cemeteries
 9. Groundwater Protection Plan/Aquifer Analysis
 10. Water Well Test Report (if supplemental onsite well is used)
 11. Sewer Capacity Analysis
 12. Archeological Survey (Phase I, and Phase II if required)
 13. Any additional technical reports or correspondence from agencies.

SECTION 1: SUMMARY OF DEIS

The DEIS shall include a summary. The summary will only include information found elsewhere in the body of the DEIS but at a minimum shall include:

1. A brief description of the action.
2. A list of Involved Agencies with required approvals and permits.

3. A brief description of the existing conditions, anticipated impacts, and proposed mitigation measures for each impact discussed in the DEIS. The presentation and format will be simple and concise.
4. A brief description of the project alternatives considered in the DEIS. A comparative assessment of the beneficial and adverse impacts of the alternatives, relative to each issue identified in the Final Scoping Document, will be provided. A chart comparing project alternatives and their impacts by topic, e.g., wastewater demand, traffic, noise, and so on will be provided.

SECTION 2: DESCRIPTION OF PROPOSED ACTION

Section 2 of the DEIS will provide a description of the project site and its location together with a description of the proposed project.

The history of the SEQRA process will be described and include relevant dates such as establishing Lead Agency and the date of adoption of the Positive Declaration and Scoping Document. All SEQR documents, including the Full Environmental Assessment Form, Positive Declaration/Circulation Notice, Final Scoping Document, technical letters from involved and interested agencies, letters from the public, and correspondence prior to the Planning Board's Positive Declaration, will be resubmitted in the DEIS as an Appendix.

Summaries of the materials, or references to them, will be included in the DEIS to provide a complete record of all environmental review issues and their consideration. This section will also discuss the objectives of the project sponsor and a description of required approvals, reviews, and permits. The DEIS shall include the following information:

1. Introduction: The introduction will provide a description of the purpose of the Draft Environmental Impact Statement including a statement of the steps in the SEQRA process as it relates to the project.
2. Site Description: The site description will include the following:
 - a. Precise location, size, zoning and tax lot number(s) for the parcel. The Site Description will include existing zoning districts abutting the site and the proposed uses as listed in the Town of Warwick Zoning Law's Table of District Uses and Bulk Regulations. Include a table that illustrates the project's conformity with the Zoning Law. Provide a narrative discussion of the project's conformity with the Zoning Law's use classification.
 - b. Description demonstrating the existing character of the site and surrounding area within a quarter mile of the project. This shall include natural features such as waterbodies, woodlands or other significant features, as well as

prominent nearby land use characteristics such as residential, commercial, agricultural and institutional uses.

- c. Brief history of former uses of the site.
 - d. An identification of the exact dimensions of the property through a survey prepared by a licensed land surveyor, including any easements, rights-of-way, restrictions or other legal devices affecting the subject property's development potential. Deeds shall be provided in the Appendix.
3. **Project Description:** The Section shall include a description of the project and its potential impacts as identified in "Section 3" herein. Any alternatives considered should be discussed. The description will note that the project will be built in phases, with generic approvals for some uses and structures, and specific uses requiring separate site plan approvals. Phase 1 of the project should be described in detail. Describe the proposed structures including building dimensions, number of stories, sizes in square footage, scale, and massing in relation to the Zoning District and surrounding land uses. Include proposed building elevations.
 4. **Description of the infrastructure serving the project site and/or its immediate environs** including site access and the road network in the area. Availability of utility infrastructure (water, sewer, electric and gas) will be described.
 5. **Site Plan.** A description of the proposed Site Plan's conformity to the Town Zoning Law will be presented in narrative and graphic forms. This will include a written and detailed description of the proposed action, including the proposed uses, all proposed project components and site amenities, and all information required by the Town of Warwick Zoning Law, including, but not limited to:
 - a. Size and placement of the structures in relation required setbacks
 - b. Lot coverage
 - c. Proposed size and use of the structure
 - d. Proposed parking areas
 - e. Proposed loading areas
 - f. Lighting and Landscaping
 - g. Site grading
 - h. Refuse collection
 - i. Vehicular circulation system
 - j. Access and egress onto local roads including turning radii for deliveries and location of all proposed storage outside of the proposed building

- k. Provisions for a marginal access road with adjacent commercial properties
 - l. Pedestrian and bicycle circulation and amenities such as sidewalks, bike racks and signage associated with such amenities and provide a description of access to nearby sidewalks and trails including those used for both walking and biking
 - m. Architectural floor plans and renderings
 - n. Conformance with the Town's Design Guidelines
 - o. Parking spaces that will include electric vehicle charging stations along with signage and graphic examples of their appearance
 - p. Identify if variances are needed
6. Utilities. This section will include a summary of the project's plans for water supply, sewage disposal, stormwater facilities and drainage and all other utilities such as gas and electric.
7. Objectives of Project Sponsor. The objectives of the project sponsor will be clearly stated.
8. Project Purpose, need and benefits. The public need for the proposed action, including its economic impact to the community, will be discussed.
9. Construction. This section will include a discussion of:
- a. Expected year of project completion
 - b. Construction periods and phasing and discussion of anticipated duration, the start and completion of key milestone tasks such as site clearing, grading, building construction, utilities, and site amenities. The project will be constructed in phases, with Phase 1 consisting of buildings 1, 2, 3, and 4, and the traffic circle. Subsequent phases will be subject to separate site plan approvals for specific uses, and if they exceed thresholds analyzed in the generic DEIS, the Planning Board may reopen SEQRA review.
 - c. Environmental protective measures such as stormwater pollution prevention and soil erosion and sediment control.
 - d. Hours and days of the week when construction operations will occur.
 - e. Construction access and staging and areas for material handling and storage. Identify the total area of site disturbance.
 - f. Identify the proposed impervious surface area (roofs, driveways, parking, etc.). Discuss potential for areas of "banked" parking that may be landscaped initially but paved in the future if the proposed parking proves to

be insufficient to accommodate demand. Include a discussion of shared parking with adjoining uses having existing parking to reduce new on-site parking requirements.

- g. Description of natural areas and areas of the site to remain undisturbed (if any) along with proposed protection mechanisms.
- h. Discuss potential for blasting and excavation of rock, if applicable.
- i. Discuss solid waste generated during construction.

10. Operations. This section will include descriptions of the proposed use of facility including:

- a. The nature/type of retail spaces and anticipated number of tenants.
- b. The nature/type of office spaces and number and types of tenants.
- c. The nature/type of food service uses.
- d. The nature/type of recreational use.
- e. Shared use of common areas.
- f. Anticipated hours of operations, both during construction and post construction, including tenant hours of operation and whether any tenants will operate 24 hours of the day.
- g. Nature and type of residential uses.

11. Involved and Interested Agencies and Required Approvals: List all required or requested approvals and the associated involved agencies that have permitting or approval authority. Also list Interested Agencies, which are those agencies that have expressed, or are likely to have, an interest in the project but who have no permitting or approval authority. Both Interested and Involved Agencies will receive copies of the DEIS.

Agencies identified as Interested and Involved include:

Town of Warwick Planning Board (Lead Agency)
132 Kings Highway
Warwick, NY 10990

Town of Warwick Town Board (Involved)
132 Kings Highway
Warwick, NY 10990

NYS Dept. of Transportation (Involved)
Regional Permit Coordinator
4 Burnett Blvd.
Poughkeepsie, NY 12603

NYS Dept. of Transportation (Involved)
Permit Engineer - Residency 8-5
3233 Route 6
Middletown, NY 10940

NYS Dept. of Environmental Conservation (Involved)
21 South Putt Corner Rd.
New Paltz, NY 12561

Army Corps of Engineers (Involved)
130 W Kingsbridge Rd,
Bronx, NY 10468

NYS Office of Parks, Recreation & Historic Preservation (Involved)
Field Services Bureau-Peebles Island
P.O. Box 189
Waterford, NY 12188-0189

Orange County Department of Health (Involved)
124 Main St., Suite 3
Goshen, NY 10924

Orange County Dept. of Planning (Interested)
1887 County Building
124 Main Street
Goshen, NY 10924

Town of Warwick Dept. of Public Works (Interested)
132 Kings Highway
Warwick, NY 10990

Warwick Fire District (Interested)
PO Box 421
Warwick, NY 10990

Warwick Volunteer Ambulance Corps (Interested)
PO Box 315
Warwick, NY 10990

Warwick Police Department (Interested)
132 Kings Highway
Warwick, NY 10990

Village of Warwick Village Board (Interested)
77 Main Street
Warwick, NY 10990

Orange County Dept. of Planning (Interested)
1887 County Building
124 Main Street
Goshen, NY 10924

SECTION 3: ENVIRONMENTAL SETTING: EXISTING CONDITIONS, ANTICIPATED IMPACTS AND PROPOSED MITIGATION

This section of the DEIS will identify the existing environmental conditions, potential impacts caused by the proposed action, and proposed mitigation measures for each of the major issues identified in the Final Scoping Document. The format or organization of this section will include the following subsection headings for each topic:

- Existing Setting
- Potential Impacts
- Proposed Mitigation Measures

Sections 3 will evaluate the potential significant adverse impacts to both natural and human resources resulting from the proposed Blain Town Square project including cumulative impacts and secondary effects. Cumulative impact analysis will address any other pending or recently approved projects in the immediate vicinity of the proposed project. The evaluation will be objective and will constitute disclosure of both quantitative and qualitative information. Adverse impacts that cannot be mitigated will be identified, the magnitude of those impacts evaluated and the impacts specifically identified in Section 4, Unavoidable Adverse Impacts.

A. Topography, Soils and Geology

Surface and subsurface soil and rock conditions on the site will be described. Associated impacts to these features will be discussed. Specify whether blasting is required. Any constraints imposed by soils, geology, and topographic conditions will be discussed.

1. Existing Setting

- a. Identification of the existing on-site soils according to the NRCS Orange County Soil Survey.
- b. Table of on-site soils identifying construction limitations and structural characteristics, permeability, depth to bedrock, and seasonal high water table for each soil type.
- c. Identification of existing rock outcrops, if any.
- d. Identification of existing on-site slopes ranging from 0-15%, 15-25% and greater than 25%, if any.
- e. Identification of unusual geologic conditions including mapping of such areas on-site, in any.
- f. Maps illustrating soil types, topography, and slopes shall be provided.

2. Potential Impacts

- a. The proposed grading plan will be provided.
- b. Identification of rock and soil removal (if any), including the need for blasting. In the event that blasting may be necessary, areas of possible blasting and material quantities will be provided.
- c. Slopes analysis identifying the amount of disturbance within each slope category.
- d. A discussion of potential soil erosion and changes in drainage patterns. Discuss potential soil erosion during and after construction and mitigation to control stormwater runoff and erosion during construction.
- e. Discuss impacts of soil erosion on wetlands/waterbodies and watercourses.
- f. Discuss potential phasing to limit the total areas disturbed at any one time.
- g. Discuss the need for retaining walls, if any.

- h. Include a cut and fill analysis and plan that will identify the volumes to be imported and/or exported to site. A soils disposition plan identifying volume of trucks and routes taken for final deposition and disposal will also be included.
- i. Discuss DEC's Mined Land Reclamation Regulations and its applicability to project.

3. Proposed Mitigation Measures

- a. Discussion of a blasting plan, if needed.
- b. Discuss disposal of excavated materials as required by regulatory agencies.
- c. Discuss imported fill, if needed. Include source and testing for contaminated soils. Fill shall be tested for protection of ecological resources per 6 NYCRR 375-6.8(b).
- d. Discuss procedures for controlling dust.
- e. If required, discuss permitting for Mined Land Reclamation as required by the DEC.
- f. Identify party responsible to implement and/or finance each mitigation measure.

B. Wetlands & Surface Waters

This Section will evaluate the pre- and post-development conditions of surface waters, floodplains and wetlands as designated by mapping provided by the Federal Emergency Management Agency (FEMA), US Geological Survey (USGS), National Wetlands Inventory (NWI), New York State DEC, and through on-site field delineations. Off-site surface waterbodies that may be affected by the proposed project will be discussed

1. Existing Setting

- a. Identify, classify, and delineate on a plan all adjacent and on-site water bodies. If wetlands or other surface water bodies exist on site, they shall be delineated using accepted methodologies (e.g., Army Corps of Engineers, NYSDEC).
- b. Describe any use of the on-site Wawayanda Creek tributary for recreational purposes.

- c. Discuss the most current Waterbody Inventory/Priority Waterbodies List (WI/PWL) for water quality assessment information for the waters of the relevant basin, as posted on the State DEC website.
- d. Identify whether the Site is located over a designated aquifer.
- e. Identify existing groundwater levels on the site and whether any special construction techniques will be required if high groundwater levels are identified.

2. Potential Impacts

- a. Provide a calculation of the volume of sediment, nutrients and other pollutants that could adversely affect the Class C stream, including both construction-related pollutants as well as pollutants that can be expected to be generated by access roads and parking lots, rooftops, and landscaping.
- b. Discuss potential impacts to other adjacent and on-site water bodies identified in the existing conditions section.
- c. Identify whether any potential contaminants (such as pesticides, herbicides, deicing agents) generated during construction or operation of the action have the potential to impact surface and subsurface water resources.

3. Proposed Mitigation Measures

- a. Discuss means of protecting the Class C tributary stream from impacts associated with the project during and post-construction.
- b. If required, a wetland mitigation plan shall be provided demonstrating compliance with 6 NYCRR § 663.5 and Army Corps of Engineers applicable Nationwide Permit.
- c. Identify party responsible to implement and/or finance each mitigation measure.
- d. Discuss the possibility to minimize impervious surfaces to help protect groundwater recharge and surface water quality and flows.
- e. Discuss green infrastructure/design proposed. If none is proposed, discuss limitations restricting the use of such practices.

C. Stormwater Management

1. Existing Setting

- a. Provide a map of the overall drainage basin area showing run-off patterns.

- b. Discuss and graphically describe pre-development drainage patterns and conditions.
- c. Discuss stormwater patterns for 1-, 10-, and 100-year storms including, peak flows, and runoff volumes.
- d. Describe water quality criteria compliance per the New York State Department of Environmental Conservation current Stormwater Management Design Manual and SPDES Permit.
- e. Discuss land cover percentages and runoff coefficients used to assess existing runoff in the area.
- f. Describe and depict proposed study points for assessment of post versus predevelopment stormwater runoff characteristics.

2. Potential Impacts

- a. Discuss on-site stormwater management facilities and detention areas proposed.
- b. Discuss post-development drainage patterns and conditions.
- c. Discuss stormwater quality, runoff, and peak discharge rates for the 1-, 10-, and 100-year storms post-development. The ability of on- and/or off-site receiving waters to assimilate additional runoff will be evaluated.
- d. Compare pre- and post-development conditions.
- e. Discuss potential flooding of the surrounding road network as a result of the proposed project.
- f. Discuss measures to ensure that stormwater from construction activities and under post-development conditions does not adversely affect downstream properties and water bodies as per the New York State Department of Environmental Conservation current Stormwater Management Design Manual.
- g. Discuss ownership and maintenance responsibilities of on-site stormwater facilities.

3. Proposed Mitigation Measures

- a. Discussion of stormwater quality and management and implementation of Best Management Practices (BMPs). Include a Stormwater Pollution Prevention Plan (SWPPP).
- b. Discussion of compliance with applicable stormwater regulations.

- c. Discussion of Erosion and Sediment Control Plan as it pertains to water quality.
- d. Identify party responsible to implement and/or finance each mitigation measure.
- e. Describe compliance with the Town of Warwick Code requirements and with all applicable NYSDEC general permits (MS4 & construction activities).
- f. Discuss possibility of implementing bioretention areas and filtration systems for groundwater recharge and protection.
- g. Drainage analysis/SWPPP related to storm water flowing to the state highway, as required by NYSDOT.

D. Vegetation and Wildlife

1. Existing Setting

- a. Identify and evaluate the vegetative characteristics of the site and provide an inventory of the representative flora and fauna for on-site ecological communities by a qualified biologist during the spring and summer.
- b. Identify resident and transient species on the site.
- c. Identify existence of Endangered, Threatened, Special Concern, and Rare (ETR) plants and wildlife on or in the vicinity of the project site using the DEC Natural Heritage Program files, direct contact with Natural Heritage Program staff, review of U.S. Fish and Wildlife Service database, and a field survey conducted during appropriate times of the year. State and Federal agencies will be contacted to determine the recorded or suspected presence of threatened, endangered, or unique and rare plant and animal species on the site.
- d. Mapping of all significant areas of each ecological community type including the existence/absence of vernal pools will be provided.
- e. Identify wetlands on the project site and adjacent properties.
- f. The site has been identified as being within the screening area for known habitat for the Bog Turtle. The ecological assessment will specifically analyze presence of bog turtles or their habitat.
- g. Discuss the ecological importance of the Class C stream. Describe species that use this resource as a habitat and drinking water source.

2. Potential Impacts

- a. An evaluation of potential impacts to vegetation and wildlife resulting from the proposed development will be provided. Discuss potential disturbance, loss or removal, and reduction of function of existing plants and vegetative communities and habitats for wildlife species.
- b. Evaluate impacts to Endangered, Threatened, Special Concern, and Rare species. Potential impacts associated with a reduction of existing vegetative cover, conversion of existing habitats and impacts on trees will be discussed.
- c. Describe how wildlife will move or disperse across the landscape once habitat areas are altered due to development. Discuss impacts of the loss of any forest resources and biodiversity. Describe tree removal including amount, type, size, and other factors as required by Town Code.
- d. Discuss stormwater discharge impact if any on the stream habitat and drinking water resource for animals.

3. Proposed Mitigation Measures

- a. Mitigation measures will be developed to avoid or minimize project impacts, as necessary. A discussion of applicable mitigation measures identified as necessary, or as required by DEC and/or U.S. Fish and Wildlife Services will be provided.
- b. Discuss, or reference the discussion elsewhere in the DEIS, of mitigation to minimize areas of impervious surfaces to help protect groundwater recharge and surface water quality and flows.
- c. Discuss the Bog Turtle habitat survey and any necessary protection measures, including conservation zones as per DEC guidance. Include a discussion of any habitat protection measures that may be necessary during construction to minimize accidental takings of species.

E. Cultural Resources

1. Existing Setting

- a. A Phase I Historic and Archaeological Resource Survey will be completed to evaluate the potential for historic or archaeological resources located on the site. This survey will be conducted in conformance with the procedures specified by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The results of the survey will be summarized in the

DEIS and copies of correspondence from the OPRHP will be included in an appendix.

2. Potential Impacts

- a. An evaluation of potential impacts to historic and archaeological resources from the proposed development, if any, will be provided. If a presence of culturally sensitive areas or features on the site is identified in the Phase I Historic and Archaeological Resource Survey they will be identified and discussed. Include a map illustrating Areas of Potential Effect (APE) in the Archaeology Report. Discuss whether any part of the site is eligible for inclusion on the State and National Registers of Historic Places.

3. Proposed Mitigation Measures

- a. A discussion of possible mitigation measures will be provided as necessary or as required by the OPRHP. Discuss whether any existing structures could be preserved or reused.
- b. Cemetery protection measures, including consultation with NYS Division of Cemeteries as recommended by OCPL.

F. Visual Resources

1. Existing Setting

This Section will provide a visual impact assessment through the use of narrative text, photographs, and landscape architectural drawings such as plans, sections, elevations, or other graphic representations of existing and proposed conditions. This Section will also describe the visual character of the neighborhood and the visual relationship between the project site and the surrounding area, particularly with respect to the adjacent properties. The areas from which the site will be visible will be defined. The analysis will use the methodology described in the DEC publication entitled *Assessing and Mitigating Visual Impacts* (see Program Policy DEP-00-2, July 31, 2000). Visual conditions are to include:

- c. A discussion of the elements that contribute to the visual character of the project site will be provided. Photographs of the site from at least four locations, as approved by the Town of Warwick Planning Board, will be provided.
- d. A description of the project's visibility from nearby residences and roads.

- e. A description of the project's visibility from NYS Route 94 at the proposed project entrance.

2. Potential Impacts

The analysis will address existing site conditions that contribute to the visual quality of the site and its surrounding environment and the change and impact of the proposed project on the existing visual character. The potential impact assessment should include:

- a. A description of the changes in visual character of the site and surrounding areas. This section will also discuss the impact on the view from the analysis points.
- b. Potential for impacts caused by site lighting. Discuss lighting intensity and identify off-site impacts (light spillage and glare).
- c. Discuss proposed signage (location, proposed colors, and size of signage).
- d. Provide plans and renderings that include all site elements visible from the public viewing locations, such as buildings (location, proposed colors, building materials, size/height), landscaping (location, type, size/height), and lighting.
- e. Provide elevation drawings and diagrams illustrating the altered views of the site showing the proposed building and infrastructure (including proposed mechanical equipment) as seen from public roadways and other public viewpoints.
- f. Include an assessment of night-time visibility using the proposed lighting plan for the project. Discuss International Dark Sky Association and Illuminating Engineering Society recommendations for commercial development such as the one proposed for the site.

3. Proposed Mitigation Measures

- a. Proposed mitigation measures will be discussed as necessary or recommended based on the results of the visual impact analysis.
- b. Site lighting shall be arranged to code recommendations and consideration of footcandles at property lines shall be a means of mitigating light pollution from development.
- c. Consider hours of lighting operation and nighttime lighting that may be dimmed to security lighting only shortly after closing.
- d. Provide screening and a plan for maintaining vegetative buffers.

- e. Identify party responsible to implement and/or finance each mitigation measure.
- f. Address additional mitigation measures, which may be identified during the EIS studies and analysis.

G. Transportation

The project poses a potential significant impact on traffic in the vicinity of the project. In anticipation of this, consultation with the New York State Department of Transportation and the Town of Warwick Traffic Consultant was undertaken at a very early stage. The transportation section of the DEIS is to provide the following information:

1. Existing Setting

The existing conditions of NYS Route 94 and nearby local roads should be discussed:

- a. A description of the existing roadway network, including roadway classification, roadway geometry, traffic controls, posted speed limits, pavement conditions, pedestrian infrastructure, and bus stop locations.
- b. Intersection turning movement counts on a typical weekday during the AM and PM peak periods and on a Saturday midday peak period at the following study intersections:
 - i. Route 94/Warwick Turnpike
 - ii. Route 94/ShopRite
 - iii. Route 94/Leo Kaytes Ford
 - iv. Route 94/Price Chopper
 - v. Route 94/1A
 - vi. NYS Routes 17A/94
 - vii. NYS Route 94/Sanfordville Road
- c. Synchro capacity analyses at the study intersections with the established existing traffic volumes for the weekday AM, weekday PM and Saturday midday peak hours.
- d. Crash history analysis for the most recent three-year period at and between each of the study intersections. Document the number of crashes at each location, collision types, crash severity and identify any discernible patterns.

Calculate the collision rate and compare to statewide averages for similar roadways.

2. Potential Impacts

A discussion will be provided analyzing potential traffic related impacts from the project including:

- a. Future Conditions without the Project (“No-Build”).
 - i. Future No-Build volumes based on an appropriate background growth rate and adding trips from proposed vicinity developments.
 - ii. Synchro capacity analyses at the study intersections for the No-Build condition for the weekday AM, weekday PM and Saturday midday peak hours.
- b. Future Conditions with the Project (“Build”)
 - i. Trips to be generated by the Project calculated using the latest edition of the Institute of Transportation Engineers’ Trip Generation Manual.
 - ii. Arrival and departure distributions for new trips generated by the project developed based on a review of the area roadways, traffic volumes and travel times.
 - iii. The number of new trips added to individual turning movements at the study intersections, calculated by applying the trips to be generated to the arrival and departure patterns.
 - iv. Build traffic volumes for the weekday AM, weekday PM and Saturday midday peak hour determined by adding the Project trips to the No-Build traffic volumes.
 - v. Synchro capacity analyses at the study intersections and proposed site driveway intersections for the Build condition for the weekday AM, weekday PM and Saturday midday peak hours.
 - vi. A comparison of level of service and delays between the No-Build and Build analysis and identification of impacts projected to occur that could be considered significant.
 - vii. Sight distance analyses for the NYS Route 94 at the entrance, in accordance with NYSDOT standards.
 - viii. A description of future pedestrian, bicycle and transit connectivity and circulation.

- ix. A discussion of access points relative to traffic safety, emergency access, and construction vehicle access, with turning templates, as necessary.
- x. A discussion of the potential for the Project traffic to increase the number of crashes/collision rate in the study area.

3. Proposed Mitigation Measures

- a. Recommendations for potential mitigation to accommodate projected traffic increases.
- b. Synchro analyses of the proposed mitigation. Compare to the No-Build analyses to assess the efficacy of the mitigation.
- c. Indication the party responsible for implementing any proposed improvements and the method of funding.
- d. A description of the projected impact of construction-related traffic for each stage of construction, including identification of the number and type of construction vehicles, arrival and departure patterns, construction worker trips and total peak hour construction volumes.
- e. All correspondence with the NYSDOT related to the proposed mitigation along NYS Route 94.
- f. Marginal access road development, as recommended by OCPL, to divert traffic from Route 94.

H. Land Use and Zoning

A discussion will be presented of the proposed project's compatibility with the existing land use and zoning on the site and in the surrounding area.

Recommendations identified in the Town's Comprehensive Plan will be identified including any specific Comprehensive Plan policies that apply to the proposed development on the site. All Town Plan policies that apply to the proposed development and its site context in the Town will be included.

1. Existing Setting

- a. Discussion of the existing land uses and zoning designations on-site and on adjacent properties and in the surrounding area (i.e., within ½ mile).
- b. Discussion of the Class C stream.
- c. Discussion of the on-site cemetery.

- d. Discussion of agricultural uses on the site and surrounding areas.
- e. Discuss existing easements, ownership and restrictions, if any.
- f. Discussion of recommendations for the site and surrounding area from the Town of Warwick Comprehensive Plan. A brief summary of the goals and objectives found in the plan, as applicable, will be provided.
- g. Discussion of the Town of Warwick Design Guidelines which were adopted as part of the zoning regulations to promote quality development that is attractive, convenient, and compatible with surrounding uses and historic buildings.
- h. Discussion of any Overlay Districts on the property.

2. Potential Impacts

- a. A discussion of the proposed project's compatibility with surrounding land uses and the potential impacts on same.
- b. Discuss potential impacts of the proposed project to the adjacent agricultural operations and groundwater.
- c. Discuss potential impacts to the historic cemetery.
- d. Evaluate project compliance with goals of the Town's Comprehensive Plan and any regional growth studies including the Orange County Comprehensive Plan.
- e. Discuss the change in land use for the site as it relates to surrounding land uses including community character.
- f. Analyze and discuss the proposed project's compliance with the Town Zoning Law, including the intent and purposes of the Zoning Law, the proposed use and compliance with all standards and requirements for the use.

3. Proposed Mitigation Measures

- a. A discussion of any applicable and appropriate mitigation measures as relates to land use and Zoning will be provided.
- b. Discuss whether existing structures could be preserved and reused rather than demolished.
- c. Discuss protection and access to the historic cemetery.
- d. Where mitigation measures are required, the party responsible to implement and/or finance each mitigation measure shall be identified.

- e. Address additional mitigation measures, which may be identified during the EIS studies and analysis.
- f. Discuss the need for buffers from active agricultural uses, as recommended by OCPL.

I. Utilities—Water

This section will evaluate potential impacts related to water consumption.

1. Existing Setting

- a. A discussion of the area's existing water supply processes will be provided.
- b. Discuss treatment capacity of the Fairgrounds/Price Chopper water district.
- c. Discuss other known developments either under review or under construction that may impact the capacity of central water.
- d. Show existing water district boundaries and proximity to project.

2. Potential Impacts

- a. This section will provide an evaluation of projected water use and the ability of the municipal water supply system to meet the estimated project-generated water demand. Assumptions for projected water demand will be clearly noted and the worst case scenario studied.
- b. Provisions for fire suppression will also be discussed, including volumes required with calculations, sprinkler systems and other infrastructure improvements proposed.
- c. Discuss inclusion in water district boundary or required approvals for district extension.
- d. Describe any necessary on-site or off-site improvements required for central water service.
- e. Discuss any approvals required for central water service.
- f. Discuss ownership and maintenance of on-site infrastructure.
- g. Discuss any existing wells in the area and potential impacts to groundwater.
- h. Analyze the cumulative demands of the project in conjunction with other proposed projects in the vicinity.

3. Proposed Mitigation Measures

- a. Applicable water supply mitigation measures will be identified and discussed including water conservation measures.
- b. Identify party responsible to implement and/or finance each mitigation measure identified.
- c. Discuss water district extension, if necessary.
- d. Address additional mitigation measures, which may be identified during the EIS studies and analysis.
- e. Well test for onsite supplemental water, as recommended by OCPL.

J. Utilities—Wastewater

Potential impacts related to the generation and discharge of sanitary sewer will be addressed in this section.

1. Existing Setting

- a. A discussion of the area's existing wastewater disposal processes will be provided.
- b. Discuss treatment capacity at the Fairgrounds/Price Chopper sewer system.
- c. Discuss other known developments either under review or under construction that may impact the capacity of the sewer system to accept this project's sewage.

2. Potential Impacts

- a. Estimates of wastewater generation will be provided. Assumptions made and references used to estimate sewage discharge will be clearly stated.
- b. Discussion of connection location and receiving capacity of existing municipal sewer system.
- c. Describe any necessary on-site or off-site improvements required for central sewer.
- d. Discuss any approvals required for central sewer.
- e. Discuss ownership and maintenance of on-site infrastructure.

3. Proposed Mitigation Measures

- a. Applicable sanitary sewer mitigation measures will be identified and discussed if needed.
- b. Prepare Engineer's Report confirming capacity of sewer system or any expansion that may be needed.
- c. Identify party responsible to implement and/or finance each mitigation measure identified.
- d. Address additional mitigation measures, which may be identified during the EIS studies and analysis.

K. Community Facilities and Services

Potential impacts related to the project on community facilities and services will be addressed in this section.

1. Existing Setting

- a. This section will discuss existing police, fire, and emergency services in the Town of Warwick. Information will be based on conversations with and correspondence received from service providers and available online resources.
- b. Identify State, County, and local Police Departments that provide police coverage to the project site, with a description of the following information for each: Station locations, staffing levels, Average response time expected to the project site, any existing deficiencies in staffing or facilities, if available, any planned or proposed expansions or improvements to address the deficiencies.
- c. Identify Fire Departments and Emergency Medical Service (EMS) providers that service the project site based upon discussions and correspondence with the respective departments. This will include a description of the following information for each: Station locations, staffing levels (with subtotals of paid staff and volunteers), average response time expected to the project site, the ability of the equipment to serve the proposed buildings,
- d. Discussion of existing water supply for fire protection.
- e. Discuss existing tax revenues generated from the site and any existing municipal costs related to the site for all applicable jurisdictions – Town, County, School District, and any special districts.

2. Potential Impacts

- a. Discuss the potential impacts of the proposed project, during and post-construction, on existing police, fire, and emergency services in the Town of Warwick and if applicable other jurisdictions. The adequacy of the existing services, facilities, staff and equipment to handle the increased demand generated by the proposed development will be evaluated.
- b. The ability of the proposed street system and access points to accommodate emergency vehicles and equipment will be discussed.
- c. Truck turning movements for fire-trucks and refuse haulers shall be shown on a plan.
- d. The capacity of the water supply system to meet future fire demands of the proposed project will be discussed.
- e. Analysis of fiscal impacts to the Town and on Town services including projected tax revenues and the cost of community services using a methodology in common use, such as that described in the most recent versions of Rutgers University's Center for Urban Affairs publications entitled The Fiscal Impact Handbook and The New Practitioner's Guide to Fiscal Impact Analysis. The assumptions on which costs and revenues are based will be clearly presented. If applicable, discuss impact of payments in lieu of taxes (PILOT) or other tax exemptions being sought.

3. Proposed Mitigation Measures

- a. Mitigation will be proposed for identified adverse impacts, as necessary. Unavoidable adverse impacts will be identified.
- b. Discuss construction measures to facilitate ease of operation for emergency service providers such as location of hydrants and sprinkler standpipes, if applicable.
- c. Discuss site access and circulation to accommodate emergency services and refuse collection. Discuss orderly management of refuse and enclosures to screen proposed refuse locations.

L. Greenhouse Gases and Climate Change

1. Existing Conditions

- a. Provide a qualitative discussion of greenhouse gases (CO₂, N₂O, PFCs, SF₆, HFCs, methane) generated under existing conditions on the site.

2. Potential Impacts

- a. Using the New York State DEC's Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement, address the indirect and direct greenhouse gas (CO₂, N₂O, PFCs, SF₆, HFCs, methane) emissions as a result of the proposed project. This includes the proposed heating and cooling systems for the new building as well as the estimated new vehicle trips associated with the project.

3. Proposed Mitigation Measures

- a. Mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts will be identified. The list of suggested mitigation measures for increased greenhouse gas emissions, as provided in the DEC's Guide, will be reviewed in this section along with a discussion of which mitigation measures are proposed, which will be considered for the project, and which will be rejected along with the reasons for the rejection.

M. Short Term Impacts - Construction

1. Existing Conditions

- a. Discuss historical land use on the site and any records of prior land disturbance activity.

2. Potential Impacts

Discuss short term construction phase impacts anticipated as follows:

- a. Phasing, if any
- b. Hours of construction operation.
- c. Noise, traffic, construction traffic access to the site.
- d. Removal of soil, rocks and trees from the site.
- e. Blasting or rock crushing, if any.
- f. Remedial measures to be taken to prevent or correct damage to Town and State roadways and infrastructure from construction traffic.
- g. Prevention of project mud and gravel from being tracked onto Town and other roadway.

- h. Estimates of the tons per load and truck trips necessary to accomplish construction activities.
- i. Itemize proposed construction traffic routes.
- j. Identify the precautions to be taken during construction to avoid and protect wetlands, streams, and all other surface waters.
- k. Identify the precautions to be taken (timing/seasonal, inspection schedules and physical method to be used) for any and all significant habitats or listed species identified.
- l. Describe details for sediment and dust control.
- m. Estimate of solid waste to be generated.
- n. Describe methods of recycling waste and natural materials on-site during construction.
Discuss on-site and off-site improvements necessary prior to the operation of the facility, including streets, water and sewer facilities.

3. Proposed Mitigation Measures

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

N. Noise

1. Existing Conditions

- a. Provide a list, describe, and show on a map all sensitive noise receptors located within 1500 feet of the site (such as schools, parks, residences). A noise screening assessment will be performed to provide an indication of existing noise levels at the property line facing the closest sensitive receptor in each cardinal direction. Perform the assessment during peak morning and peak afternoon hours. Noise levels recorded (Level Equivalent – Leq) will be compared to US EPA and State DEC guidelines for noise resources. Identify the major noise sources for the existing condition.

2. Potential Impacts

- a. Discuss potential impacts from noise by projecting expected short-term construction noise levels and operational noise levels. Impacts resulting from construction activities will be assessed using information obtained during the noise screening assessment process. Expected noise levels

produced by typical earth-moving equipment will be reviewed against existing noise levels, as well as applicable US EPA and State DEC guidelines.

- b. Discuss compliance with the Town Code requirements for noise. The State DEC program policy document entitled Assessing and Mitigating Noise Impacts will be used to report on expected noise levels. Distance, topography, vegetation, noise source duration, and weather conditions will be evaluated for expected noise impacts associated with construction activities, traffic, and site activities upon project completion.
- c. Discuss if any tree zones will be removed permanently, thereby exposing residents to traffic or other noise generating activities.
- d. Discuss whether there is any potential for late night activities that could affect the noise levels at night for residents and other sensitive receptors nearby.

3. Proposed Mitigation Measures

- a. Describe the engineering and construction techniques, best practice measures, emission controls and construction scheduling that will be implemented to reduce short-term construction noise including but not limited to the use of exhaust silencers on machinery and equipment during and post-construction. Identify the party responsible to implement and/or finance each mitigation measure identified. Address additional mitigation measures, which may be identified during the EIS studies and analysis.

O. Cumulative Impacts

1. Existing Conditions

- a. Identify, through discussions with Town of Warwick, County, and other municipal officials within a reasonable area where any other actions proposed could potentially affect resources identified and discussed in the DEIS. Clearly state which resources might be affected by cumulative impacts, such as traffic, visual impacts, water quality, water and sewer services, community services, and so on.

2. Potential Impacts

- a. Discuss the potential for cumulative impacts on resources identified that are likely to cause specific impacts on a specific resource.

3. Proposed Mitigation Measures

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

SECTION 4: ADVERSE IMPACTS THAT CANNOT BE AVOIDED

This section will describe those impacts that cannot be avoided regardless of the mitigation measures implemented. Provide a summary of proposed impacts in terms of loss of environmental resources.

SECTION 5: ALTERNATIVES

The following alternatives to the proposed action are to be evaluated in terms of the impact issues listed above, as applicable. The alternatives can be provided “stand-alone” or combined in an alternative design but each alternative must be included. Each alternative will be subject to a comparative assessment of impact topics presented in the DEIS.

- A. No Action Alternative as per 6 NYCRR 617.9(b)(5)(v).
- B. Reduced Scale Alternative [as per 6 NYCRR 617.9(b)(5)(v)(c)] that is feasible, considering the objectives and capabilities of the project sponsor, and designed to avoid, lessen, or minimize identified environmental impacts on the site including to on-site natural and cultural resources affected by the project, and to avoid, lessen, or minimize environmental impacts on surrounding lands, neighborhoods, and the Town. The reduced scale alternative should identify which impact(s) would be eliminated or minimized. For example, the Bog Turtle habitat will be impacted as a result of the proposed action. To what extent can such resources be retained through an alternative site design?
- C. Phasing alternative [as per 6 NYCRR 617.9(b)(5)(v)(e)] that is coordinated with construction and use of any required road and street modifications, necessary for accommodating the additional traffic generated by the proposed action.

SECTION 6: IRRETRIEVABLE AND IRREVERSIBLE COMMITMENT OF RESOURCES

This section will describe the resources described in Section 4 that will be consumed, converted, or made unavailable for future use.

SECTION 7: SOURCES AND BIBLIOGRAPHY

SECTION 8: APPENDICES

Appendices to include the following at a minimum:

- A. All SEQR documentation (including Full Environmental Assessment Form, Positive Declaration, technical letters from involved and interested agencies)
- B. Copies of all official correspondence related to issues discussed in the DEIS.
- C. Site Plan
- D. Traffic Impact Study
- E. Archeological Study
- F. Rare, Threatened, and Endangered Species Habitat Assessment
- G. Storm water Pollution Prevention Plan (SWPPP)
- H. Wetlands Delineation (if required)

