

**AGENDA - TOWN BOARD MEETING**

**December 10, 2020**

**7:30 pm**

**REGULAR MEETING:**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ACCEPTANCE OF MINUTES**

**CORRESPONDENCE:**

**IRA M. EMANUEL – Letter dated November 10, 2020 to the Supervisor and Mayor regarding the Village View Estates Subdivision Petition for Annexation and Application for Special Use Permit.**

**CONCERNED CITIZENS FOR RURAL PRESERVATION (CCRP) – Email dated November 17, 2020 to the Town Clerk regarding joint public comment on the NYS Office of Renewable Energy Draft Regulations Chapter XVIII Title 19 (Subparts 900-1-900-5: 900-7-900-14).**

**CONCERNED CITIZENS FOR RURAL PRESERVATION (CCRP) – Email dated November 17, 2020 to the Town Clerk regarding recent changes to the New York State's renewable energy siting regulations.**

**TERRANCE NOLAN – Senior Project Developer, Borrego Solar. Letter dated October 21, 2020 to the Supervisor regarding State School Rd, letter of Intent to option and lease.**

**KELLY SAXON – Special Event for a Midnight Run at Wickham Woodland Park on December 31, 2020.**

**CONNIE SARDO – Secretary, Town of Warwick ZBA. Letter dated December 2, 2020 to the Town Board regarding a refund request for a ZBA application for Bradley Cohen.**

**MICHAEL KENNEALLY – Executive Director, Comp Alliance. Letter dated November 30, 2020 to the Town Board regarding the Comp Alliance Award to the Town of Warwick for its performance during policy year 2019 for a safe workplace.**

**STEVEN M. NEUHAUS – County Executive, Orange County. Award letter dated November 25, 2020 to the Supervisor regarding Community Development Block Grant – FY 2021 for the Town of Warwick- Winslow Therapeutic Riding Center Adult Day Program Grant amount: \$25,000.00.**

**ELLEN RUSSELL – Planner, Orange County Transportation Council. Email dated December 1, 2020 regarding Connect Mid-Hudson Transit Study Public Meeting.**

**MICHAEL KELLY – Warwick Whisky Bar LLC. A new application of a Standardized Notice Form for providing 30-day advanced notice to a local municipality or community board was received in the Town Clerk’s office on December 7, 2020 regarding Warwick Whisky Bar LLC located at 41 Woodlands Way.**

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<b>Culvert Pipes</b>	<b>18 Continental Rd.</b>	<b>Clean out Culvert pipe</b>	<b>Town</b>
<b>Catch Basins</b>	<b>East Shore Rd.</b>	<b>Clean Basins</b>	<b>Town</b>
<b>Drainage</b>	<b>Cascade Rd.</b>	<b>Vac leaves out of ditches</b>	<b>Town</b>
	<b>Lake St.</b>	<b>Vac leaves out of ditches</b>	<b>Town</b>
	<b>Minturn Rd.</b>	<b>Vac leaves out of ditches</b>	<b>Town</b>
	<b>Jones Rd.</b>	<b>Vac leaves out of ditches</b>	<b>Town</b>
<b>Ditch Work</b>	<b>Old Ridge Rd.</b>	<b>Clean Ditches</b>	<b>Town</b>
	<b>Cascade Rd.</b>	<b>Clean Ditches</b>	<b>Town</b>
	<b>Foley Rd.</b>	<b>Clean Ditches</b>	<b>Town</b>
<b>Tree Work</b>	<b>Town Wide</b>	<b>Clean up storm damage</b>	<b>Town</b>
<b>Pot Holes</b>	<b>Town Wide</b>	<b>Fill with cold patch</b>	<b>Town</b>
<b>Vehicle. Maint.</b>		<b>As needed</b>	<b>Town</b>
<b>Emerg. Repairs</b>		<b>As needed</b>	<b>Town</b>
<b>Road Signs</b>	<b>Town Wide</b>	<b>Replace as needed</b>	<b>Town</b>

**PARKS DEPARTMENT**

**\*Please practice Social Distancing while visiting the Town Parks\***

<b>Union Corners Park</b>	<b>Open (Bathrooms closed for winter)</b>	<b>Town</b>
<b>Town of Warwick Dog Park</b>	<b>Open (Bathrooms closed for winter)</b>	<b>Town</b>
<b>Wickham Woodland Park</b>	<b>Open (Bathrooms closed for winter)</b>	<b>Town</b>
<b>Thomas P. Morahan Waterfront Park</b>	<b>Beach Closed (No Lifeguards)</b>	<b>Village of GWL</b>
<b>Ben Winstanley Park</b>	<b>Open (Bathrooms closed for winter)</b>	<b>Village of GWL</b>
<b>Village of GWL Dog Park</b>	<b>Open</b>	<b>Village of GWL</b>

**ENVIRONMENTAL CONSULTANTS REPORT**

**COUNCILMAN DE ANGELO REPORT**

**COUNCILMAN KOWAL REPORT**

**COUNCILMAN GERSTNER REPORT**

**COUNCILMAN SHUBACK REPORT**

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

**1. FEES COLLECTED – NOVEMBER 2020**

<b>Interest in Town Clerk's Checking Account</b>	<b>\$0.16</b>
<b>Wickham Woodland Manor Fee</b>	
<b>Marriage Certified</b>	<b>\$150.00</b>
<b>Copy of Map</b>	<b>\$75.00</b>
<b>Photocopies</b>	<b>\$18.75</b>
<b>Dog Impoundments</b>	<b>\$150.00</b>
<b>Marriage License Fee</b>	<b>\$280.00</b>
<b>Bell Jar Permits</b>	<b>\$10.00</b>
<b>Conservation</b>	<b>\$170.47</b>
<b>Dog Licenses</b>	<b>\$826.00</b>
<b>Registrar Town of Warwick</b>	<b>\$420.00</b>
<b>WF Park Wedding Permit</b>	<b>\$30.00</b>
<b>Street Opening Inspection Fee</b>	<b>\$50.00</b>
<b>Total Local Shares Remitted</b>	<b>\$2,180.38</b>

**2. FEES PAID – NOVEMBER 2020**

<b>NYS Dept. of Health</b>	<b>\$360.00</b>
<b>NYS Ag &amp; Markets for Spay/neuter program</b>	<b>\$97.00</b>
<b>NYS Environmental Conservation</b>	<b>\$5,244.53</b>
<b>NYS Comptroller Bell Jar Permits</b>	<b>\$15.00</b>
<b>Village of Florida for Registrar</b>	<b>\$20.00</b>
<b>Village of Greenwood Lake Registrar</b>	<b>\$50.00</b>
<b>Village of Warwick for Registrar</b>	<b>\$620.00</b>
<b>Total Non-Local Revenues</b>	<b>\$6,406.53</b>

**SUPERVISORS REPORT**

**PRIVILEGE OF THE FLOOR (AGENDA ITEMS)**

**NEW BUSINESS:**

- 1. DESIGNATION OF DELEGATE & ALTERNATE DELEGATE – ASSOCIATION OF TOWNS CONFERENCE**
- 2. SCHEDULE PUBLIC HEARING 2021 RE-ORGANIZATION MEETING**
- 3. AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT – BORREGO SOLAR**
- 4. APPOINT SEASONAL LABORER – MAINTENANCE OF KUTZ CAMP**
- 5. SPECIAL EVENT PERMIT – SPECIAL OLYMPICS POLAR PLUNGE**
- 6. AUTHORIZE STIPEND- SPECIAL ASSIGNMENT DDACTS**
- 7. AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS**
- 8. AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT TO PROVIDE CONSULTING AND ADMINISTRATIVE SERVICES FOR DIAL-A-BUS OF MONROE**
- 9. AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT TO PROVIDE CONSULTING AND ADMINISTRATIVE SERVICES FOR DIAL-A-BUS OF WALKILL**
- 10. AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT TO PROVIDE DISPATCHING SERVICES FOR DIAL-A-BUS OF WALKILL**
- 11. AMEND RESOLUTION #R2020-285 ACCEPT NOTICE TO RETIRE – POLICE OFFICER AMIE MCGRADY**
- 12. AMEND RESOLUTION #R2020-275 ACCEPT NOTICE TO RETIRE – POLICE OFFICER VINCENT COSSENTINO**
- 13. AUTHORISE THE SUPERVISOR TO SIGN AGREEMENT - CSEA**
- 14. SCHEDULE JOINT PUBLIC HEARING WITH VILLAGE AND TOWN OF WARWICK**
- 15. REFUND ZBA APPLICATION FEE – BRADLEY COHEN (SBLI#72-1-141)**
- 16. AUTHORIZATION TO SIGN AGREEMENT WITH TOWN OF TUXEDO FOR SNOW AND ICE CONTROL OF OLD FORGE ROAD**
- 17. AUTHORIZE SUPERVISOR TO SIGN 2<sup>nd</sup> AMENDMENT AGREEMENT TO EXTEND RENT COMMENCEMENT DATE BETWEEN THE TOWN OF WARWICK AND HOMELAND TOWERS LLC.**
- 18. BOND RESOLUTION AUTHORIZING THE PURCHASE OF SIX POLICE VEHICLES, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$253,207.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$253,207.00 SERIAL**
- 19. BOND RESOLUTION OF THE TOWN OF WARWICK AUTHORIZING THE RECONSTRUCTION OF PORTIONS OF EURICH HEIGHTS AND WICKHAM WATER DISTRICTS, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$108,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$108,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION**

**20. BOND RESOLUTION OF THE TOWN OF WARWICK AUTHORIZING THE PURCHASE OF FOUR TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$167,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$167,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION**

**BILLS:**

**PRIVILEGE OF THE FLOOR (GENERAL)**

**RECONVENE:**

**ADJOURN:**

RECEIVED

X

NOV 23 2020

Warwick Town Clerk

**From:** CCRP <nyconcernedcitizens@gmail.com>  
**Sent:** Monday, November 16, 2020 10:45 AM  
**To:** supervisor@bloominggrove-ny.gov; ddecker@bloominggrove-ny.gov; rvalentine@thetownofchester.org; Lzappala@thetownofchester.org; rrandazzo@cornwallny.gov; townclerk@cornwallny.gov; crawfordsupervisor@hvc.rr.com; townclerk@townofcrawford.org; gspears@townofdeerpark.org; fsantini@townofdeerpark.org; PGersbeck@townofgoshen.org; pmacko@townofgreenvilleny.com; townclerk@townofgreenvilleny.com; Suprv@townofhamptonburgh.org; tc@townofhamptonburgh.org; blivsey@highlands-ny.gov; jpatterson@highlands-ny.gov; minisinksupervisor@yahoo.com; bmaher@townofmontgomery.com; supervisor@townofmounthope.org; clerk@townofmounthope.org; kallegra@newwindsor-ny.gov; supervisor@townofnewburgh.org; town-clerk@townofnewburgh.org; Townsupervisor@tuxedogov.org; Townclerk@tuxedogov.org; Michael Sweeton; Warwick Town Clerk; supervisor@townofwayanda.com; Brescia@frontiernet.net; legislature@orangecountygov.com; jrampen@orangecountygov.com  
**Subject:** Recent Changes to NYS Regulations (Land Use)  
**Attachments:** NYS towns need to know\_3a.pdf

There have been recent changes to New York State's renewable energy siting regulations that we need to share with you. Concerned Citizens for Rural Preservation is a group of ordinary citizens who continue to work with our towns to develop and strengthen local laws to protect residents from the harmful effects of improperly sited industrial wind, solar, and battery storage facilities.

The attached short document is the result of thousands of hours studying and compiling experts' research in the areas of noise, infrasound, health concerns, safety, ecosystems, wildlife, funding, and more. We are sending it to notify you that these draft renewable energy siting regulations were released in September. Formal comments, public hearings, and deadlines are all due and occurring until December 7th, and the regulations could become law by the end of this year.

If your town does NOT have local laws covering industrial wind, solar, and battery storage projects, the state's regulations would dictate what is built in your community, whether you like it or not. This is a threat to home rule and local control over the future of land use in rural and suburban areas.

PLEASE, take the time to review this document and forward this email with attachment to all of your local town board members and concerned community members. We formally request that you place this topic on your agenda for your next board meeting, read this correspondence into your minutes, and research the information provided. Time is of the essence.

Respectfully,  
Concerned Citizens for Rural Preservation  
[nnywind.com](http://nnywind.com)

## Hi neighbors,

We are CCRP, the Concerned Citizens for Rural Preservation, a volunteer group of ordinary citizens providing information about Industrial Wind and Solar projects in New York based on thousands of hours of research. When we were faced with a proposed industrial energy project called North Ridge Wind, our neighbors came to help us. Now we are coming to you to share information we have gained about industrial energy development.

We have prepared this document to alert you to the new draft siting regulations established by the state for all future industrial wind, solar, and battery storage facilities. This is our attempt to break down and help you explore one topic at a time, enabling you to better understand industrial renewable energy. Use the source links to view videos, read documents, and explore websites for more information. Of course this is not a complete unraveling of these particular topics and we encourage you to conduct further research to better educate yourself, your friends, and family.

We know it looks overwhelming, but we are hoping you will look through the information to become familiar with what could be coming to your town soon. Our reason for sharing this information is to emphasize the importance of creating and passing local laws that reflect your town's vision for the future before the state or a developer does it for you. If a developer (or in the near future, NY State) begins signing leases in your community, they are planning a fundamental transformation of your town without your knowledge, and they will be using the new state's Section 94c regulations to accomplish this.

The most important fact you need to know is that your town board LOSES the ability to issue a permit for any project over 25 megawatts. Instead that will be decided by the NY State Office of Renewable Energy Siting (ORES). Your local law, or lack thereof, may determine whether or not your town will be targeted for an industrial power plant to be built there.

### To maintain Home Rule you need local laws.

Our caution is, the state and the developer have the right to take advantage of any unintended shortsightedness if details are left out of your laws. Creating strong protections NOW, allows your board and your citizens to consider any relaxation of the requirements later, if and when you are presented with a specific project by a developer. In the next few months the state will be implementing new diminished standards for siting and you will be required to accept them. Time is of the essence.

Since 2011 major electric generating facilities larger than 25 MW were sited according to New York State's Article 10 law. But now, in 2020, the new fast tracking law and regulations of Section 94c will be implemented, greatly reducing Municipal Home Rule (MHR).

### Wind and solar energy "farms" are not agriculture.

We argue, allowing a property owner to do what they want with their property is different from a developer doing what they want with the leased property.

An industrial energy lease and so called "good neighbor" agreements give the wind or solar developer control of the property and excludes the property owner from any say in the developer's planned use. Grouped together, these leases allow a corporation, not individual property owners, to control a very large tract of land in a town. *As a result, your new "small town" neighbor will now be a large corporate tenant and an industrial power plant.* Beware, there is always an expansion to push up with taller turbines and out to adjacent properties and towns. There is never "one" project phase and "done."

This dooms our communities to permanent ineligibility for more appealing economic development possibilities due to the state's inappropriate setbacks and dangerous vibration and noise regulations. This essentially creates trespass zoning, restricting ALL OTHER property owners' land use rights, not the developers'. In addition, large scale wind and solar projects have proven to be unwilling to pay taxes.

**Regardless of where your town stands on the issue of renewable energy resources, you need to make sure that siting requirements do not harm your citizens.**

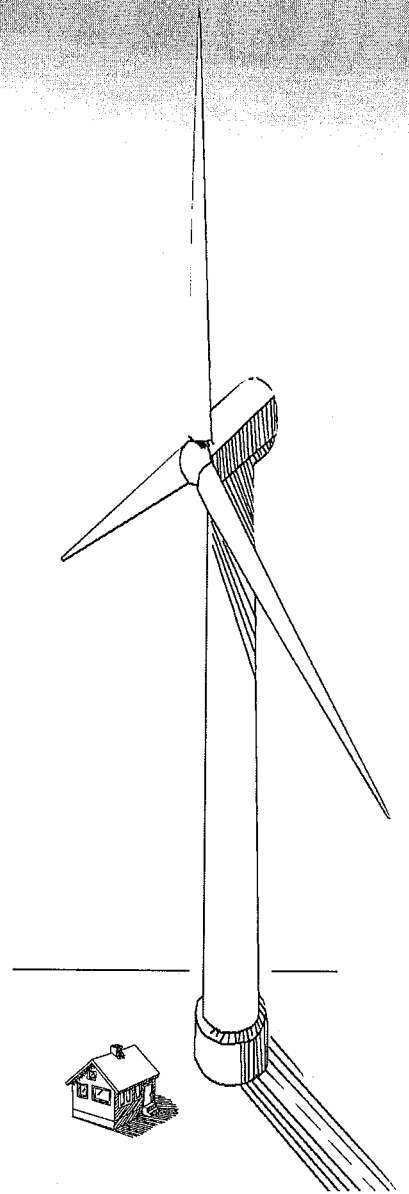
### Concerned Citizens for Rural Preservation

We are a volunteer group of citizens who joined together in an effort to provide information about the industrial wind project that has been proposed in Hopkinton and Parisville, NY. We believe that ALL members of the community should be protected and fully informed when industrial energy projects are under consideration. We strongly support the principal of HOME RULE in our New York State Constitution, and insist upon our right to control the future of our towns and counties. We hope you will join us to educate, communicate, and advocate to keep our homes livable, our towns friendly, and our future rural.

Visit us on the web: [www.nywind.com](http://www.nywind.com)

Email: [nyconcernedcitizens@gmail.com](mailto:nyconcernedcitizens@gmail.com)

Or find us on facebook: <https://www.facebook.com/CitizensForRuralPreservation/>



## Consider these important details about an industrial energy project:

### Noise, Vibration (Infrasound), and Shadow Flicker

Over the past decade there has been an emerging track record of negative impacts to local peoples and wildlife in and surrounding industrial energy projects. Noise, shadow flicker, and infrasound (vibration) are just some of the problems associated with large spinning turbines; and yes, solar project noise is also real, emanating from inverters and HVAC systems. The new ORES setback and noise limits are frightening and will negatively impact your citizens.

### Safety

You should understand that water resources can be adversely affected by construction practices. There are fire, blade, and structural failures that occur to industrial wind turbines, chemical fires related to Battery Energy Storage Systems (BESS), and contamination from leaching solar panels. All projects are designed to include access roads to the turbines and solar arrays, along with electric collection lines, a substation, and other facility structures. Decommissioning involves disposal of components like huge turbine blades and solar panels containing hazardous materials. This disposal is currently problematic.

### Wildlife

Thousands of birds and bats are killed each year by spinning industrial wind turbine blades while large solar arrays create ecological traps for birds and insects. Developers will be granted "take" permits to kill species such as the American Bald Eagle. Funds in exchange for the destruction of wildlife in your community will be paid to organizations chosen by the state.

### Generating inefficient electricity

Wind and solar energy are not reliable despite what the state and the industry promotes. To prevent a power outage, there must be a stable back up power plant available to pick up the generation that is lost when wind fluctuates and the sun doesn't shine. For example, the back up power must be regulated - revved up or down - in sync with the wind, causing inefficiency and adding to operating costs. Battery technology provides no more than four hours of utility-scale power at great expense. Most of the backup for intermittent renewables will be provided by polluting fast start gas-fired power plants.

On average, industrial wind energy facilities in NY operate at just 25% of their capacity and solar is even less, averaging under 15% (capacity factor). Both must be backed up by more reliable forms of energy such as fossil fuel, natural gas, and even hydro (displacing an already reliable source of green energy).

### Subsidies - Your Wages, Paid as Taxes

The Climate Leadership and Community Protection Act has set New York's target of obtaining 70% of its energy from green sources by 2030 and 100% renewables by 2040. Yet, in 2019 a significant amount of NY sited wind flowed out of New York to meet New England RPS mandates.

This means an increase in electricity prices because of mandated payments from you to fund the projects. New York's SBC and federal PTC and ITC subsidies are your wages, paid as taxes. Developers have a history of partnering with NY State agencies to win funding for their projects, with the State purchasing up to 95% of the renewable electricity so the developer does not have to compete with other producers.

### PILOTS (Payment In Lieu Of Taxes)

Large scale wind and solar are invasive industries unwilling to pay taxes. PILOT agreements provide significant property tax relief to developers of large scale projects versus them paying full property taxes on their assessment like others do.

Negotiating a PILOT is a whole different animal.

For example on solar, a NYSERDA document states: "NYSERDA's research indicates that PILOT rates should be negotiable between 1% and 3% of the compensation solar developers receive for the electricity their projects generate." But solar projects in New York are only expected to produce 13.39% of their promised "nameplate capacity".

Translation: If you negotiate a portion of production/energy generation as payment, you will receive 1-3% of 13.39% as noted above (capacity factor) not 1-3% of 100% which is promised (nameplate capacity).

There are many other topic details you should be aware of, so we urge you to become familiar with the new renewable energy regulations and what impacts they will soon have on your town.

## What You Must Do to Protect Your Town.

**1)** Adopt renewable energy laws as soon as possible BEFORE the state regulations take effect. These new regulations will not go into effect until the 60-day formal comment periods have ended (currently slated for December 7).

**2)** Submit formal comments on the draft regulations using an ORES on-line forms or submit in writing to:

ATTN: Houtan Moaveni  
Office of Renewable Energy Siting  
99 Washington Avenue  
Albany, New York 12231

by the following dates: Chapter XVIII Title 19 (Subparts 900-1-900-5; 900-7 -900-14) until December 7, 2020; and the draft uniform standards and conditions Chapter XVIII Title 19 (Subpart 900-6) until December 7, 2020.

**3)** Attend one of the public or virtual hearings that are scheduled across the state. Take note of registration dates for participation.



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## Office of Renewable Energy Siting (ORES)

### Some History...

Governor Cuomo's updated green energy goals will fast track the state's energy production coming from renewable sources by 2040. The Climate Leadership and Community Protection Act (CLCPA), which was passed by the legislature and signed by Governor Cuomo in 2019, has set New York's target of obtaining 70% of its energy from renewable energy sources by 2030 and seeks to be 100% emission free by 2040.

The governor believes these goals will not be met without speeding up the process of installing industrial scale wind projects like Hopkinton's North Ridge Wind, Malone's 950 acre Franklin Solar project, and industrial-sized battery energy storage facilities like the one slated for Chateaugay, NY. The previous process known as Article 10 took towns, citizens, property rights, and the environment into consideration when siting potential industrial energy facilities, respecting Home Rule.

### However...

Governor Andrew Cuomo included the Accelerated Renewable Energy Growth and Community Benefit Act (AREGCBA) as part of a 30-day budget amendment (known as Article 23) which was passed into law on April 3rd of this year. Now, called Section 94c, this creates a new, separate environmental review and permitting regime for renewable energy projects. A new Office of Renewable Energy Siting (ORES) has been established to set the uniform standards for siting, design, construction, and operation of renewable energy facilities by consolidating the environmental review and permitting of major renewable energy facilities in New York State.

The Public Service Commission (PSC) is essentially removed from siting authority, bypassing the current Article 10 regulations for industrial wind and solar projects.

Within one year of the Act's passage, the Office of Renewable Energy Siting (ORES) is required to promulgate regulations to implement the Accelerated Renewable Energy Growth and Community Benefit Act (AREGCBA), and that time has come.

**On September 16, 2020, the Office issued draft regulations and uniform standards and conditions for public comment.**

The draft regulations and draft uniform standards and conditions are available online at the Office of Renewable Energy Siting "Regulations" page, and are downloadable PDF documents: <https://ores.ny.gov/regulations>

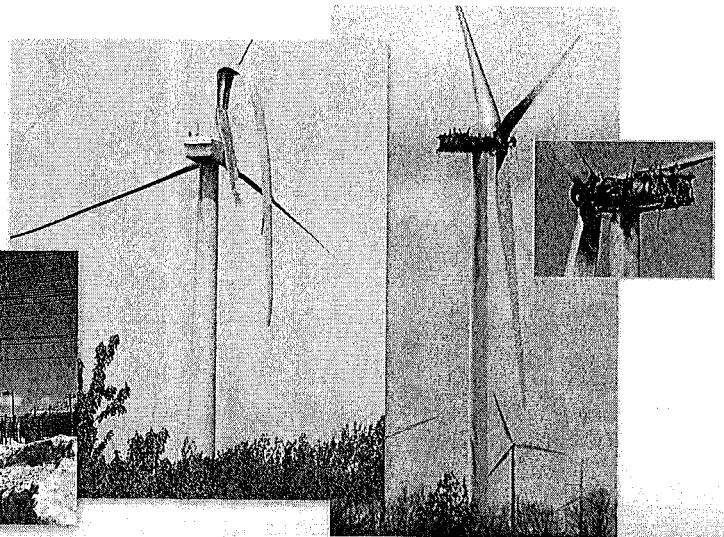
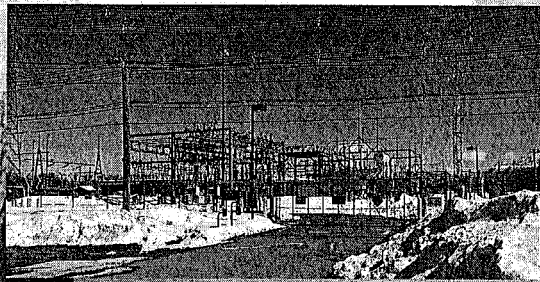
They are:

Draft Regulations Chapter XVIII Title 19 (Subparts 900-1 - 900-5; 900-7 - 900-14): <https://ores.ny.gov/system/files/documents/2020/09/draft-regulations-chapter-xviii-title-19-subparts-900-1-900-5-900-7-900-14.pdf>

Draft Regulations Chapter XVIII Title 19 (Subparts 900-6): <https://ores.ny.gov/system/files/documents/2020/09/subpart-900-6.pdf>



June 2017 industrial wind turbine blade failures, March 2018 turbine fire (neither reported in the media), and substation photos from Churubusco / Ellenburg, NY area (40 miles east of the proposed Hopkinton/Parishville North Ridge Wind Project)



## Why the new proposed noise levels are not appropriate for our towns.

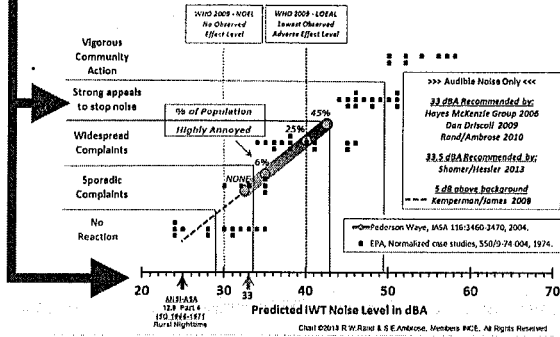
- Solar project noise is real, emanating from inverters and HVAC systems. (inverter noise [video 1](#) and [video 2](#))
- Wind projects produce infrasound as well as audible noise

### Wind Turbine Noise Complaint Predictions Made Easy - Part 1

Acousticians have known for decades how to predict the community reaction to a new noise source. Wind turbine consultants have chosen not to predict the community reaction as they have previously done for other community noise sources. If they had, there would be far fewer wind turbine sites with neighbors complaining loudly about excessive noise and adverse health impacts.

In 1974, the USEPA published a methodology that can predict the community reaction to a new noise. A simple chart can be used that shows the community reactions (y-axis) versus noise level (x-axis). This chart was developed from 55 community noise case studies (black squares). The baseline noise levels include adjustments for the existing ambient, prior noise experience, and sound character. The predicted wind turbine noise level is plotted on the 'x-axis' and the predicted community reaction is determined by the highest reaction, indicated by the black squares. Here are some examples: 32 dBA *no reaction* and sporadic complaints, 37 dBA *widespread complaints*, 45 dBA *strong appeals to stop noise* and 54 dBA *vigorous community action*, the highest.

### Predicted Community Reaction For Wind Turbines in a Quiet Area



The International Standards Organization (ISO) determined that 25 dBA represents a rural nighttime environment. The World Health Organization (WHO) found that noise below 30 dBA had *no observed effect level* (NOEL) and 40 dBA represented the *lowest observed adverse effect level* (NOAEL) for noise sources that excluded wind turbines. Wind turbines produce strong low frequency energy that may reduce the WHO cautionary levels by 5 dB, thereby showing closer agreement with the 33 dBA recommendations.

Pederson & Way (2004) research found that when wind turbine noise levels reached 35 dBA, 6% of the population was *highly annoyed*, and this rapidly increased to 25% at 40 dBA. Independent researchers recommend that noise levels should not exceed 33 dBA, which is near the upper limit for *sporadic complaints*, or a maximum increase of 5 dB, whichever is more stringent.

[click here to download full report document](#)

## Wind facilities - new draft ORES siting regulations (excerpt from page 23 and 30)

Table 1: Setback Requirements for Wind Turbine Towers

Structure type	Wind Turbine Towers setback*
Substation	1.5 times
Any Above-ground Bulk Electric System**	1.5 times
Gas Wells (unless waived by landowner and gas well operator)	1.1 times
Public Roads	1.1 times
Property Lines	1.1 times
Non-participating, non-residential Structures	1.5 times
Non-participating Residences	2 times

\*1.0 times Wind Turbine Towers setback is equal to the Total Height of the Wind Facility (at the maximum blade tip height).  
 \*\*Operated at 100 kv or higher, and as defined by North American Electric Reliability Corporation Bulk Electric System Definition Reference Document Version 3, August 2018 (see section 900-15.1(e)(1)(i) of this Part)

### Wind facilities set back

Wind facilities shall meet the setback requirements in Table 1 or manufacturer setbacks, whichever are more stringent. The setback distances shall be measured as a straight line from the centerline or mid-point of the wind turbine tower to the nearest point on the building foundation, property line or feature, as applicable.

(from page 23 of draft regulations)

### Wind facilities noise and vibration

(1) For wind facilities:

- A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence;
- A prohibition on producing any audible prominent tones, as defined by using the constant level differences listed under ANSI S12.9-2005/Part 4 Annex C (sounds with tonal content) (see section 900-15.1(a)(1)(iii) of this Part), at the outside of any existing non-participating residence. Should a prominent tone occur, the broadband overall (dBA) noise level at the evaluated non-participating position shall be increased by 5 dBA for evaluation of compliance with subparagraph (i) and (v) of this paragraph;
- A maximum noise limit of sixty-five (65) dB Leq (1-hour) at the full octave frequency bands of sixteen (16), thirty-one and a half (31.5), and sixty-three (63) Hertz (Hz) outside of any existing non-participating residence in accordance with Annex D of ANSI standard S12.9-2005/Part 4 Section D.2.(1) (Analysis of sounds with strong low-frequency content) (see section 900-15.1(a)(1)(iii) of this Part);
- Not producing human perceptible vibrations inside any existing non-participating residence that exceed the limits for residential use recommended in ANSI/ASA Standard S2.71-1983 (R August 6, 2012) "Guide to the evaluation of human exposure to vibration in buildings" (see section 900-15.1(a)(1)(i) of this Part);
- A maximum noise limit of forty (40) dBA Leq (1-hour) at the outside of any existing non-participating residence from the collector substation equipment; and
- A maximum noise limit of fifty-five (55) dBA Leq (8-hour), short-term equivalent continuous average nighttime sound level from the facility across any portion of a non-participating property except for portions delineated as NYS-regulated wetlands pursuant to section 900-1.3(e) of this Part and utility ROW. The applicant shall demonstrate compliance with this design goal through the filing of noise contour drawings and sound levels evaluated at the worst-case discrete locations. No penalties for prominent tones will be added in this assessment.

(from page 30 of draft regulations)

### CHART FOR COMPARISON

new draft State Regulations noise	Your current laws	
	setbacks	noise
40 dBA at residence	? times	? dBA
65 dBA at night (property line)	? times	? dBA
55 dBA (if at property line)	? times	? dBA
45 to 65 dBA	? times	? dBA

### example:

proposed towers in Burke - 724 ft tall  
 proposed towers in Hopkinton - 800 ft tall  
 tallest existing tower in Belmont - 500 ft tall

note: The fact is, there are some municipalities with existing projects whose officials now courageously express regrets about generous setback and noise limits they allowed (and are now recommending 30 dBA), yet the new ORES regulations are even more lenient.

**Solar facilities - new draft ORES siting regulations**  
(excerpt from page 24 and 31)

Table 2: Setback Requirements for Solar Facility Components

Setback Type	Solar Facility Setback
Non-participating residential property lines	100 feet
Centerline of Public Roads	50 feet
Non-participating property lines (non-residential)	50 feet
Non-participating occupied residences	250 feet

CHART FOR COMPARISON		
new draft State Regulations noise	Your current laws	
	setbacks	noise
55 dBA property line	? feet	? dBA
55 dBA (if at property line) (can it ever be developed?)	? feet	? dBA
40 substn, 45 to 55 dBA res.	? feet	? dBA

**Solar facilities setbacks**

Solar facilities shall meet the setback requirements set forth in Table 2 (from page 24 of draft regulations)

**Solar facilities noise and vibration**

(2) For solar facilities:

- (i) A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence;
- (ii) A maximum noise limit of forty (40) dBA Leq (1-hour) at the outside of any existing non-participating residence from the collector substation equipment;
- (iii) A prohibition on producing any audible prominent tones, as defined by using the constant level differences listed under ANSI S12.9-2005/Part 4 Annex C (sounds with tonal content) (see section 900-15.1(a)(1)(iii) of this Part), at the outside of any existing non-participating residence. Should a prominent tone occur, the broadband overall (dBA) noise level at the evaluated non-participating position shall be increased by 5 dBA for evaluation of compliance with subparagraph (i) and (ii) of this paragraph; and
- (iv) A maximum noise limit of fifty-five (55) dBA Leq (8-hour), short-term equivalent continuous average sound level from the facility across any portion of a non-participating property except for portions delineated as NYS-regulated wetlands pursuant to section 900-1.3(e) of this Part and utility ROW to be demonstrated with modeled sound contours drawings and discrete sound levels at worst-case locations. No penalties for prominent tones will be added in this assessment.

(from page 31 of draft regulations)

**Another Argument For Full Taxes, Farmers and solar development**

Solar energy "farms" are not agriculture.

- Once a solar lease is signed, that property owner is no longer a farmer, they are now a landlord and their new tenant is an electric generating plant.
- Farmers are hardworking people who produce our food and we have all supported them. The proof... We all make up the property tax deficiency made by area farmers in order for them to take advantage of their Ag property tax exemption.
- No one is objecting to any person's lucrative land lease deal, but the taxpayers of the town should not be asked to subsidize a commercial solar energy plant by allowing a PILOT or any other property tax discount for the landlords or their industrial tenant, the developer. They must be required to pay full property taxes on their assessment just like other businesses and property owners.
- Allowing a property owner to do what they want with their property is different than allowing a developer to do what they want with the leased property.

An industrial energy lease and so called "good neighbor" agreements gives the solar developer control of the property and excludes the property owners from any say in the developer's planned use. Grouped together, these leases allow a corporation, not individual property owners, to control a very large tract of land in our towns. Your new small town neighbor will now be a large corporate tenant operating an industrial power plant. If you have any problems with your new corporate neighbor you will now be required to telephone a 1-800 complaint hot line located elsewhere to speak to someone you do not know.

# Is New York State writing laws that will allow Trespass Zoning?

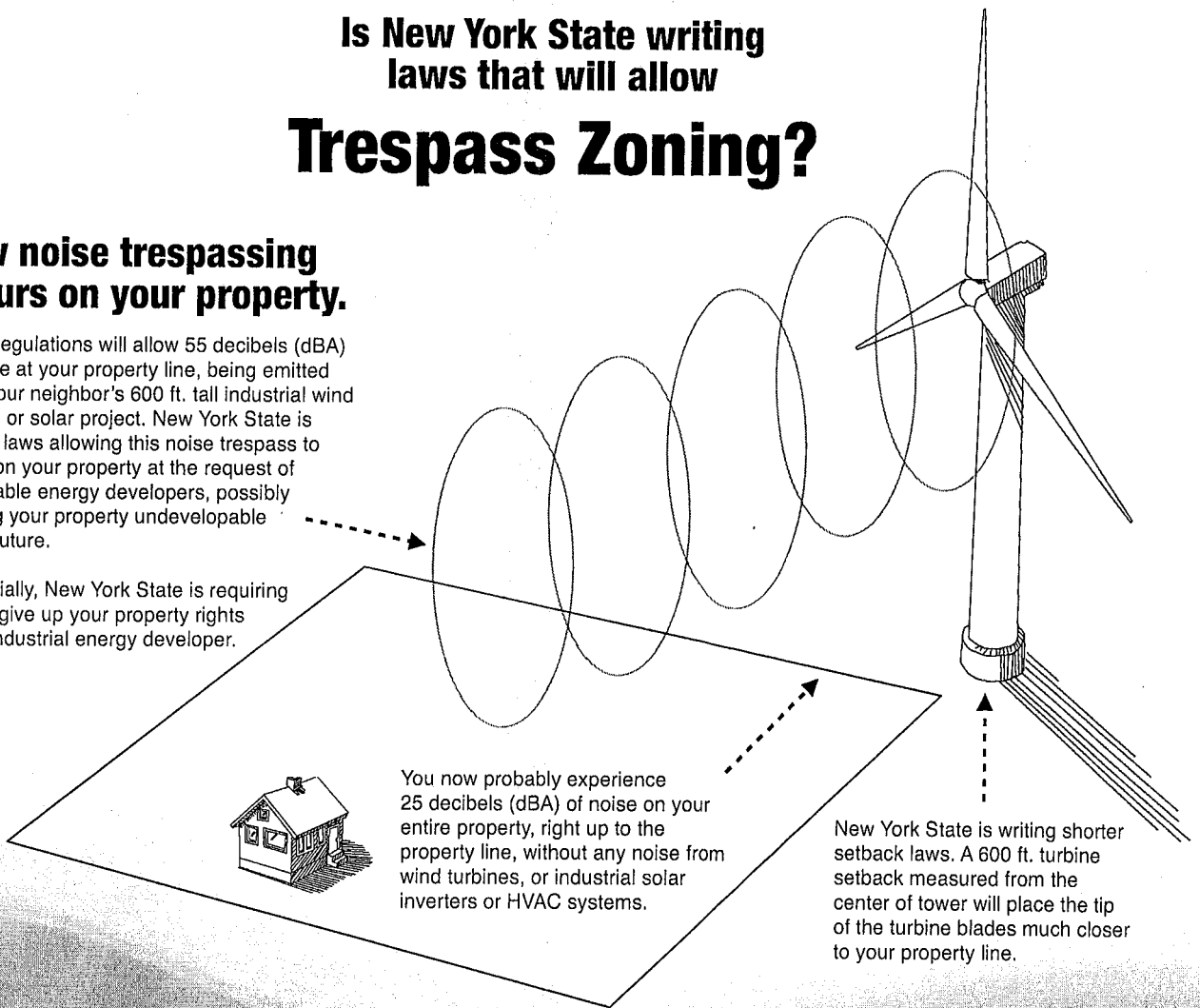
## How noise trespassing occurs on your property.

New Regulations will allow 55 decibels (dBA) of noise at your property line, being emitted from your neighbor's 600 ft. tall industrial wind turbine or solar project. New York State is writing laws allowing this noise trespass to occur on your property at the request of renewable energy developers, possibly making your property undevelopable in the future.

Essentially, New York State is requiring you to give up your property rights to an industrial energy developer.

You now probably experience 25 decibels (dBA) of noise on your entire property, right up to the property line, without any noise from wind turbines, or industrial solar inverters or HVAC systems.

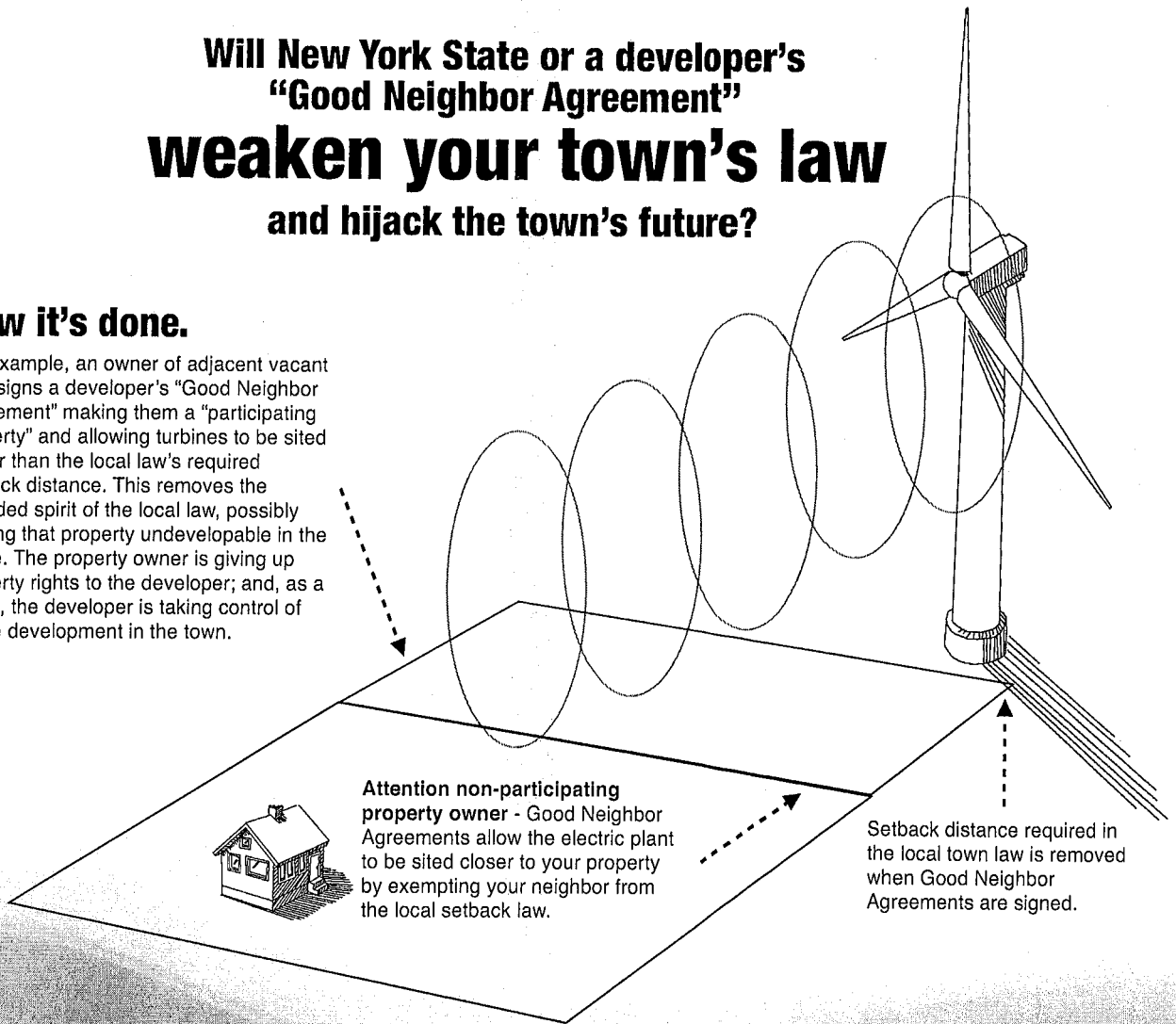
New York State is writing shorter setback laws. A 600 ft. turbine setback measured from the center of tower will place the tip of the turbine blades much closer to your property line.



# Will New York State or a developer's "Good Neighbor Agreement" weaken your town's law and hijack the town's future?

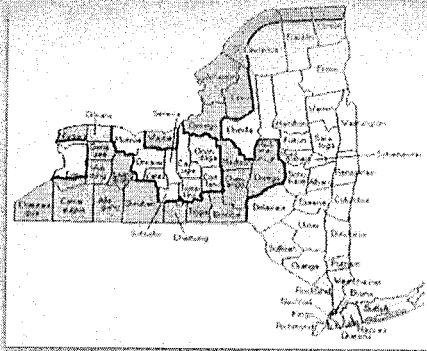
## How it's done.

For example, an owner of adjacent vacant land signs a developer's "Good Neighbor Agreement" making them a "participating property" and allowing turbines to be sited closer than the local law's required setback distance. This removes the intended spirit of the local law, possibly making that property undevelopable in the future. The property owner is giving up property rights to the developer; and, as a result, the developer is taking control of future development in the town.



**Attention non-participating property owner - Good Neighbor Agreements allow the electric plant to be sited closer to your property by exempting your neighbor from the local setback law.**

Setback distance required in the local town law is removed when Good Neighbor Agreements are signed.



**Redlining practice that grants open season for developers to target certain economically challenged upstate areas - areas where the power generation is already clean and not needed**

When you take a close and careful look at the land mass of New York State it is clear to see that the potential for large scale wind development is very limited. We persist with aggressive efforts under state renewable energy goals to build out wind power in the State. But when you consider honestly where that is likely or even possible to happen, much less fair, it is realistically very constrained, and highly suspect from the standpoint of environmental justice.

For both commonsense and fairness we should start by looking at where in New York additional electric power generation is needed, and particularly where clean power is needed. The answer to that question is clearly downstate.

Should not then all open space in downstate areas be utilized first for new generation sites? If the State is reluctant to override what it knows will be intense local opposition in the New York City area, Long Island and the Hudson Valley, where the power is needed and where existing generation is primarily fossil fueled, then it is indisputably the case that the State has essentially accepted the reality of a redlining practice that grants open season for developers to target certain economically challenged upstate areas - areas where the power generation is already clean and not needed, and where the populace lacks the economic power to fight back convincingly against development of those projects.

This is de facto energy redlining of New York - marking off for unprecedentedly intrusive (big, loud and ugly) industrial development, areas of the State that have marginal political clout based on socio/economic factors more than anything else. [read more](#)

### **Typical language from wind lease:**

#### **Waiver of Nuisance**

"Landowner has been informed by Lessee and understands that the presence and operations of the improvements on the Permitted Area and on adjacent property will potentially result in some nuisance to Landowner, such as: (i) higher noise levels than currently occur at the Permitted Area and the surrounding area; (ii) visual impact; (iii) "flickering" reflections and/or shadowing from the wind turbine rotors. **Landowner hereby accepts such nuisance and waives any right that Landowner may have to object to such nuisance** (and Landowner releases Lessee from any claims Landowner may have with respect to any such nuisance). Lessee will exercise reasonable efforts to keep such nuisances, if any, to a minimum."

- excerpt from North Ridge Wind Option and Wind Energy Lease Agreement (Hopkinton / Parishville)

**This document is best viewed electronically as a PDF available online at [www.nnywind.com](http://www.nnywind.com) for ease in navigating links to view videos, read supporting documents, and explore websites for more information.**

## Warwick Town Clerk

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**From:** CCRP <nyconcernedcitizens@gmail.com>  
**Sent:** Tuesday, November 17, 2020 2:54 PM  
**To:** supervisor@bloominggrove-ny.gov; ddecker@bloominggrove-ny.gov; rvalentine@thetownofchester.org; Lzappala@thetownofchester.org; rrandazzo@cornwallny.gov; townclerk@cornwallny.gov; crawfordsupervisor@hvc.rr.com; townclerk@townofcrawford.org; gspears@townofdeerpark.org; fsantini@townofdeerpark.org; PGersbeck@townofgoshen.org; pmacko@townofgreenvilleny.com; townclerk@townofgreenvilleny.com; Suprv@townofhamptonburgh.org; tc@townofhamptonburgh.org; blivsey@highlands-ny.gov; jpatterson@highlands-ny.gov; minisinksupervisor@yahoo.com; bmaher@townofmontgomery.com; supervisor@townofmounthope.org; clerk@townofmounthope.org; kallegra@newwindsor-ny.gov; supervisor@townofnewburgh.org; town-clerk@townofnewburgh.org; Townsupervisor@tuxedogov.org; Townclerk@tuxedogov.org; Michael Sweeton; Warwick Town Clerk; supervisor@townofwawayanda.com; Brescia@frontiernet.net; legislature@orangecountygov.com; jramppen@orangecountygov.com  
**Subject:** Joint Support Document  
**Attachments:** Joint Comment\_11 13 20.pdf

RECEIVED

NOV 23 2020

Town of Warwick  
Town Clerk

Dear Neighbor,

As you may be aware, the newly formed New York State Office of Renewable Energy Siting (ORES) is creating new procedural rules for power plant siting proceedings. Please note there are two sets of regulations being reviewed, and we encourage you to provide comments on both. The first set of regulations sets forth procedures for the ORES application process, and the second sets uniform standards and conditions applicable to all renewable energy projects (such as setback distances and noise limits). The draft rules and regulations are available here: <https://ores.ny.gov/regulations>

The ORES website also provides instructions for commenting on the rules. Comments are due Monday, December 7, 2020.

In addition to any personal comments your group, town, or county might submit, Concerned Citizens for Rural Preservation (CCRP) requests you consider signing a document to demonstrate your support for the following general comments:

- **Comment 1: Inadequate Review of Environmental Impacts**

The Draft Regulations do not allow for meaningful identification, assessment, or mitigation of the negative environmental impacts of individual renewable energy projects.

- **Comment 2: Improper Reliance on Secrecy to Avoid Public Scrutiny**

The Draft Regulations do not allow for meaningful public participation in the renewable energy siting process, and fail to provide open and transparent access to project details, applications, case documents, or docket lists.

- **Comment 3: Violation of Home Rule Principles**

The Draft Regulations violate Article IX of the New York State Constitution and effectively strip local governments of legislative, zoning, and police powers.

- Comment 4: Elevation of Private Corporate Interest over Public Interest

The Draft Regulations improperly elevate project economics and profitability over local siting concerns.

Last week we sent the above comments to 36 groups, towns, and government officials who expressed interest in showing their support. The original Joint Comment document is attached for your review. Although we had intended to file this document Monday, the deadline for comments was just extended by three weeks, and we now have the opportunity to ask for additional signatures.

We write today to inquire if you would also be interested in showing your joint support for these comments by signing the attached document. **If you are interested, please let us know before Wednesday, December 2nd**, and our lawyer, The Zoghlin Group, will add your information to the document, then send you an email with instructions on how to review and electronically sign the final formal Joint Comment document. You will receive an email from The Zoghlin Group via DocuSign on or before Thursday, December 3rd.

We simply need the following information from you now in order to complete the final Joint Comment document, as ORES requires this information to be submitted by any commenting party:

1. Name of person with capacity to sign for group, town, or county.
2. Mailing address for group, town, or county.
3. Phone number for group, town, or county.
4. Email address for individual signing the document.

Thank you for considering joining us, along with many other groups, officials, and municipalities around the state, in providing this important commentary to the Office of Renewable Energy Siting.

Respectfully,

Concerned Citizens for Rural Preservation (CCRP)  
Hopkinton and Parishville, NY  
[nnywind.com](http://nnywind.com)



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JOINT PUBLIC COMMENT ON THE NEW YORK STATE OFFICE OF RENEWABLE  
ENERGY DRAFT REGULATIONS CHAPTER XVIII TITLE 19 (SUBPARTS 900-1 –  
900-5; 900-7 – 900-14)

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Document prepared for joint submission by:

Benjamin E. Wisniewski, Esq.,  
The Zoghlin Group, PLLC  
*Attorneys for the Concerned Citizens  
For Rural Preservation*  
300 State Street, Suite 502  
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[Benjamin@ZogLaw.com](mailto:Benjamin@ZogLaw.com)

Dated: November 11, 2020  
Rochester, New York

**I. Introduction**

This Joint Public Comment provides consolidated public comment on the Draft ORES regulations necessary to implement Section 94-c of the New York State Executive Law. The comments address the proposed Office of Renewable Energy Siting draft regulations, Chapter XVIII Title 19 (Subparts 900-1 – 900-5; 900-7 – 900-14) (the “Draft Regulations”). The comments are submitted to the Office of Renewable Energy Siting by following officials, interest groups, and municipalities, as indicated by the signatures at the end of this document:

- A. Concerned Citizens for Rural Preservation
- B. Save Ontario Shores, Inc.
- C. Broome County Concerned Residents
- D. Town of Copake, New York
- E. Guilford Coalition of Non-Participating Residents
- F. Concerned Citizens for the Cassadaga Wind Project
- G. Ginger Schroder, Esq., Cattaraugus County Legislator, Legislative District 3
- H. Town of Farmersville, New York
- I. Prattsburg Preservation Alliance Inc.
- J. Town of Yates, New York
- K. Town of Rush, New York
- L. Cambria Opposition to Industrial Solar, Inc.
- M. Rural Preservation and Net Conservation Benefit Coalition
- N. Freedom United
- O. Town of Malone, New York
- P. Lake Hiram Club

- Q. Farmersville Citizens United
- R. Tug Hill Alliance for Rural Preservation
- S. Residents United to Save Our Hometown
- T. Clear Skies Above Barre, Inc.
- U. Town of Moriah, New York
- V. Town of Ashford, New York
- W. Town of Ischua, New York
- X. Town of Solon, New York
- Y. Sensible Solar for Rural New York
- Z. Sardinia Rural Preservation Society
- AA. Town of Somerset, New York
- BB. Town of Cambria, New York
- CC. Town of Ripley, New York
- DD. Town of Byron, New York
- EE. Citizens Protecting the North Country
- FF. River Residents Against Turbines
- GG. Citizens for Maintaining Our Rural Environment Inc.
- HH. Rebecca J. Wydysh, Chairman, Niagara County Legislature
- II. John Syracuse, Vice-Chairman, Niagara County Legislature
- JJ. Richard Updegrove, County Manager, Niagara County Legislature
- KK. Town of Wilson, New York

## II. Specific Comments on Proposed Regulations

The signatories to this document provide the following comments to the Office of Renewable Energy Siting as if they were their own:

### **Comment 1: Inadequate Review of Environmental Impacts**

*The Draft Regulations do not allow for meaningful identification, assessment, or mitigation of the negative environmental impacts of individual renewable energy projects.*

### **Comment 2: Improper Reliance on Secrecy to Avoid Public Scrutiny**

*The Draft Regulations do not allow for meaningful public participation in the renewable energy siting process and fail to provide open and transparent access to project details, applications, case documents, or docket lists.*

### **Comment 3: Violation of Home Rule Principles**

*The Draft Regulations violate Article IX of the New York State Constitution and effectively strip local governments of legislative, zoning, and police powers.*

### **Comment 4: Elevation of Private Corporate Interest over Public Interest**

*The Draft Regulations improperly elevate project economics and profitability over local siting concerns.*

**III. Signatories to Joint Public Comment**

We, the undersigned, hereby agree with the foregoing comments and direct the Concerned Citizens for Rural Preservation, through their legal counsel the Zoghlin Group, PLLC, to submit these comments to the Office of Renewable Energy Siting:

\_\_\_\_\_  
**Concerned Citizens for Rural Preservation**, by Lucia Dailey  
Address: 469 Chapel Hill Road  
Colton, NY 13625  
Email: [wdailey@northnet.org](mailto:wdailey@northnet.org)  
Phone: (315) 566-9628  
Date: \_\_\_\_\_

\_\_\_\_\_  
**Save Ontario Shores, Inc.**, by Pamela Atwater  
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Lyndonville, NY 14098  
Email: [pamatw155@gmail.com](mailto:pamatw155@gmail.com)  
Phone: (716) 795-9001  
Date: \_\_\_\_\_

\_\_\_\_\_  
**Broome County Concerned Residents**, by Anne Lawrence  
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Date: \_\_\_\_\_

\_\_\_\_\_  
**Town of Copake.**, by Town Supervisor Jeanne Mettler  
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230 Mountain View Road  
Copake, NY 12516  
Email: [copakesupervisor@fairpoint.net](mailto:copakesupervisor@fairpoint.net)  
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Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Guilford Coalition of Non-participating Residents, by William Pratt**

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**Concerned Citizens for the Cassadaga Wind Project, by Joni Riggie**

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**Town of Farmersville, by Deputy Town Supervisor Mark Heberling**

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**Prattsburgh Preservation Alliance Inc., by Melissa Marszalek, President**

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Prattsburgh, NY 14873  
Email: [mjmarszalek@gmail.com](mailto:mjmarszalek@gmail.com)  
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Date: \_\_\_\_\_

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**Town of Yates**, by Town Supervisor James Simon

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PO Box 484  
Lyndonville, NY 14098  
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Date: \_\_\_\_\_

---

**Town of Rush**, by Gerald Kusse

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---

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---

**Rural Preservation and Net Conservation Benefit Coalition**, by Maryanne Adams

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---

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**Town of Malone**, by Town Supervisor Andrea M. Stewart

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Date: \_\_\_\_\_

**Tug Hill Alliance for Rural Preservation**, by Rebecca Sheldon

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Date: \_\_\_\_\_

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---

**Sensible Solar for Rural New York**, by Darin Johnson

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**Sardinia Rural Preservation Society**, by Donald Zimpfer

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---

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---

**Town of Cambria**, by Town Supervisor Wright H. Ellis

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---

**Town of Ripley**, by Deputy Town Supervisor Michael J. Rowe

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**Town of Byron, by Town Supervisor Peter Yasses**

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Date: \_\_\_\_\_

---

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Date: \_\_\_\_\_

---

**River Residents Against Turbines, by Ross Holbrook**

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Date: \_\_\_\_\_

---

**Citizens for Maintaining Our Rural Environment Inc., by Mona Meagher**

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Canisteo, NY 14823  
Email: [monalmeagher@gmail.com](mailto:monalmeagher@gmail.com)  
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Date: \_\_\_\_\_

---

**Rebecca J. Wydysh, Chairman, Niagara County Legislature**

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Date: \_\_\_\_\_

Date: \_\_\_\_\_

---

**John Syracuse, Vice-Chairman, Niagara County Legislature**

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**Richard Updegrove, County Manager, Niagara County Legislature**

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Lockport, NY 14094

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**Town of Wilson, by Town Supervisor Doyle H. Phillips**

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Phone: 716-751-6704

**COMP ALLIANCE**

*Since 1994*

www.compalliance.org

November 30, 2020

Town of Warwick  
Attn: Michael Sweeton  
132 Kings Highway  
Warwick, NY 10990

Dear Mr. Sweeton,

We are pleased to announce that the Town of Warwick has qualified for the Comp Alliance Safe Workplace Award for its performance during policy year 2019. The Safe Workplace Award Program is a monetary award that benefits Comp Alliance members who have had positive loss experience during a given policy year.

Originally intended to take effect following the 2020 policy year, the Comp Alliance Board of Trustees has decided to implement this program one year ahead of schedule in recognition of the immediate need for fiscal relief by its members.

As the Comp Alliance continues its strong history of stable rates and financial stability, it is proud to be in a position to give back to its members. In the past two years, the Comp Alliance has distributed Loyalty Awards, provided Workforce Reduction Credit checks and donated tens of thousands of face masks and other of PPE to its members throughout the state.

We appreciate your continued membership in the program and look forward to helping you keep your workforce healthy and safe.

*Michael Kenneally*

Comp Alliance, Executive Director

**COMP ALLIANCE**

*Since 1994*

Gerald K. Geist  
Chairman

Michael E. Kenneally  
Executive Director

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Town of Warwick  
Town Clerk

**RECEIVED**  
DEC 03 2020  
TOWN OF WARWICK  
SUPERVISOR'S OFFICE

*Check to Town of Warwick*

*\$ 17,720*

**Plan Manager: Wright Risk Management**  
900 Stewart Avenue, Suite 600, Garden City, NY 11530  
Phone: 866-697-6922 Fax: 516-227-2352



STEVEN M. NEUHAUS  
COUNTY EXECUTIVE

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DEC 07 2020  
Town of Warwick  
Town Clerk

November 25, 2020

Supervisor Michael Sweeton  
Town of Wallkill  
132 Kings Highway  
Warwick, NY 10990

**RE:** Community Development Block Grant - FY 2021 Award Letter  
Project: Town of Warwick - Winslow Therapeutic Riding Center Adult Day Program  
Grant Amount: \$25,000.00

Dear Supervisor Sweeton:

I am pleased to inform you that the project referenced above has been included in our 2021 Action Plan application to the U.S. Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds. Please be advised that this is a funding reservation, subject to receipt of an anticipated CDBG appropriation from HUD and a 24 CFR Part 58 Environmental Review.

This year the Office of Community Development received twenty-four (24) Community Development Block Grant (CDBG) applications requesting more than \$3.5 million in funding, but only had \$1.4 million to allocate for the 2021 Program Year. In an effort to make these limited dollars go further, the use of CDBG funds for engineering and administrative costs will continue to be prohibited. In addition, if you included funding from "other sources" in the Project Budget Summary of your application, this amount will be included in your municipal grant agreement. Evidence of expenditure of these funds will be required prior to final payment of the grant. We anticipate receiving our final 2021 funding allocation amount from HUD in May 2021 with funds becoming available for use by December 2021 pending HUD approval.

Please review the attached Environmental Review Summary for Municipalities and Engineers to better understand the process we are completing before we can officially fund your project. Please do not commence any activities or choice limiting actions associated with any phase of the above referenced project until you receive a fully executed written municipal grant agreement with the County and notice of a completed 24 CFR Part 58 Environmental Review Record. Any funds spent on the activity listed above prior to these being completed cannot be reimbursed. If you applied for funding on behalf of a Subrecipient, please inform them of the grant conditions and timeline.

I wish you success with your 2021 Community Development project.

*Attachments:*  
Environmental Review Summary  
for Municipalities and Engineers

Sincerely,

Steven M. Neuhaus  
County Executive

RECEIVED

DEC 07 2021

Town of Warwick  
Town Clerk

**Warwick Town Clerk**

---

**From:** Walag, Alaina <AWalag@orangecountygov.com>  
**Sent:** Thursday, December 03, 2020 2:46 PM  
**To:** Michael Sweeton  
**Cc:** Town of Warwick Accounting Dept; Warwick Town Clerk; Andersen, Nicole  
**Subject:** CDBG 2021 Application Status - Awarded: Town of Warwick  
**Attachments:** Environmental Review - Summary for Municipalities.pdf; Warwick -T - 2021 CDBG Award Letter.pdf

Dear Supervisor Sweeton,

Thank you for applying to the 2021 CDBG Municipal Program.

We are pleased to inform you that your **application has been awarded** and has been included in our 2021 Action Plan to HUD.

Please read the attached letter carefully along with the Environmental Review Summary to better understand the program timeline and next steps. This letter and summary are being mailed to your attention as well.

Wishing you all the best & looking forward to working with you on your project,

Alaina

Alaina Walag  
Assistant Director  
Orange County Office of Community Development  
40 Matthews Street, Suite 307A  
Goshen, NY 10924  
845-615-3817

 Please consider the environment before printing this email

This communication may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender, and destroy all copies of the original message. No responsibility is accepted by Orange County Government for any loss or damage arising in any way from receiving this communication.

# ENVIRONMENTAL REVIEW PROCESS OVERVIEW FOR MUNICIPAL SUBRECIPIENTS AND ENGINEERS

## Purpose:

---

### NEPA

This memo is an overview of the steps and sequencing of the Environmental Review process required for the receipt of federal funds from The US Department of Housing and Urban Development (HUD) by the Orange County Office of Community Development (OCOCD) in the form of Community Development Block Grants (CDBG). The CDBG Program awards funds to eligible projects applied for by Municipalities in the OCOCD's Urban Consortium.

The OCOCD is required to develop an Environmental Record of Review (ERR) for each project in order to comply with the National Environmental Policy Act (NEPA).

There are varying levels of review depending on the project type which may require various degrees of public notices and comment periods as well as review by HUD before funding able to be dedicated to the project.

It is very important that the municipality, as the subrecipient, and their engineers, understand this process as well as the different levels of review and what may be required of them.

### SEQRA

The NEPA ERR **does not** address the requirements of the State Environmental Quality Review Act (SEQRA) for the project. NEPA ERR only addresses the review required for federal funding. SEQRA is a requirement of New York State and is self-governing. It is the responsibility of the municipality to conduct their own SEQRA determinations on their projects in accordance with NYS Title 6 NYCRR Part 617. Contact the OCOCD CDBG Project Manager if you have questions about SEQRA compliance for your municipality.

## Important Terms and Definitions

---

**NEPA:** The National Environmental Policy Act of 1969 and all amendments.

**ERR:** Environmental Review Record (Sec. 58.38). The ERR is the file containing all environmental review documents, public notices and written determinations or environmental findings required by 24 CFR Part 58 as evidence of review, decision making and actions pertaining to a project.

**Activity:** An action that a subgrantee or recipient puts forth as part of a federally assisted project regardless of whether its cost is to be borne by the HUD assistance or it is an eligible expense under the HUD program. Examples: rehabilitation, demolition, acquisition, new construction.

**24 CFR Part 58:** Regulations governing Environmental Review requirements to comply with NEPA for HUD funding: Environmental review procedures for entities assuming HUD environmental responsibilities.

**Exempt:** The action is listed in 24 CFR Part 58.34 as a known exemption. A categorically excluded (see below) review can also convert to exempt if, after completing the review, OCOCD determines none of the regulations apply/no further consultation is required.

**Categorical Exclusions:** Level of Review required for action types as defined by 24 CFR §58.35(a) or (b)

- **CENST:** Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 as defined under 24 CFR 58.35(b) – Level of review required for activities listed in 24 CFR 58.35(b), only subject to analysis under limited regulations.
- **CEST:** Categorical Exclusion Subject to the requirements of 24 CFR 58.5 as defined under 24 CFR 58.35(a) – Level of review required for activities listed in 24 CFR 58.35(a), subject to analysis of all regulations listed on the Statutory Checklist.

**EA:** Environmental Assessment: Level of Review required for action types as defined by 24 CFR §58.36

**EIS:** Environmental Impact Statement: Level of Review required for action types listed in 24 CFR §58.37. If an EA results in a Finding of Significant Impact, an EIS must be conducted. There are other thresholds which trigger the need to undergo the EIS process, see 24 CFR §58.37.

**Statutory Checklist:** Checklist of all laws/statutes/regulations which must be analyzed during the environmental review. Each level of review/activity has its own version of the statutory checklist. This is completed along with supporting documents for compliance and is part of the ERR.

**Tiering:** The evaluation of an action or an activity at various points in the development process as a proposal or event becomes ripe for an Environment Assessment or Review.

**RROF:** Request for release of funds; form required by HUD which documents the completion of the ERR, form is signed by the Certifying Officer and sent to HUD when the public comment period ends.

**NOIRROF:** Notice of Intent to Request a Release of Funds. This notice must be mailed to all interested parties and published/posted as directed by Part 58.

**FONSI:** Finding of No Significant Impact. One of two determinations resulting from the completion of an Environmental Assessment. This determination means the project can proceed and no EIS is required.

**FOSI:** Finding of Significant Impact. One of two determinations resulting from the completion of an Environmental Assessment. This determination means the project cannot proceed until an EIS is completed.

**EN:** Early Notice (Required for Floodplain 8-step reviews) – notifies the public of proposed work in a special flood hazard area.

**FN:** Final Notice (Required for Floodplain 8-step reviews) - notifies the public of proposed work in a special flood hazard area, is published once the environmental review is completed.

**AUGF:** Authority to Use Grant Funds. The notice HUD sends to the responsible entity which allows the RE to proceed with using the grant funds. This is issued in response to the submission of the RROF after the required public comment period.

**Choice-Limiting Actions:** HUD's regulations at 24 CFR 58.22 prohibit grant recipients and their partners from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environmental review once a project has become "federal." This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions prior to the release of funds. Failure to avoid commitments to particular sites prior to the completion of environmental review can result in significant audit findings and jeopardize HUD funding.

**Certifying Officer:** The official authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities of Sec. 58.13. The Certifying Officer should be the



Responsible Entity's highest elected official or other qualified (legally responsible) RE employee designated in writing. All local units of government function as Responsible Entities for their grants and designate a Certifying Officer.

**Responsible Entity:** A participating jurisdiction, a state recipient, or local unit of government that is responsible for an environmental review. The responsible entity (RE) is always a unit of local government or the state. All local governments receiving HUD federal funds function as the responsible entities for the environmental review of their grants. OCOCD is the responsible entity for all CDBG grants.

## Environmental Review Generalized Steps

---

**Step 1:** Application is submitted with all required documents for OCOCD's review and approval.

**Step 2:** Applications approved by:

1. Orange County Office of Community Development
2. The Community Development Block Grant Committee
3. The Orange County Legislature
4. The County Executive

**Step 3:** OCOCD Notifies approved municipalities and engineers via email with instructions to **NOT START ANY WORK** until Environmental Record of Review (ERR) is completed.

**The municipality should submit all plans, drawings, final scopes of work and budgets to the OCOCD at this time. The plans help us conduct the environmental review.**

**Step 4:** OCOCD and/or its consultant will begin the ERR in accordance with 24 CFR Part 58. At this time, the municipality/engineer shall not engage in any choice limiting actions. A choice limiting action can be: Starting work, going out to bid, executing contracts etc. If you have a question about an action before your contract is executed with the County, please reach out to the OCOCD before proceeding to determine if it is considered "choice limiting".

The OCOCD will determine the level of environmental review required and complete the appropriate steps needed. Additional input may be requested by the OCOCD. Some levels of review may require additional studies such as a Phase I Environmental Site Assessment for certain projects/locations. See worksheet attachments for an overview of when this may be requested. If you have questions, please contact the OCOCD Project Manager.

**Step 5:** Once the Environmental Review is completed and executed, it may require the publication of a Notice of Intent to Request Release of Funds (NOIRROF) or, for an Environmental Assessment level of review (more rare for municipal projects), a combined NOIRROF with a Finding of No Significant Impact (FONSI). Additionally, for development in the floodplain, an Early Notice (EN) and Final Notice (FN) may be required. The FN is normally combined with either the NOIRROF of the

FONSI/NOIRROF publication as all require a public comment period at the end of the Environmental Review.

For Categorical Exclusions Subject to Part 58 (CEST): The NOIRROF has a public comment period of 7 days before the RROF can be mailed to HUD.

For Environmental Assessments (EA): The FONSI/NOIRROF has a public comment period of 15 days before the RROF can be mailed to HUD.

CEST reviews that convert to Exempt, CENST reviews and Exempt by definition reviews never require a public notice and subsequently, do not require the OCOCD submits a Request of Release of Fund (RROF) to HUD. Therefore, for these levels of review, an Authority for Use of Grant Funds (AUGF) is not required. Once the Environmental Review is completed, the OCOCD will give notice to proceed.

**Step 6:** Once the public comment period ends, the OCOCD will submit the RROF to HUD. HUD takes approximately 30 days to send back the AUGF. Once the AUGF is received, the Municipality can proceed given that their agreement with the County is executed and OCOCD has notified the municipality that they have received the annual entitlement from HUD. Any work completed before the annual funding has been received by OCOCD is done at the risk of the municipality and may jeopardize their funding.

**IMPORTANT: THE ABOVE STEPS MUST BE COMPLETED BEFORE ANY CHOICE LIMITING ACTIONS ARE UNDERTAKEN. ONLY AFTER YOU RECEIVE WRITTEN NOTICE TO PROCEED CAN YOU START THE FOLLOWING STEPS.**

**Step 7:** Prepare bid documents/force account paperwork for approval.

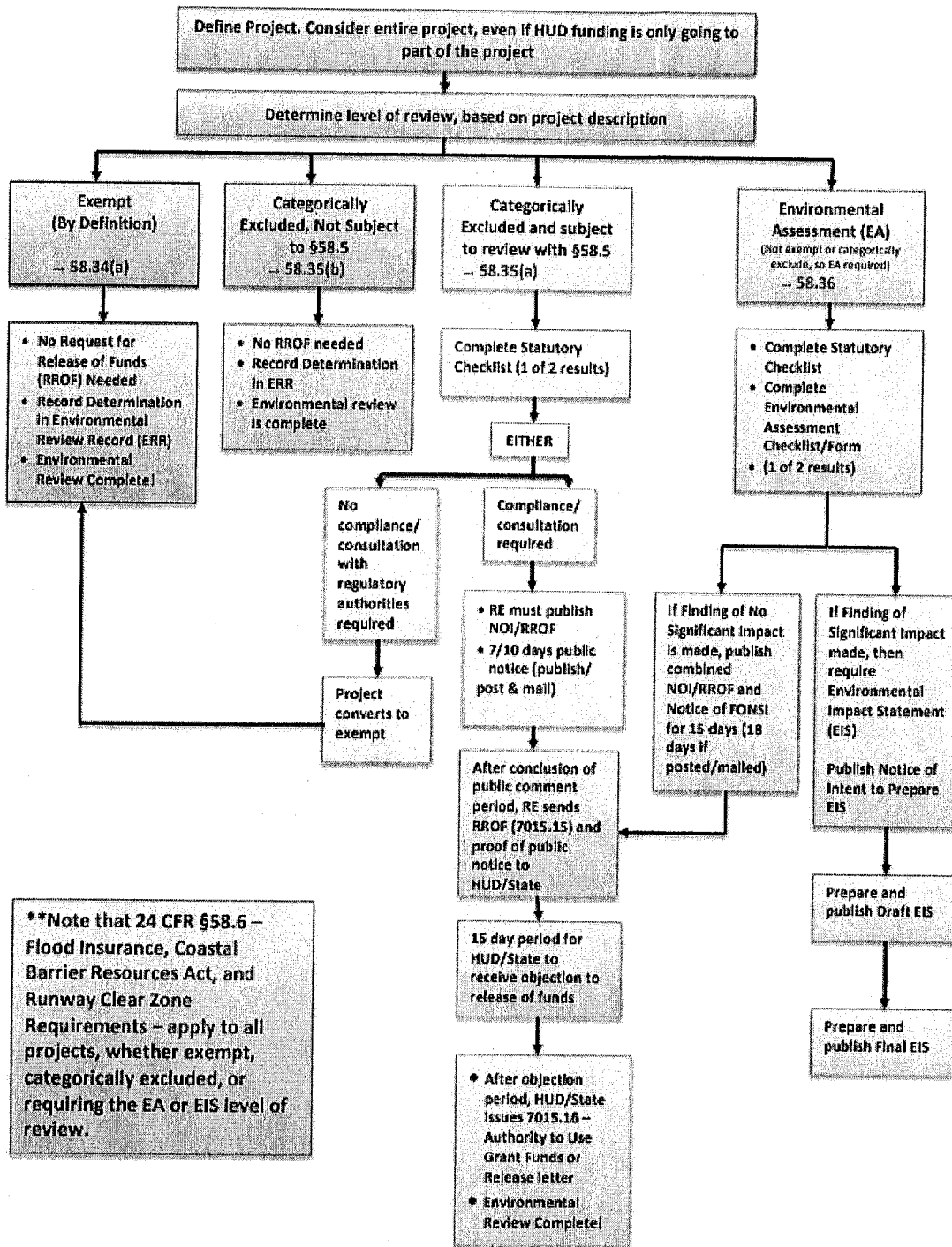
**Step 8:** Start work. Notify OCOCD Project Manager of start work date so progress inspections/labor interviews can be conducted.

**Step 9:** Submit quarterly vouchers with all required back up along with progress reports.

**Step 10:** Submit Final voucher with release of liens and final drawings to be used by OCOCD to conduct the Final Inspection.

# Environmental Review Flow Chart:

## Environmental Review Process (To Be Conducted by Responsible Entity)



X

**Warwick Town Clerk**

---

**From:** Russell, Ellen <erussell@orangecountygov.com>  
**Sent:** Tuesday, December 01, 2020 12:32 PM  
**To:** Russell, Ellen  
**Cc:** Long, Ashlee; Richmond, Julie  
**Subject:** Connect Mid-Hudson Transit Study Public Meeting  
**Attachments:** ConnectMidHudson.jpg

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**DEC 07 2020**  
Town of Warwick  
Town Clerk

Good Afternoon,

In late 2018, Ulster, Dutchess, and Orange counties began work on a regional transit study titled Connect Mid-Hudson: a collaborative effort to assess the strengths and weaknesses of the existing regional transit network in the Mid-Hudson Valley, and to identify opportunities to improve regional connections (i.e. improve services between the three counties, and services between the Mid-Hudson region to other regions such as NYC). We are pleased to report that the study is nearing completion. Accordingly, a virtual public meeting will be held on **Thur., Dec. 10, 2020 at 6:00 p.m.** to present the study's key findings and recommendations.

We would like to ask you to post the announcement on your social media account(s) and website.

**Please use the text below and the attached image for your social media posts.**

*Join the Orange County Transportation Council and their partners at the Dutchess and Ulster County Transportation Councils on Thursday, December 10<sup>th</sup> at 6:00p.m. for a virtual meeting to hear about the key findings and recommendations of the Connect Mid-Hudson Transit Study! The aim of the study was to assess the strengths and weaknesses of the existing regional transit network in the Mid-Hudson Valley and to identify opportunities to improve regional connections.*

*You can join via the Zoom link found on the project website ConnectMidHudson.com/events. Can't make it? No problem. The meeting will be recorded and posted on connectmidhudson.com the next day for review and comments.*

**Please use the text below to post the announcement on your website.**

In late 2018, Dutchess, Orange, and Ulster counties began work on a regional transit study titled Connect Mid-Hudson: a collaborative effort to assess the strengths and weaknesses of the existing regional transit network in the Mid-Hudson Valley, and to identify opportunities to improve regional connections (i.e. improve services between the three counties, and services between the Mid-Hudson region to other regions such as NYC).

We are pleased to report that the study is nearing completion. Accordingly, a virtual public meeting will be held on **Thur., Dec. 10, 2020 at 6:00 p.m.** to present the study's key findings and recommendations, addressing the following items:

- Impacts of COVID on regional travel patterns
- Pre-COVID service performance and customer satisfaction
- Effectiveness of regional services
- Opportunities for new technologies and service models

- Capital improvements to alleviate corridor congestion and capacity constraints

To participate in this virtual public meeting, please use the Zoom meeting link provided below. The meeting will be recorded for those who are unable to join live, and the video posted on the Connect Mid-Hudson website (likely the next day) for review and comment.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84598710813?pwd=ZFhMTHNxallhbE5XWXhSdmloQ1ZkQT09>

Meeting ID: 845 9871 0813

Passcode: 975406

To participate by phone only, dial (929) 205-6099

Thank you,  
Ashlee

**Ashlee Long**

**Planner**

Orange County Transportation Council

Orange County Planning Department

124 Main Street

Goshen, NY 10924

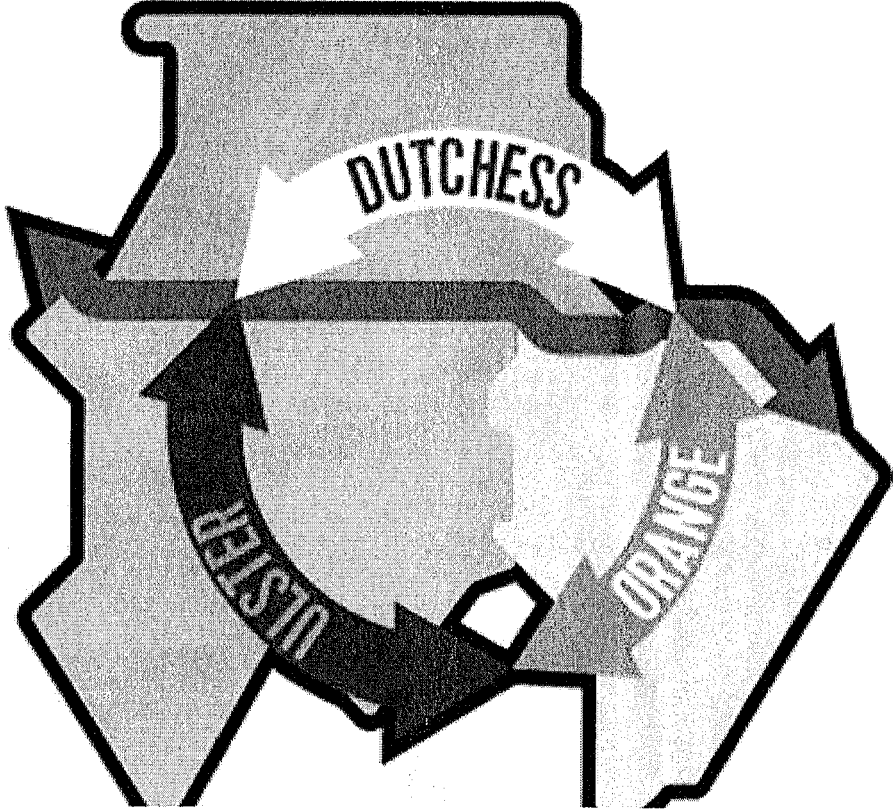
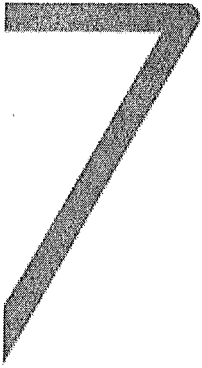
Phone: 845-615-3840

Fax: 845-291-2533

Email: [along@orangecountygov.com](mailto:along@orangecountygov.com)

Website: [www.orangecountygov.com/octc](http://www.orangecountygov.com/octc)

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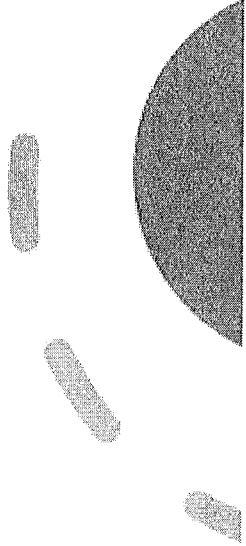


# CONNECT MID-HUDSON TRANSIT STUDY

Virtual Public Meeting

December 10

6:00pm



LAW OFFICE

**Ira M. Emanuel, P.C.**

Four Laurel Road, New City, NY 10956  
Tel: 845.634.4141 Fax: 845.634.9312  
E-mail: Info@EmanuelLaw.com  
www.EmanuelLaw.com

Counsel to  
Freeman & Loftus, RLLP

Amy Mele, Esq.  
Of counsel

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Town Clerk

November 10, 2020

Mayor Michael Newhard  
Village of Warwick  
P.O. Box 369  
Warwick, NY 10990  
E-mail: mayor@villageofwarwick.org

Supervisor Michael Sweeton  
Town of Warwick  
132 Kings Highway  
Warwick, NY 10990  
E-mail: msweeton@townofwarwick.com

Re: Village View Estates Subdivision  
Petition for Annexation and Application for Special Use Permit

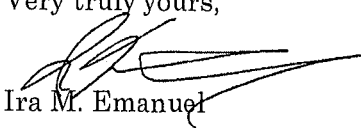
Dear Mayor Newhard and Supervisor Sweeton:

I represent Village View Estates, LLC ("Village View"), in connection with the Town of Warwick portion of the above matter. My colleague, Jay Myrow, Esq., of Blustein, Shapiro, Rich & Barone, LLP, represents the company with respect to the Village of Warwick portion.

A petition for annexation was filed in September 2018. Since that time, the Village Planning Board as lead agency under SEQRA, has completed an SEIS and a Findings Statement has been adopted. This matter is now ripe for a joint public hearing before the Village Board and Town Board on the annexation, and also a concurrent public hearing before the Village Board on the requested special permit.

Please schedule the public hearing at the earliest opportunity.

Very truly yours,

  
Ira M. Emanuel

Cc (via e-mail, only):  
Robert Silber  
Steven J. Gaba, Esq.  
Kirk Rother, PE  
Jay R. Myrow, Esq.  
Raina Abramson, Village Clerk  
Eileen Astorino, Town Clerk

LAW OFFICE

# Ira M. Emanuel, P.C.

Four Laurel Road, New City, NY 10956

Tel: 845.634.4141 Fax: 845.634.9312

E-mail: [Info@EmanuelLaw.com](mailto:Info@EmanuelLaw.com)

[www.EmanuelLaw.com](http://www.EmanuelLaw.com)

Counsel to  
Freeman & Loftus, RLLP

Amy Mele, Esq.  
*Of counsel*

November 10, 2020

Mayor Michael Newhard  
Village of Warwick  
P.O. Box 369  
Warwick, NY 10990  
E-mail: [mayor@villageofwarwick.org](mailto:mayor@villageofwarwick.org)

Supervisor Michael Sweeton  
Town of Warwick  
132 Kings Highway  
Warwick, NY 10990  
E-mail: [msweeton@townofwarwick.com](mailto:msweeton@townofwarwick.com)

Re: Village View Estates Subdivision  
Petition for Annexation and Application for Special Use Permit

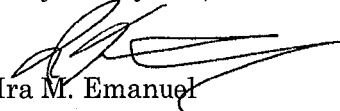
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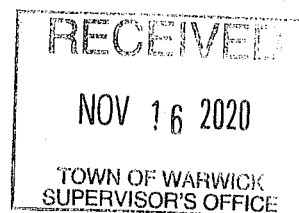
Please schedule the public hearing at the earliest opportunity.

Very truly yours,



Ira M. Emanuel

Cc (via e-mail, only):  
Robert Silber  
Steven J. Gaba, Esq.  
Kirk Rother, PE  
Jay R. Myrow, Esq.  
Raina Abramson, Village Clerk  
Eileen Astorino, Town Clerk





RECEIVED  
SEP 11 2020  
TOWN OF WARWICK  
SUPERVISOR'S OFFICE

VILLAGE OF WARWICK PLANNING BOARD  
RESOLUTION ADOPTING STATEMENT OF FINDINGS PURSUANT TO  
STATE ENVIRONMENTAL QUALITY REVIEW ACT LAW WITH RESPECT  
TO A PROJECT KNOWN AS VILLAGE VIEW ESTATES IN THE VILLAGE  
OF WARWICK, NEW YORK

WHEREAS, Robert Silber has requested the approval of the Village of Warwick (the "Village") with respect to the Development Plan for the parcels of property known as Village View Estates Subdivision and Site Plan Approval (the "Project"); and

WHEREAS, the Planning Board of the Village is the lead agency for the purposes of fulfilling the requirements of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board of the Village is to make all environmental findings on behalf of the Village; and

WHEREAS, the Planning Board has accepted as complete the Environmental Impact Statement (EIS) with regard to the Project, by resolution dated August 11, 2020; and

WHEREAS, pursuant to 6 NYCRR section 617.11(c), at least 10 days have elapsed since the filing of said EIS and Notice of Completion; and

WHEREAS, the Planning Board has given consideration to said EIS, and believes that the requirements of SEQRA and its implementing regulations have been met with regard to the Village; and

WHEREAS, pursuant to SEQRA and 6 NYCRR section 617.11 it is therefore appropriate at this time to adopt and file a Statement of Environmental Findings with respect to the proposed development of the Project in the Village of Warwick;

NOW, THEREFORE BE IT RESOLVED that in connection with the proposed Development of the Project in the Village of Warwick, the Planning Board of the Village of Warwick hereby adopts the SEQRA Statement of Findings annexed hereto as Exhibit A, and be it

FURTHER RESOLVED that the Secretary for the Planning Board is directed to file a copy of this resolution, together with the Statement of Findings annexed hereto, with all involved agencies, pursuant to 6 NYCRR section 617.12.

On a motion by Member - Jesse Gallo and seconded by member William Olsen, and

On a vote of - 4 ayes 0 nays 0 abstentions,

The Chairman declared the resolution adopted.

Date: September 8, 2020

(Exhibit A - Statement of Environmental Findings For Village View Estates Subdivision and Site Plan Approval – Follows)

**Statement of  
Environmental  
Findings**

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

**Date Adopted: September 8, 2020**

**Planning Board of the Village of  
Warwick**

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

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

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

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

**Mailing Address:** 77 Main Street  
Warwick, NY 10990

**Contact Person for Additional Information:** Maureen Evans, Village of Warwick Planning Board Secretary by mail: Village of Warwick, P.O. Box 369, Warwick, NY 10990, or by email [planning@villageofwarwick.org](mailto:planning@villageofwarwick.org)

**SEQR Status:** Unlisted

**Date SFEIS Adopted and Filed:** Adopted August 11,2020 , Filed on August 14,2020

**Lead Agency Adoption of this Statement of Environmental Findings:** September 8, 2020

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## **Section 1: Introduction**

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

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

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

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

The site that is subject to subdivision approval in the Village of Warwick is a vacant 20.3-acre tract of land located at the northeast corner of the intersection with Woodside Drive and Locust Street at the Village/Town of Warwick border. The site consists of four different adjoining tax map parcels Section 201, Block 1, Lots 1.1, 1.2, 1.3, and 2. The site lies within the R (Residential) zoning district. The bulk of the site's road frontage is on Locust Street, roughly 1,100 linear feet from the intersection of Woodside Drive to the Village/Town line. Approximately 300 feet of the site fronts directly on Woodside Drive.

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

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

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

The entrances to the subdivision are to be constructed through the applicant's property holdings. The access within the Village would be constructed on the applicant's property from Woodside Drive. The other entrance would be constructed in the Town of Warwick with road access onto Sleepy Valley Road, approximately 700 feet from the Town/Village municipal boundary line. (Sleepy Valley Road and Locust Street are the same road and bear a name change at the boundary line.) This second access would be traversing Town of Warwick Tax Lots currently known as Section 31, Block 2, Lots 85.2, 84.1 and 84.2.

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

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

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

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

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

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

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

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

This environmental review is known as a "coordinated review," which means the Village Planning Board is conducting the required SEQRA review on behalf of all the other agencies in the approval process. (For a complete list of agencies and approvals see following **Section 4.1.**) To be designated lead agency, the agency declares its intention to be "Lead Agency." All involved agencies are required to abide by the required mitigation imposed by this Findings Statement. If another agency does not agree with the required mitigation imposed by this document, they must conduct their own SEQRA review. However, it is unlikely that this situation would occur, since all documents are sent to involved agencies and provided time to comment on each phase.

This SEQRA process included a DEIS and SEIS. The DEIS adopted on July 19, 2018 discussed a 45 Lot Residential Subdivision prepared in accordance with new zoning provisions adopted by the Village for cluster subdivision. After the close of the public hearing, a new proposed alternative plan was submitted for consideration, and the Board determined that the changes in the new Plan warranted study under a SEIS. A SDEIS was prepared and accepted on November 12, 2019 to discuss the new plan, known as the "Reduced Scale Alternative". This SDEIS was subjected to a public hearing, which occurred on December 10, 2019 and public comment period which ended on December 20, 2019. In addition to the examination of the potential impacts of the "Reduced Scale Alternative" plan proposed in the Village, the SDEIS includes a discussion of the potential impacts from future development of the adjacent land owned by the applicant in the Town of Warwick through which road access is now proposed.

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

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

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

- May 18, 2017** Planning Board declared its intention to act as lead agency for this project.
- October 21, 2017:** Resolution confirming lead agency status.
- December 2017:** The Planning Board set a public hearing for the DEIS Scoping Document on January 18<sup>th</sup>, 2018.
- January 18<sup>th</sup>, 2018,** the Planning Board rescheduled the public hearing for February 15<sup>th</sup>, 2018.
- February 15<sup>th</sup>, 2018:** The DEIS scoping document was accepted by the planning board, with the condition that comments be considered for 10 days after the public hearing.
- July 19, 2018:** DEIS for 45-Lot Cluster Subdivision approved for distribution and public comment. This DEIS discussed 2 alternative layouts that were considered by the Planning Board: the originally approved 28 lot subdivision, and an alternative "affordable housing" subdivision layout of 48 lots.
- August 14, 2018** open of the public hearing on the DEIS
- October 18, 2018,** close of the public hearing on the DEIS
- October 28 2018** close of the public comment period on the DEIS.
- May 14, 2019:** letter from the Planning Board reconfirming lead agency stats and intention to study the Reduced Scale Plan.
- July 10, 2019** acceptance of Scope for SEIS, comments accepted until August 5, 2019.
- November 12, 2019** acceptance of the SEIS for public review.
- November 18, 2019,** date of filing of the SEIS, beginning of the public comment period.
- December 10, 2019,** open of the public hearing on the DEIS
- December 28, 2019,** close of the public comment period for the DEIS.
- August 11, 2020** acceptance of the SFEIS addressing public comments for the DEIS and SDEIS.
- August 12, 2020** Filing of Notice with the ENB.
- September 8<sup>th</sup>, 2020** Resolution for Approval of this Findings Statement for the subdivision plan known as the "Reduced Scale Alternative" discussed as the preferred plan in the SEIS.



## Section 4.1: Involved Agencies:

The following agencies have approval authority for this subdivision application:

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

## Section 5: Findings and Mitigation Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Section 5.4: Water Supply**

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

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

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

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

## **Section 5.5: Stormwater Management**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Section 5.7: Traffic**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Section 5.9: School Services**

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

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

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

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

## **Section 5.10: Fiscal Impact**

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

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

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

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

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

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

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

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

No public comments were received regarding impacts on cultural resources.

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

No mitigation is required for impacts on cultural resources.

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

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

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

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

### **Section 5.13: Alternatives**

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

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

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

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

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

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

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

No comments were received by the public for this issue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Certified by the Planning Board of the Village of Warwick by Resolution adopted on September 8, 2020.



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

Date

9/10/2020