

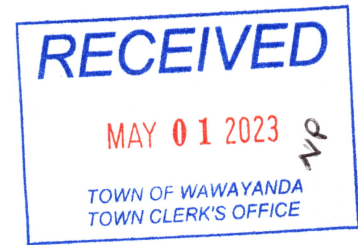


**TOWN OF WAWAYANDA  
PLANNING BOARD**

**John Razzano, Chairman**  
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Slate Hill, NY 10973  
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May 1, 2023

Robert A. Stout Jr., *Partner*  
Whiteman Osterman & Hanna LLP  
One Commerce Plaza  
Albany, NY12260



**RE: Dolsontown Corridor FGEIS –**

- Marangi** / SBL 6-1-3.31 & 3.32 / Dolsontown Rd
- RDM#3 – Dewpoint South** / SBL4-1-50.32 / Dolsontown Road
- RDM#4 – Dewpoint North** /SBL4-1-50.2 / Dolsontown Road
- RDM#5 – Dolsontown East** / SBL 1-1-52.1,1-1-4.2, & 6-1-3.2
- RDM#6 – aka Simon Business Park** / SBL 6-1-107 & 90.1 / Dolsontown Road

for the cumulative common impacts to: **ROADWAY SYSTEM  
WATER AND SEWER INFRASTRUCTURE  
STORMWATER DISCHARGES  
THREATENED AND ENDANGERED SPECIES  
HISTORICAL AND ARCHAEOLOGICAL RESOURCE**

Mr. Stout,

Please be advised that on April 26, 2023 the Planning Board of the Town of Wawayanda of the County of Orange of the State of New York made the following motion after its extensive review of the Dolsontown Corridor Generic Environmental Impact Statement.

*Motion by John Razzano, seconded by John Neiger to adopt the attached Findings Statements with respect to the Dolsontown Corridor FEIS, along with Findings Statements for RDM#3 – Dewpoint South (SBL4-1-50.32), RDM#4 – Dewpoint North (SBL4-1-50.2), RDM#5 – Dolsontown East (SBL 1-1-52.1,1-1-4.2, & 6-1-3.2), RDM#6 – (aka) Simon Business Park (SBL 6-1-107 & 90.1), and DOM-MAR/Marangi (SBL 6-1-3.31 & 3.32).*

**VOTE UPON ROLL CALL:**

<i>John Bacan</i>	<i>AYE</i>
<i>Thomas Barry</i>	<i>AYE</i>
<i>Ben Dombal</i>	<i>AYE</i>
<i>James Driscoll</i>	<i>AYE</i>
<i>John Neiger</i>	<i>AYE</i>
<i>Lynn Parsons</i>	<i>AYE</i>
<i>John Razzano</i>	<i>AYE</i>

**AYE 7 NAYS 0 ABSTENTIONS 0**

Please do not hesitate to contact this office if you have any questions, 845-355-5700 option #8.

Sincerely,



Stacey Daly-Wilkins  
Secretary

Attachments: Marangi Solid Waste FEIS  
RDM#3 – aka Dewpoint South FEIS  
RDM#4 – aka Dewpoint North FEIS  
RDM#5 – aka Dolsontown East FEIS  
RDM#6 – aka Simon Business Park FEIS

cc via email: Justine Dates  
Isaac Neuman  
Dave Lenox  
John Battaglia  
Michael Marangi  
David Bavoso  
Patrick Hines

**TOWN OF WAWAYANDA PLANNING BOARD  
LEAD AGENCY SEQRA FINDINGS STATEMENT**

**RDM #3 a/k/a “DEWPOINT SOUTH”**

**DOLSONTOWN CORRIDOR  
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT**

**WHEREAS**, RDM #3 (a/k/a “Dewpoint South”), RDM #4 (a/k/a “Dewpoint North”), RDM #5 (a/k/a “Dolsontown East”), and RDM # 6 (a/k/a “Simon Business Park”), (collectively, the “Warehouse Projects”) and the Marangi Solid Waste Facility (the “Marangi Project”) are projects proposed along Dolsontown Road in the MC-1 mixed commercial zoning district in the Town of Wawayanda (collectively, the “Proposed Action”); and

**WHEREAS**, Dewpoint Development LLC and GDBP 2171, applicants for Dewpoint South (Parcel Number 4-1-50.32), seek Site Plan, Special Use Permit and lot line change approvals pursuant to Article VII of Chapter 195 of the Town Code to construct a modern, state-of-the-art, 125,000-square foot warehouse with related parking, infrastructure, utilities and other site improvements; and

**WHEREAS**, Dewpoint North LLC, applicant for Dewpoint North (Parcel Number 4-1-50.2), seeks Site Plan, Special Use Permit and lot line change approvals pursuant to Article VII of Chapter 195 of the Town Code to construct a modern, state-of-the-art, 32,000-square foot warehouse with related parking, infrastructure, utilities and other site improvements; and

**WHEREAS**, Dolsontown Road East LLC, applicant for Dolsontown East (Parcel Numbers 1-1-52.1, 1-1-4.2, and 6-1-3.2), seeks Site Plan, Special Use Permit, and Lot Line Change approvals pursuant to Article VII of Chapter 195 and Article IV of Chapter 162 of the Town Code to construct two modern, state-of-the-art warehouses measuring 402,000 and 61,000 square feet, with related parking, infrastructure, utilities and other site improvements; and

**WHEREAS**, Mid Dolsontown, LLC, applicant for Simon Business Park (Parcel Numbers 6-1-107 and 6-1-90.1), seeks Site Plan, Special Use Permit, and Lot Line Change approvals pursuant to Article VII of Chapter 195 and Article IV of Chapter 162 of the Town Code to construct two modern, state-of-the-art warehouses measuring 244,200 and 54,000 square feet, with related parking, infrastructure, utilities and other site improvements; and

**WHEREAS**, Dom Kam LLC, applicant for Marangi Solid Waste Facility (Parcel Numbers 6-1-3.31 and 6-1-3.32), seeks Site Plan and Special Use Permit approvals pursuant to Article VII of Chapter 195 of the Town Code to construct and operate a solid waste management facility, which will include a 42,000 square foot transfer station and recycling facility, a 6,400 square foot administrative building with a 156 square foot utility room, associated parking, infrastructure, utilities, inbound and outbound truck scales, a residential drop-off area, a covered full trailer parking area, and an empty trailer parking area; and

**WHEREAS**, the Planning Board compared all potential impacts which may be reasonably expected to result from the Proposed Action, as identified in each project's respective Full Environmental Assessment Form ("Full EAF"), to the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3); and

**WHEREAS**, on July 28, 2021, the Planning Board adopted a State Environmental Quality Review Act ("SEQRA") Positive Declaration pursuant to 6 NYCRR §617.10 (the "Positive Declaration") in which the Planning Board determined that, considered together with other proposed and recently approved projects along Dolsontown Road generally located from the intersection of Dolsontown Road and Route 17M to McVeigh Road (the "Dolsontown Corridor"), the Proposed Action may have significant cumulative common environmental impacts on shared infrastructure, including the roadway system, water and sewer infrastructure, stormwater discharges, the potential presence of threatened or endangered species, and the potential presence of important historical and archaeological resources; and

**WHEREAS**, the Planning Board also concluded in the Positive Declaration that based on the information submitted to date, including the Full EAFs, no other potential impacts of any individual project are anticipated to have a potential significant adverse impact on the environment; and

**WHEREAS**, the Positive Declaration required the submission of a Draft Generic Environmental Impact Statement ("DGEIS") by the applicants for the Warehouse Projects and the Marangi Project (collectively, the "Applicants") on the cumulative common impacts to the roadway system, water and sewer infrastructure, stormwater discharges, threatened and endangered species, and historical and archaeological resources within the Dolsontown Corridor; and

**WHEREAS**, the Planning Board held a public scoping session and the scoping process culminated in the acceptance of an adopted scope, which final version incorporated the Planning Board's required modifications on December 8, 2021 (the "Adopted Scope"); and

**WHEREAS**, the Applicants submitted a proposed DGEIS on February 9, 2022, and, following the receipt of comments from the Planning Board and its consultants, submitted a revised proposed DGEIS on April 13, 2022; and

**WHEREAS**, the revised DGEIS was accepted by the Planning Board as complete on April 27, 2022, subject to several revisions which were made prior to the filing and distribution of the DGEIS on May 17, 2022. The Planning Board issued a Notice of Completion of the DGEIS, dated May 17, 2022, which was published in the Environmental Notice Bulletin, circulated to Involved and Interested agencies, made available for public inspection at the Wawayanda Town Hall, and posted on the Town of Wawayanda website; and

**WHEREAS**, two public hearings were held during the public comment period. The first was on June 8, 2022, the second was on July 13, 2022. Written comments were accepted throughout the public comment period, which closed on July 25, 2022 (67 days after its

commencement) to provide sufficient opportunity for involved and interested agencies to review and provide substantive comments on the DGEIS; and

**WHEREAS**, the Applicants submitted a proposed Final Generic Environmental Impact Statement (“FGEIS”) to the Planning Board on November 4, 2022, and, following the receipt of comments from the Planning Board and its consultants, submitted a revised proposed FGEIS on February 8, 2023; and

**WHEREAS**, the Planning Board, as Lead Agency, adopted the FGEIS as complete on March 8, 2023; and

**WHEREAS**, a Notice of Completion of the FGEIS has been sent to the Department of Environmental Conservation’s Environmental Notice Bulletin, circulated to Involved and Interested agencies, made available for public inspection at the Wawayanda Town Hall, and posted on the Town of Wawayanda website; and

**WHEREAS**, given the unique attributes of each of the projects, the Planning Board will issue findings for each project in separate statements, each of which will consider the identified potential significant cumulative common impacts, as well as other potential impacts of any individual project; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Wawayanda Planning Board, as the Lead Agency under SEQRA, finds the procedural requirements of Article 8 of the Environmental Conservation Law of New York State, and the rules and regulations promulgated thereunder (6 N.Y.C.R.R. Part 617) have been met; and

**BE IT FURTHER RESOLVED** that, pursuant to 6 N.Y.C.R.R. § 617.11, the Town of Wawayanda Planning Board as Lead Agency, based upon the entire record and foregoing statements certifies that:

1. After reviewing the proposed Dewpoint South project both individually and as a component of the Proposed Action that was evaluated in the FGEIS, consistent with environmental, social, economic and other essential considerations from among the reasonable alternatives available, the project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision of the Town of Wawayanda Planning Board those mitigative measures that were identified as practicable in the FGEIS and which are enumerated herein; and
2. The following statement of facts and conclusions regarding impacts and findings for mitigation measures relies on the information and analysis contained in the Full EAF for Dewpoint South and the FGEIS, including all comments thereon, and forms the basis for subsequent Lead Agency decisions.

## STATEMENT OF FACTS AND FINDINGS

Dewpoint Development LLC and GDBP 2171, owners of property located on Dolsontown Road in the Town of Wawayanda, propose to construct a modern, state-of-the-art, 125,000-square foot warehouse with related parking, infrastructure, utilities and other site improvement. The proposed project is known as Dewpoint South.

The project site is a 11.66-acre parcel (SBL 4-1-50.32) located in the northeastern portion of the Town of Wawayanda along Dolsontown Road, east of NYS Route 17M/Dolson Road, in the MC-1 mixed commercial zoning district. The project site is currently undeveloped with a mixture of woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace it with  $\pm 5.9$  acres of impervious surface and  $\pm 2.5$  acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. Approximately 1,350 square feet of federally regulated wetlands will be disturbed. Because the disturbance will be limited to  $<0.1$  acres, the applicant has submitted a Preconstruction Notification to the Army Corps of Engineers (“USACE”) for confirmation of jurisdiction and permission of filling pursuant to USACE Nationwide Permit (“NWP”) 39 for Commercial and Institutional Developments. Permits such as NWP 39 are general permits issued for categories of activities that are considered to have minimal adverse effects on the environment. Specifically, NWP 39 permits “discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures.” The Preconstruction Notification was submitted on February 19, 2022 and a copy has been provided to the Planning Board.

Approximately 8.4 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. A lot line adjustment is proposed which will dedicate approximately 3,185 sq. ft. of the parcel to the Dolsontown Road Right-of-Way (ROW) and create a minimum 66’ wide ROW across the frontage. This is proposed to accommodate the widening and improving of the one-mile course of roadway from Route 17M to McVeigh Road. A driveway entrance on Dolsontown Road is proposed for vehicular and truck access to the facility, and there is a proposed emergency access driveway to Caskey Lane. The project will include 65 parking spaces for passenger vehicles and 37 truck loading docks on the project site. No trailer storage spaces are proposed. There are no existing easements affecting the project site which would prevent the project from going forward as proposed.

Dewpoint South will be served by public water and sewer. Sanitary sewer service for the facility will be connected via a gravity line to the existing Municipal Sewer Main located in Dolsontown Road. No pump station or force main is required. Similarly, a water service connection for potable and fire suppression is proposed to the existing Municipal Water Main located in Dolsontown Road. No water main extension is required.

The project’s proposed commercial use and its proximity to Interstate Route 84 to the south and NYS Route 17M to the east make the project consistent with the Town of Wawayanda’s Comprehensive Plan, the zoning requirements of the MC-1 District, and the District Intent set forth

in Attachment 8 to the Town’s Zoning Law. The facility’s hours of operation will be specific to the tenant, which is not known at this time. 24-hour operation is likely given that warehouse operations require overnight deliveries and other related activities.

Site Plans detailing the proposed development for Dewpoint South have been prepared by Colliers Engineering & Design and provided to the Planning Board.

<b>Project Component Chart: Dewpoint South</b>	
Lot Size	11.66 acres
Land Disturbance	8.4 acres
Lot Adjustment	For ROW Only
ROW Dedication	3,185 sq. ft.
Building Size	125,000 sq. ft.
Impervious Surface	5.9 acres
Revegetated Surface	2.5 acres
Driveway Access	1 Vehicular & Truck to Dolsontown Road; 1 Emergency to Caskey Lane
Parking Spaces	65
Truck Loading Docks	37
Trailer Storage	None

**I. Identified Cumulative Common Environmental Impacts of Proposed Action on Shared Infrastructure and Corresponding Mitigation Findings**

**Roadway System**

As provided for in the Traffic Impact Study prepared by Colliers Engineering & Design (inclusive of responses to comments from Interested and Involved Agencies and the public) and reviewed by Creighton Manning, the Planning Board’s traffic consultant, the intersections reviewed in the Traffic Impact Study (Appendix F of the FGEIS) currently operate at satisfactory (Level of Service “D” or better) levels of service during each of the AM and PM Peak Hours except for the McVeigh Road approach. During the PM Peak Hour a Level of Service “E” is experienced at the intersection of Dolsontown Road and McVeigh Road.

Given full development of the Route 17M corridor and adjacent roadways (including several developments outside the town of Wawayanda), combined with the projected growth rate of 0.5% /year, the intersections that will require mitigation under the 2032 No-Build condition include Route 17M / Dolsontown Road; Route 17M /Route 6; and Dolsontown Road/McVeigh Road. The specific improvements required even without advancement of the Proposed Action include additional travel lanes, turning lanes, and signalization. Additionally, evaluation of the horizontal

and vertical alignment suggests that a posted speed in the range of 30-35 MPH should be implemented along with the above referenced roadway alterations to address existing conditions on Dolsontown Road. Speed reduction would diminish stopping sight distance and intersection sight distance issues along Dolsontown Road.

In determining projected traffic counts to evaluate the proposed "Build" condition, the Traffic Study analysis used ITE Land Use 130 – Industrial Park, which represents a mix of uses including warehouse, manufacturing and light industrial. This is a conservative approach, as these trip rates are higher (nearly twice) the standard warehouse trip rates. Using this approach, proposed developments along Dolsontown Road will add an estimated 424 total trips (entering and exiting) during the AM Peak Hour of which 12% will be trucks and some 415 total trips during the PM Peak Hour of which 16.4 % will be trucks.

The trips associated with the proposed projects along Dolsontown Road in the 2032 Build condition will add to the use of Dolsontown Road, thereby slowing travel speeds and increasing the number of driveways and vehicle turning movements. These impacts are minimized to the maximum extent practicable with a 3-lane section in place which. In addition, these trips impact certain other intersections that were examined. To mitigate these impacts associated with the various site generated traffic, once distributed on the road network, the installation of additional turning lanes along with complete traffic signal replacement at a number of locations will be required.

Upon implementation of appropriate site generated traffic mitigation measures contained in the Traffic Impact Study, as well as mitigation measures identified under the No-Build scenario, all potential impacts will have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common traffic impacts from the projects are expected to occur.

The Traffic Impact Study assessed the following roadways and their intersections for potential impacts:

1. NYS Route 17M Corridor;
2. NYS Route 17M and Dolsontown Road / James P. Kelly Way;
3. NYS Route 17M/Abe Isseks Drive / C.R. 78;
4. NYS Route 17M and U.S. Route 6 Sunset Park Road;
5. Dolsontown Road and McVeigh Road;
6. Dolsontown Road and Schutt Road / Genung Street / Airport Road;
7. Dolsontown Road – Dewpoint South driveway;
8. Dolsontown Road – Dewpoint North driveway;
9. Dolsontown Road – RDM 1081 driveway;
10. Dolsontown Road – Dolsontown East (Lot 1) driveway;
11. Dolsontown Road – Dolsontown East (Lot 2) driveway;
12. Dolsontown Road – RDM Simon driveway; and
13. Dolsontown Road – Marangi driveway.

Potential impacts at these locations include:



1. NYS Route 17M Corridor

Under a 2032 No-Build condition, to improve the safety and flow of traffic entering onto NYS Route 17M north from the I-84 westbound off-ramp, a dedicated off-ramp lane instead of the existing stop sign has been required by the Planning Board as mitigation for a project located to the west on Route 6. Therefore, the Planning Board will not require the same from the Applicants for the Proposed Action assuming the improvement is completed by the other project.

Under the 2032 Build condition, coordinating the NYS Route 17M signals at Abe Isseks Drive, Dolsontown Road, and US Route 6 is recommended.

2. NYS Route 17M and Abe Isseks Drive / CR- 78

The revised Traffic Impact Study (dated April 11, 2022) indicates that the intersection of NYS Route 17M with Abe Isseks Drive/ C.R. 78 currently experiences an overall Level-of-Service "C" conditions during the am and pm peak hours. Under both the 2032 Build and 2032 No-Build Traffic volume conditions, the intersection is expected to experience an overall Level of Service "D" during the AM and PM Peak Hours.

3. NYS Route 17M and Dolsontown Road / James P. Kelly Way

Capacity analysis was conducted for this intersection utilizing the 2022 Existing Traffic Volumes. The analysis results indicate that the intersection is currently operating at an overall Level of Service "C" during the AM Peak Hour and at an overall Level of Service "D" during the PM Peak Hour. The capacity analysis was recomputed using the 2032 No-Build Traffic Volumes. The intersection is expected to operate at an overall Level of Service "D" during the AM Peak Hour and at an overall Level of Service "E" during the PM Peak Hour requiring mitigation.

Under the 2032 No-Build condition, adding a through lane on the Dolsontown Road westbound approach to 17M with signal timing changes would result in the overall intersection operating at a Level of Service "D/E" during each of the AM and PM Peak Hours.

Under the 2032 Build condition, with the above mitigation improvement in place, the intersection is expected to operate at an overall Level of Service "E" during the AM and PM Peak Hours. Therefore, additional mitigation would be required in the form of an additional left turn lane on the Route 17M northbound approach to James P. Kelly Way (with corresponding widening of the 17M southbound approach to accommodate the additional northbound separate left turn lane) and a separate right turn lane on the Route 17M northbound approach with traffic signal replacement.

Additional mitigation in the form of reconstructing the separate right turn lane on the James P. Kelly eastbound approach (shift south) and restriping the eastbound approach to align the through lane with the receiving lane on Dolsontown Road is recommended.

With these improvements in place, the location is expected to operate at an overall Level of Service “D” during the AM and PM Peak Hours with some individual movements continuing to operate at Level of Service “F”.

4. NYS Route 17M and U.S. Route 6 Sunset Park Road

Capacity analysis was conducted for this intersection utilizing the 2022 Existing Traffic Volumes. Results indicate that the intersection is currently operating at an overall Level of Service “B” during the AM Peak Hour and at an overall Level of Service “C” during the PM Peak Hour.

Under the 2032 No-Build condition, the installation of an additional eastbound left turn lane from U.S. Route 6 onto 17M, along with associated signal timing changes and a vehicle detection camera to reduce delays has been required by the Planning Board as mitigation for a project located to the west on Route 6. Therefore, the Planning Board will not require the same from the Applicants for the Proposed Action, assuming the improvement is completed by the other project. With these measures in place, the intersection will operate at an overall Level of Service “C” during the AM Peak Hour and at an overall Level of Service “D” during the PM Peak Hour.

Under the 2032 Build condition this location will operate at an overall Level of Service “C” during the AM Peak Hour but will be reduced to an overall Level of Service “E” during the PM Peak Hour. Therefore, additional mitigation will be required in the form of: (1) a second separate left turn lane on the NYS Route 17M northbound approach and widening of westbound US Route 6 to accommodate a 2-lane receiver; (2) widening the NYS Route 17M southbound approach to accommodate the additional northbound separate left turn lane; and (3) replacing the traffic signal. With these improvement in place, the intersection is anticipated to operate at an overall Level of Service “C” during the AM Peak Hour and at an overall Level of Service “D” during the PM Peak Hour, similar to the 2032 No-Build condition.

5. Dolsontown Road and McVeigh Road

The analysis results indicate that the McVeigh Road approach currently operates at an overall Level of Service “B” during the AM Peak Hour and at an overall Level of Service “E” during the PM Peak Hour. Under the 2032 No Build condition, the AM Peak Hour will operate at a Level of Service “C”. However, the PM Peak Hour is expected to operate at a Level of Service “F”. The capacity analysis was recalculated using the 2032 Build Traffic Volumes, which found the intersection is expected to experience similar Levels of Service as under the 2032 No-Build condition.

The Dolsontown Road westbound left turn movement operates at a Level of Service “A” during the AM and PM Peak Hours and is expected to continue to do so under the 2032 No-Build and Build conditions.

Installation of a traffic signal is recommended to improve the operation of this intersection which would result in a Level of Service "A."

6. Schutt Road/Genung Street/Airport Road

The intersection of Dolsontown Road with Schutt Road, Genung Street and Airport Road is accomplished via a single lane roundabout with splitter islands and "yield" control on each of the four approaches. Capacity analysis conducted for the roundabout is not dissimilar from that for a unsignalized intersection as it considers control delay with two-way and all-way stop-controlled intersections, adjusted for the effect of yield control. Capacity analysis conducted for the 2022 Existing Traffic Volume condition indicate that the roundabout operates at an overall Level of Service "A" during each of the AM and PM Peak Hours. The capacity analysis was recalculated using the 2032 No-Build and 2032 Build Traffic volumes. The results indicate that the intersection is expected to continue to experience Levels of Service "A" during the AM and PM Peak Hours.

7. Dolsontown Road and Proposed Site Access

Curvature of the roadway creates sight distance issues. Several changes in horizontal alignment (five (5) horizontal curves) occur between Route 17M and the roundabout. Near the intersection with McVeigh Road two of these curves are arranged in a "broken back" alignment, i.e., successive curves in the same direction with one curve having a radius of about half of the other and spaced about 600 feet apart. Changes in vertical alignment illustrated by topographic data indicate that the high point of Dolsontown Road occurs in front of 1073 Dolsontown Road, just east of Caskey Lane, with an elevation of 520 feet as compared to an elevation of approximately 468 feet at Route 17M and an elevation of about 490 feet at the roundabout. The low point (elevation +/-460 feet+/-) was measured at the culvert crossing located approximately 1500 feet west of McVeigh Road.

Traffic entering and exiting adjacent properties (specifically those subject to this Findings Statement) will increase with the proposed action and the creation of eight new driveways – nine total including the 1081 project studied before this DGEIS – will increase the turning movements and conflict points along Dolsontown Road.

Based on anticipated 2032 Build volumes and on American Association of State Highway and Transportation Officials (AASHTO) criteria, a separate left turn lane is warranted for site entering traffic at each proposed driveway location. Therefore, analysis conducted for the AM and PM Peak Hours at the proposed site access drive has considered a separate left turn lane being in place. The increase in traffic is mitigated to the extent practicable through the widening of Dolsontown Road from a two-lane section to a three-lane section that includes a center turn lane, and a right turn lane into the Simon Business Park site.

8. Dolsontown Road – Dewpoint South

Unsignalized capacity analysis indicated the intersection will operate at a Level of Service “C” or better during each of the AM and PM Peak Hours.

9. Dolsontown Road – Dewpoint North

Unsignalized capacity analysis indicated the intersection will operate at an overall Level of Service “C” or better during each of the AM and PM Peak Hours.

10. Dolsontown Road – Dolsontown East (Lot 1)

Unsignalized capacity analysis indicated the intersection will operate at a Level of Service “C” or better during each of the AM and PM Peak Hours.

11. Dolsontown Road – Dolsontown East (Lot 2)

Unsignalized capacity analysis indicated the intersection will operate at a Level of Service “B” or better during each of the AM and PM Peak Hours.

12. Dolsontown Road – RDM Simon Business Park

Unsignalized capacity analysis indicated the intersection will operate at a Level of Service “C” or better during each of the AM and PM Peak Hours. Due to the down grade on the eastbound approach to the site entrance, a separate right turn lane will be provided to separate trucks that are entering traffic from the through westbound travel stream.

13. Dolsontown Road – Marangi

Unsignalized capacity analysis indicated the intersection will operate at a Level of Service “C” or better during each of the AM and PM Peak Hours.

Mitigation Findings

The Applicants will undertake the following roadway improvements as mitigation for the Proposed Action, which obligations are contingent upon receipt of all necessary approvals from NYSDOT and any municipality under whose jurisdiction a particular improvement falls. These improvements will not only mitigate the potential impacts of the Proposed Action to the maximum extent practicable, but will also address mitigation required to address conditions anticipated to exist even in the absence of the Proposed Action under the No Build scenario. The Applicants agree to be responsible for the funding and construction of all improvements identified as required mitigation in this Finding Statement. The Applicants also agree to furnish security consistent with Chapter 156, Article II of the Town of Wawayanda Code, including by way of a cash bond or irrevocable letter of credit in favor of the Town, in such form as may be approved by the Town Attorney, to guarantee completion of these improvements prior to the issuance of the first Certificate of Occupancy. Finally, the Applicants will be coordinating with NYSDOT on all traffic signal coordination.

- A.1 For the intersection of Dolsontown Road, Route 17M/James P. Kelly Way, the Applicants will undertake the following mitigation measures: (1) construct a through lane on the Dolsontown Road westbound approach to 17M; (2) construct an additional left turn lane on the Route 17M northbound approach to James P. Kelly Way (with corresponding widening of the 17M southbound approach to accommodate the additional northbound

separate left turn lane); (3) construct a separate right turn lane on the Route 17M northbound approach; and (4) replace the traffic signal. With these improvements in place, the intersection will operate at an overall Level of Service "D" during each of the AM and PM Peak Hours, although some individual movements will continue to operate at Level of Service "F."

- A.2 For the intersection of Route 17M and Route 6/Sunrise Park Road, following the installation of the additional eastbound left turn lane from U.S. Route 6 onto 17M and associated equipment by a separate project, the Applicants will undertake the following mitigation measures: (1) construct a second separate left turn lane on the NYS Route 17M northbound approach and widen the westbound US Route 6 to accommodate a 2-lane receiver; (2) widen the NYS Route 17M southbound approach to accommodate the additional northbound separate left turn lane; and (3) replace the traffic signal. With these improvements in place, the intersection is anticipated to operate at an overall Level of Service "C" during the AM Peak Hour and at an overall Level of Service "D" during the PM Peak Hour.
- A.3 The Applicants will undertake coordinating the NYS Route 17M signals at Abe Isseks Drive, Dolsontown Road, and US Route 6.
- A.4 The Applicants will install a traffic signal at the intersection of Dolsontown Road and McVeigh Road to provide Level of Service "A."
- A.5 The Applicants will dedicate significant portions of their respective properties to the Dolsontown Road ROW, without cost to the Town, and construct a separate left turn lane/two-way left turn lane for site entering traffic at each proposed driveway location consistent with the concept plans included in the DGEIS.

### **Water / Sewer Infrastructure**

The Warehouse Projects and the Marangi Project are located within Town Water and Sewer District Number 1 and will connect to public water supply and wastewater treatment.

Sanitary sewer service for Dewpoint North and Dewpoint South will be connected via a gravity line to the existing Municipal Sewer Main located in Dolsontown Road. No pump station or force main is required for those projects. Similarly, a water service connection for potable & fire suppression is proposed from Dewpoint North and South to the existing Municipal Water Main located in Dolsontown Road. No water main extension is required for those projects.

Sanitary Sewer service for Dolsontown East, Simon Business Park, and the Marangi Solid Waste Facility will be provided via an on-site pump station (privately owned & maintained) with a force main connection to a proposed common force main in Dolsontown Road ROW for dedication to the Town of Wawayanda (hereafter, the "Extension Area Projects"). The proposed common force main is  $\pm 2,000$  ft. Water service for the Extension Area Projects requires a  $\pm 2,000$  ft water main extension in Dolsontown Road ROW for dedication to the Town of Wawayanda. The Extension Area Projects propose service connections to the extended main for potable and fire suppression

water. The Applicants for the Extension Area Projects will coordinate with the Town to facilitate proper functioning of the municipal force main on Dolsontown Road and will furnish security consistent with Chapter 156, Article II of the Town of Wawayanda Code, including by way of a cash bond or irrevocable letter of credit in favor of the Town, in such form as may be approved by the Town Attorney, to guarantee completion of these improvements prior to the issuance of the first Certificate of Occupancy for any of the Extension Area Projects. All water and sewer extensions are subject to approval by the Orange County Department of Health and the NYS Department of Environmental Conservation, respectively.

The main sewer line is owned by the Town of Wawayanda but is served by the City of Middletown sewer district pursuant to a Stipulation of Settlement between the City of Middletown and the Town of Wawayanda dated November 30, 2021. Under the Stipulation of Settlement, the municipalities agreed that the City of Middletown will allocate on a permanent basis to the Town of Wawayanda, 200,000 gallons per day of water and 200,000 gallons of sewer service. The approximate total combined water and sewer demand for all of the proposed projects is anticipated to be 13,387 gpd. The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.

#### Mitigation Findings

- B.1 The Warehouse Projects and the Marangi Project will utilize public water and sewer. Dolsontown East, Simon Business Park, and the Marangi Solid Waste Facility will each require extension of the water and sewer lines, which extensions shall be made within the ROW to minimize additional disturbance beyond that already required for road widening/realignment. The Applicants for the Extension Area Projects will coordinate with the Town to facilitate proper functioning of the municipal force main on Dolsontown Road and will furnish security to guarantee completion of these improvements prior to the issuance of the first Certificate of Occupancy for any of the Extension Area Projects. All water and sewer extensions will be subject to approval by the Orange County Department of Health and the NYS Department of Environmental Conservation, respectively.
- B.2 There are no anticipated administrative issues related to the proposed water and sewer connections such as property ownership, easements, facility ownership, maintenance, and service area boundaries.
- B.3 Connection to the public sewer main will include installation of an on-site pump station and force main serving Dolsontown East, Simon Business Park and the Marangi Solid Waste Facility.
- B. 4 Water and Sewer main line extensions for the Extension Area Projects will be dedicated to the Town after construction.
- B. 5 Sufficient capacity exists to serve the Warehouse Projects and the Marangi Project.

## **Stormwater Discharges**

As with most proposed developments, the projects will result in an increase in the amount of impervious area located on each site. The removal of the existing woods and brush on-site in favor of impervious surface and landscaped lawn areas will, if unmitigated, cause an increase in the stormwater runoff. In addition to the increase in peak runoff rates from the proposed development, the projects propose outdoor loading and unloading facilities that are considered by NYSDEC to cause potential "Hotspot Runoff." Stormwater Hotspot Runoff generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff. These areas require additional water quality treatment above that of typical stormwater runoff and cannot be allowed to infiltrate without first being treated. Finally, the Monhagen Creek is an impaired waterway on the NYS 303D list, and as such requires mitigation of disturbed soil and increased inspections during construction.

A Storm Water Pollution Prevention Plan (SWPPP), inclusive of Erosion and Sediment Control Plans has been prepared for each site and includes the mitigation referenced below. The requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPPs. In addition, the SWPPPs provide for "good housekeeping" and material management practices to minimize the risk of spills.

Although the roadway improvement design is currently preliminary, the roadway improvements are anticipated to create roughly  $\pm 1.45$  acre of new impervious area. Additional stormwater runoff associated with the Dolsontown roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area. Stormwater ponds to accommodate roadway drainage will be constructed on the Simon and Marangi sites.

### Mitigation Findings

- C.1 Stormwater runoff from the developed areas of the project sites will be treated to ensure water quality will be consistent with NYSDEC regulations. This includes the preparation and implementation of a site-specific SWPPPs which comply with the requirements of the NYSDEC State Pollution Discharge Elimination System General Permit for Storm Water Discharges (GP-0-15-002). The SWPPPs include specifications for operation, inspection, and maintenance of stormwater management practices as well as an Erosion and Sediment Control Plans. With the implementation of the SWPPPs and compliance with GP-0-15-002, potential adverse impacts to on-site or downstream water resources will be mitigated to the maximum extent practicable.
- C.2 During construction, erosion and sediment control inspections will be conducted weekly or on a twice per week basis (depending on the amount of soil disturbance) to monitor the effectiveness of the installed erosion and sediment control measures. Alteration to mitigation measures will be proposed as needed based upon these inspections.
- C.3 The design proposes the following mitigation directly from the New York State Stormwater Management Design Manual. The design separates catchment areas for

different types of treatment in keeping with the New York State Standards. The roof, parking area and driveways are captured in the drainage system and conveyed to infiltration basins for water quality and quantity mitigation. The infiltration basin also serves to recharge groundwater. The truck docks, drive/maneuvering aisles and trailer storage hotspot areas receive water quality and quantity mitigation through a hydrodynamic separator, lined bioretention basins. The bioretention basins are shallow stormwater filtering systems which utilize engineered soils and vegetation to capture and treat runoff. These basins accept hotspot runoff with the use of an impermeable liner. Treatment areas have a planting soil bed, a surface mulch layer, and a 6" ponding layer. Maintenance includes inspection and repair/replacement of treatment area components as required. The basins are re-mulched annually (similar to landscaped bed maintenance). Subsurface detention basins and chambers are proposed on all sites for storage and to mitigate peak flow. Finally, the green infrastructure practice of vegetated open swales will be implemented to divert runoff.

- C.4 Orange construction fencing will be constructed and maintained around the wetlands to clearly delineate the limits of soil disturbance. Such fencing shall be maintained on each site until it is released from its respective SPDES Permit. Silt fence will be placed along the toe of all fill areas or any location where surface sheet flow could be expected in accordance with temporary soil erosion and sediment control plans serving to reduce runoff velocity and effect deposition of transported sediment load.
- C.5 No deicing, herbicide or pesticide agents are proposed to be stored on the property. These agents will be applied by the private landscape contractors and any excess will be removed from the site after application. Fertilizer application is limited to April 1<sup>st</sup> through December 1<sup>st</sup>, with a maximum phosphorous content of .67% by weight unless soil test results indicate phosphorous addition is necessary. Soil tests will be conducted to determine need for fertilizer. No fertilizer will be used within twenty feet (20') of a waterbody unless a ten-foot (10') wide vegetated area between the waterbody and site of application or within three feet (3') if the spreader has a guard.
- C.6 The facilities will be serviced by a private snow management company or through facility operations. This will include snow plowing for loading & parking areas and all vehicular circulation, snow removal will be employed as needed depending on the amount of snow in a given winter season, all pedestrian walkways will be cleared of snow and deicing of all the same will be provided and managed for safe access around the facility. For deicing, sand and/or salt will be utilized on the vehicular and pedestrian circulation surfaces. Deicing products are not proposed to be stored or stockpiled on-site. This will be brought to the site for use in addressing any icing problems on an as-needed basis.
- C.7 An enforceable Stormwater Control Facilities Maintenance Agreement will be executed between the Applicants and the Town of Wawayanda and will be filed with the Orange County Clerk's Office to assure long term operation and maintenance of all stormwater management facilities constructed for the projects.



## Threatened or Endangered Species

According to information provided by NYSDEC and the US Fish and Wildlife Service's (USFWS), the Indiana bat (an Endangered Species) and the Northern long-eared bat (a Threatened Species) may be located in the vicinity of the project sites. The main impact of concern for these two bat species is the removal of potential summer roost trees. However, because all tree clearing at the project sites will occur between October 1 and March 31 when bats are not roosting on site, no adverse impacts to the species from these activities will result.

In addition, generation of dust and noise, potential for changes to surface water quality, and increased lighting caused by the Warehouse Projects may impact foraging bats if mitigation measures are not taken. To avoid adverse impacts to the Northern long-eared and Indiana bat species, the projects will use approved light fixtures on site with tops that direct light downward to minimize light pollution and decrease interference with potential bat foraging activities; implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site; and refrain from maintaining stormwater ponds with chemicals that might adversely affect bats or the insect populations on which they feed.

In addition, USFWS lists the small whorled pogonia as a Threatened Species potentially located on the sites and the monarch butterfly as a Candidate Species potentially located on the sites. No potential habitat for the small whorled pogonia was observed on any of the sites due to the lack of older growth forest. Habitat necessary for the monarch butterfly (e.g., milkweed plants) was identified only the Simon Business Park project site. USFWS does not evaluate impacts to the monarch butterfly, given that it is not listed as a threatened or endangered species, so no mitigation is proposed.

### Mitigation Findings

- D.1 Land clearing will be performed in a manner to avoid adverse impacts on protected bats, specifically through the implementation of a seasonal tree clearing restriction during which tree removal would be limited to the period of October 1st through March 31<sup>st</sup>.
- D.2 Dust will be managed during construction with a stone apron and concrete wash pad.
- D.3 Light installations will be dark sky compliant to protect the Indiana and Long-eared bats from light pollution.
- D.4 Noise will comply with the Town Zoning Code limit of 65 decibels at the property line.
- D.5 Each of the landscape plans for the warehouse projects include the installation of Red Maple (*Acer rubrum*), a preferred tree species referenced in the US Fish and Wildlife Service Indiana Bat Conservation Plan. Additional tree species from this preferred list will be added to planting schedule for the warehouse projects.

## **Historical and Archaeological Resources**

Phase 1 Archaeological Investigations at the Warehouse Project sites revealed that while the sites are historically sensitive, and some have a higher-than-average potential for the recovery of prehistoric sites and nineteenth to early twentieth century European-American historic sites, the proposed projects will not result in any significant adverse impacts related to cultural, historic and archaeological resources. This finding was confirmed by the New York State Historic Preservation Office (SHPO), which found that no historic properties, archaeological and/or cultural resources would be affected by the proposed project. Letters of No Effect from SHPO were received for all the proposed projects.

A Phase 1 Archaeological Investigation conducted at the Marangi Project site revealed a New York State Museum-recorded archaeological site, NYSM 6169, mapped within the project area. The site is described as "Cemetery." No other information is available. A review of this study by the SHPO found that the project will not adversely affect historical or archaeological properties listed or eligible for listing on the National Register of Historic Places, provided that the applicant implements SHPO's Human Remains Discovery Protocol if evidence of human remains or possible burial goods is encountered.

### Mitigation Findings

E.1 A New York Museum-recorded archaeological site, NYSM 6169, described as a "Cemetery" is mapped within the Marangi Project area; however, no other information about the site is available. Should any evidence of human remains or possible burial goods be encountered during development of the site, SHPO's 2021 Human Remains Discovery Protocol will be implemented immediately.

## **II. No Other Potential Impacts are Anticipated to have a Potential Significant Adverse Impact on the Environment.**

The Planning Board determined in the Positive Declaration that no other potential impacts of any individual project are anticipated to have a potential significant adverse impact on the environment. The Planning Board reviewed the SEQRA record, inclusive of the EAF narrative provided with respect to the Dewpoint South project, and reaffirmed this determination, as set forth in greater detail below.

### **Impact on Land**

The Dewpoint South project will have minimal impacts on land. Blasting is not anticipated to be required in connection with project construction.

Consistent with Section 5.2 "Planning for Green Infrastructure: Reduction of Impervious Cover" of the NYSDEC Stormwater Management Design Manual, the proposed site plan has been designed to include the following Green Infrastructure site planning techniques, among others: the extent of the clearing will be limited to meet the user's needs; compacted soils located in open areas without shallow utilities will be tilled in order to restore the original properties of the soil

prior to seeding; roadway widths were reduced wherever possible while still maintaining the necessary access; sidewalks added where needed to adequately and safely serve the pedestrian needs of the facility; the proposed driveways have been minimized wherever possible; building footprints have been designed to meet the end user's needs.

Existing federally regulated wetland areas exist on site and will be moderately disturbed by the Project. Additionally, erosion control measures will be implemented during construction to minimize the erosion of land.

Based on the foregoing, the project is not anticipated to have any significant adverse impacts on land and no mitigation is required.

### **Impact on Geological Features**

There are no unique landforms on the Site that will be impacted by the project. No geological feature registered as a National Natural Landmark is present on or next to the Site. Therefore, the project is not anticipated to have any significant adverse impact on geological features and no mitigation is required.

### **Impact on Surface Water**

Approximately 1,350 sq. ft. of federally regulated wetlands will be disturbed (<0.1 acres) for the construction of Dewpoint South.

A PCN was submitted to USACE for Dewpoint South for authorization under NWP 39 for Commercial and Institutional Developments. Pursuant to NWP 39, when 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer the prospective permittee may begin the activity. No written notice was received from the district or division engineer. Accordingly, no further authorization from USACE will be required and any disturbance to federal wetlands will be pursuant to USACE Nationwide Permit ("NWP") 39 for Commercial and Institutional Developments.

The NYSDEC identified that numerous wetlands in the vicinity of the project sites will fall under its jurisdiction upon implementation of new wetland mapping for Orange County; however, the provisions of the recent state wetlands legislation, more specifically, Section 2 of Senate Bill S8008C Part QQ, will not apply to any land use, improvement, or development that receives final approval from the local governmental authority with jurisdiction over the land prior to January 1, 2025. Therefore, existing legal uses within the regulated buffer or adjacent area can continue after a wetland becomes a State regulated wetland.

Based on the foregoing, the project is not anticipated to have any significant adverse impact on surface water and no mitigation is required.

### **Impact on Groundwater and Flooding**

Please refer to Section 1 – Stormwater Discharges for a full discussion of the project’s potential significant adverse environmental impacts on groundwater and flooding.

### **Impact on Air**

The project will not result in any significant adverse impacts on air quality. The project does not include a State regulated air emission source or involve any activity that will have more than a minimal impact on air quality.

Several energy conservation methods will be incorporated into building construction. Energy Star approved building materials will be used that help reduce the amount of heat lost during the wintertime and cool air during the summertime. Other items such as reduced flow water fixtures that limit the amount of water flowing through the tap, thereby diminishing the amount of water used throughout the day will be used. Energy efficient light bulbs will reduce the amount of energy required for building and site light while extending the “life” of the lightbulb.

Based on the foregoing, the project will not create any significant adverse impacts to air quality.

### **Impact on Plants and Animals**

The project will not have a significant adverse impact on plants and animals as demonstrated by the Habitat Suitability Assessment prepared by Ecological Solutions for the project site. Please refer to Section 1 – Threatened or Endangered Species for a full discussion of the potential significant adverse impacts on threatened or endangered species from the Proposed Action.

### **Impact on Agricultural Resources**

The project is consistent with the Town’s Comprehensive Plan and the requirements of the MC-1 Zoning District. The Town’s Comprehensive Plan provides that “the MC mixed commercial zone is a district intended to provide a principal area for intensive nonresidential development such as office, retail, service businesses, manufacturing and industrial uses”. The Comprehensive Plan further indicates that the zone is intended to be developed with commercial enterprises and specifically excludes residential uses and observes that recently attracted uses include small contractor yards, offices, retail, large warehousing and industrial uses. The Comprehensive Plan recommends that the Town continue to allow commercial/industrial uses on a minimum 2-acre lot size. The project is consistent with the letter and intent of the MC-1 Zone as set forth in the Town of Wawayanda Zoning Law and Comprehensive plan, as it is a permitted use on a 11.66- acre lot, far greater than the minimum lot size requirement.

Based on the foregoing, no significant adverse environmental impacts to agricultural resources are anticipated from the project and no mitigation is required.

### **Impact on Aesthetic Resources**

A viewshed study capturing potential visual impacts of the projects was completed and provided to the Planning Board. Using computer-rendered three-dimensional models of both the project sites and the buildings, potential views of the proposed projects were simulated for key vantage points where the potential for visual impacts has been identified.

The project will not be visible from any officially designated federal, state, or local scenic or aesthetic resource, nor will it impact any officially designated scenic views. The project is located in the MC-1 zone and is consistent with the Town's Comprehensive Plan. It is consistent with existing land uses in the vicinity of the site, with the exception of certain pre-existing nonconforming residential uses which will be screened from the project. The site is bounded on the south by Interstate 84. Building height is proposed to be 55 feet, 10 fewer than what is allowed by the Town's Zoning Code.

Where the project cannot be completely obscured from pedestrian view, the design has been developed to minimize visual effects as much as possible. All buildings will be setback from Dolsontown Road and the materials and colors used are intended to reduce each building's visual presence within its surroundings. In addition, the proposed fixtures for the Warehouse Projects have the following lighting components which comply with Nighttime Friendly or International Dark-Sky Association (IDA) objectives: (1) Correlated Color Temperature (CCT) of 3,000; (2) all fixtures are LED's which provide for controlled downward distribution of light; (3) in instances where lighting is in close proximity to property lines, the fixture is fitted with a house side shield to restrict unnecessary back lighting & glare; and (4) the fixture housings provide for zero uplight above 90°.

Landscaping Plans for the site were provided to the Planning Board and adhere to Chapter 195-24 of the Town Code. In accordance with Section 195-24 A, the plans have a goal of enhancing the appearance and natural beauty of the Town and protecting property values through the preservation and planting of vegetation, screening, and landscaping material. The plans include a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species. To further break-up the building mass along the roadway, trees are proposed near the right-of-way line. The site will retain existing vegetation and grading around the perimeter whenever possible and plant evergreen screening at certain locations.

Based on the foregoing, the project will not result in any significant adverse impacts to aesthetic resources and no mitigation is required.

### **Impact on Historic and Archeological Resources**

The project will not have a significant adverse impact on historic and archaeological resources. Please refer to Section 1 – Historical and Archaeological Resources for a full discussion of the potential significant adverse environmental impacts on historical and archaeological resources of the Proposed Action.

### **Impact on Open Space and Recreation**

The project will not result in any loss of recreational opportunities, or any reduction of an open space resource designated in a governmental open space plan. The site is not designated open space. The site is largely wooded and located in a zoning district intended for commercial development such as the project. The site is privately owned and is not used for public recreation.

Based on the foregoing, the project will not have any significant adverse impact on open space and recreational resources and no mitigation is required.

### **Impact on Critical Environmental Areas**

The site is not located within a Critical Environmental Area. Stormwater will be managed, treated and discharged in accordance with the requirements set forth in the NYSDEC SPDES and the project's SWPPP, which is designed to conform to applicable requirements in the NYSDEC general stormwater permit and the standards provided by the New York State Stormwater Management Design Manual (dated January 2015).

Based on the foregoing, the project will not have any significant adverse impact on Critical Environmental Areas.

### **Impact on Energy**

Several energy conservation methods will be incorporated into building construction. Energy Star approved building materials will be used that help reduce the amount of heat lost during the wintertime and cool air during the summertime. Other items such as reduced flow water fixtures that limit the amount of water flowing through the tap, thereby diminishing the amount of water used throughout the day will be used. Energy efficient light bulbs will reduce the amount of energy required for building and site light while extending the "life" of the lightbulb. The roof of the facility has been designed in accordance with the latest N.Y.S. Building and Energy Codes to support the installation of solar panels in the future.

Based on the foregoing, the project will not have any significant adverse impact on Energy.

### **Impact on Noise, Light, and Odor**

#### *Noise*

The Planning Board requested a noise evaluation for Dewpoint South because of the presence of certain receptors in the vicinity. A sound level measurement and analysis for Dewpoint South was completed and a February 8, 2022 memorandum summarizing the same (the "Noise Evaluation") was provided to the Planning Board. The Noise Evaluation evaluated existing and projected noise levels associated with the project at certain receptors, and found that in all instances, noise increases associated with the project are anticipated to be less than 5dbA at all receptors. Increases of sound pressure of less than 5dB are anticipated to result in unnoticed to tolerable human reactions, pursuant to NYSDEC's Assessing and Mitigating Noise Impacts, revised as of February 2, 2001.

The project will generate noise during its construction phase, however, all construction equipment used on-site will have to be inspected periodically to ensure that properly functioning muffler systems are used on all equipment. In addition, all construction-related equipment will not idle unnecessarily while on site.

Once constructed, the project will produce small to moderate amounts of noise, mostly due to Site generated traffic and building HVAC mechanical units. All HVAC equipment will be positioned to face away from the adjacent residence as part of the final building design/HVAC equipment layout. There is typically a minimal amount of time that trucks will be idling and waiting to drop off or pick up a trailer. In the event that they are waiting for a period of more than five (5) minutes, they are required to turn off their engine in accordance with the New York State Heavy Duty Vehicle Idling Law (6 NYCRR Subpart 217-3).

Based on the foregoing, the project will not have any significant adverse impacts on noise, and no additional mitigation is required.

### ***Light***

Project site lighting will be provided for the parking lot areas surrounding the buildings and along the driveways into the project site. All lighting will be dark sky compliant. The exterior site lighting proposed for the project utilizes night sky friendly fixtures which will be down directed and has been designed with fixture locations that do not present any light trespass onto neighboring properties.

The lighting will consist of energy efficient LED light fixtures. The lights will have edges that extend below the level of the fixture to reduce the potential for source glare and light spillage. The light fixtures will be mounted on poles and on the building.

Based on the foregoing, the project will not have any significant adverse impacts to light and no mitigation is required.

### ***Odor***

The project site is not expected to produce appreciable odors. Refuse and recycling will be contained an enclosed dumpster or compactor until pickup for disposal on a regular basis by a private carting company. In addition, the project does not include any fixed-point source of air emissions that would cause any odor.

Based on the foregoing, the project will not have any significant adverse impacts to odor and no mitigation is required.

### **Impact on Human Health**

No significant impacts to human health are anticipated from the project because all construction and operational activities will be undertaken in accordance with and in compliance with all

pertinent environmental and land development regulations and related permit and approval procedures and requirements. As indicated above, water service to the facility will be provided from an existing water main line, owned and operated by the Town of Wawayanda Water Department and sanitary sewer service will be provided from an existing sewer main on, owned and operated by the Town of Wawayanda Sewer Department. As further indicated above, spill prevention and cleanup protocols are proposed to be in place. Based on the foregoing, the project will not have any significant adverse impacts on human health.

### **Consistency with Community Plans**

The project is consistent with the Town of Wawayanda's Comprehensive Plan and complies with Wawayanda's Zoning Law that was enacted in furtherance of the Comprehensive Plan's goals. The project is also consistent with the requirements of the MC-1 Zoning District. The Town's Comprehensive Plan provides that "the MC mixed commercial zone is a district intended to provide a principal area for intensive nonresidential development such as office, retail, service businesses, manufacturing and industrial uses." The Comprehensive Plan indicates that MC-1 is intended to be developed with commercial enterprises and observes that recently attracted uses include small contractor yards, offices, retail, large warehousing and industrial uses. The Comprehensive Plan recommends that the Town continue to allow commercial/industrial uses on a minimum 2-acre lot size.

Based on the foregoing, the project will not have a significant adverse impact on the Town of Wawayanda's community plans and no mitigation is required.

### **Consistency with Community Character**

The project is a permitted use in accordance with the Town of Wawayanda Zoning Code and located in the MC-1 zoning district. The project is also consistent with existing land uses in the vicinity of the Site, with the exception of certain pre-existing nonconforming residential uses which will be screened from the project, and is consistent with the District Intent set forth in Attachment 8 to the Town's Zoning Law, which provides that the MC District "is intended to provide the Town with a principal area for intensive nonresidential development such as office, retail, service businesses and manufacturing." Finally, the project is consistent with the surrounding community character based on the project's design incorporating measures to limit noise and to protect adjoining properties, among other such mitigation measures discussed above and in the various reports.

Based on the foregoing, the project will not have a significant adverse impact on the community character of the Town of Wawayanda and no mitigation is required.

### **III. Certification of Approval of Findings**

Having considered the Draft and Final Generic Environmental Impact Statements, public comments made during the public hearing and the public comment period on the DGEIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:



1. The Planning Board has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final Generic Environmental Impact Statements; and
2. The Planning Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Dewpoint South project, individually and as a component of the Proposed Action, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including effects disclosed in the environmental impact statement; and
4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

These Findings, which provide a rationale for the Planning Board's decision, and all actions set forth herein, shall be incorporated in any further approvals related to the Dewpoint South project and shall be deemed a part of any approvals given to the project. These Findings shall be filed with the Town of Wawayanda Planning Board; all Involved and Interested Agencies as identified in the FGEIS, any person who has requested a copy, and the Applicant. A Copy of the Findings shall be forwarded to and maintained by the Building Department Clerk of the Town of Wawayanda and placed on the Town's website so that they are readily accessible to the public and made available on request.

Dated: May 1, 2023

Signed by:  \_\_\_\_\_

John Razzano, Chairperson  
Town of Wawayanda Planning Board

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