

Project : RDM #4 - Dewpoint North

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached Negative Declaration.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See attached Negative Declaration.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Wawayanda Planning Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).


C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: RDM #4 - Dewpoint North

Name of Lead Agency: Town of Wawayanda Planning Board

Name of Responsible Officer in Lead Agency: John Razzano

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency: 

Date: 8/15/2024

Signature of Preparer (if different from Responsible Officer) David W. Bavoso

Date:

For Further Information:

Contact Person: John Razzano

Address: Town of Wawayanda, Town Hall, 80 Ridgebury Hill Road, Slate Hill, NY 10973

Telephone Number: 845-355-5700 option #8

E-mail: planning@townofwawayanda.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

TOWN OF WAWAYANDA PLANNING BOARD

80 Ridgebury Hill Rd, Slate Hill, NY 10973

State Environmental Quality Review Act

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

August 14, 2024

This notice is issued pursuant to the New York State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations contained in Part 617 of the New York State Code of Rules and Regulations (collectively, "SEQRA").

The Planning Board of the Town of Wawayanda (the "Planning Board"), as the lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse environmental impact and no additional draft environmental impact statement will be prepared. Further, no supplements or amendments are required to the previously adopted "SEQRA Findings Statement" as described below.

Name of Proposed Action: RDM # 4 Dewpoint North (the "Project")

SEQRA Status: Type 1

I. DESCRIPTION OF PROPOSED ACTION

Dewpoint North LLC (the "Applicant" or "RDM"), has submitted an application to the Planning Board for approval to develop approximately 6.17 acres (less .08 acres to be utilized for a right of way dedication) along the northerly side of Dolsontown Road. The lot in question is identified as tax ID 4-1-50.2 (the "Project Site").

The Project consists of a single 32,000 square foot distribution warehouse, inclusive of 2,500 sf of office space, off-street parking for 28 vehicles, 6 loading docks, no trailer storage spaces and related infrastructure including stormwater controls, utility lines (water, sewer, electric, gas, etc.), dark-sky compliant lighting and landscaping.

Access to the Project Site will consist of 1 driveway to Dolsontown Road along the western portion of the Project Site.

The Project Site is in the Mixed Commercial (MC-1) zoning district which permits warehouse development as-of-right with site plan review and special use approval, pursuant to Article VII of the Town of Wawayanda Zoning Law (the "Zoning Law") and NYS Town Law §§ 274-a and 274-b. The Project Site is located within the Dolsontown Road Corridor, along which several other warehouse projects, and a solid waste facility, are proposed.

In support of its request for these approvals, the following submissions have been made by RDM and its consultants, collectively comprising the Application:

Dewpoint North Warehouse

- April 28, 2021;
- June 12, 2024 Supplemental Submission;
- July 8, 2024 Supplemental Submission;
- July 31, 2024 Supplemental Submission

Specific references to the materials in these submissions supporting the Planning Board's SEQRA review and findings with respect to the Project are provided in footnotes and in the body of this SEQRA Negative Declaration.

These submissions have been reviewed in detail by the Planning Board and its traffic, legal and engineering consultants. RDM has revised the Project to address the comments raised by both the Board and its consultants.

As proposed, the Project complies with all of the bulk and dimensional requirements of the Zoning Law. Overall, the Project is designed to comply with the Town of Wawayanda's Site Plan requirements and Special Use Permit standards set forth in Zoning Law Article VII. Through the Project's design, including site layout, set-backs, architecture, lighting and landscaping, impacts to the neighborhood and environment will be minimized while supporting the Town of Wawayanda's long-term planning objectives to locate commercial/industrial development in the MC-1 zoning district.

Once constructed, the Project will result in the creation of warehouse, office, and driver jobs, with direct and indirect fiscal benefits to the local economy and the community. Additionally, the Project will generate real property tax revenues for the Town of Wawayanda, Orange County and the Enlarged City School District of Middletown, with minimal impact on local services or schools.

II. HISTORY OF LAND USE ON THE PROPERTY

The Project Site is currently undeveloped with a mixture of woodlands and wetlands.¹

III. SEQRA COMPLIANCE

The Project's potential environmental impacts must be reviewed pursuant to SEQRA. For the Planning Board, review of the Project is the SEQRA "action" based on the Application. Because the Project is located in an Agricultural District and a disturbance of 3.75 acres is proposed, the Project is a Type 1 Action pursuant to 6 NYCRR Part 617.4(b)(8).

On July 28th, 2021, the Planning Board adopted a SEQRA Positive Declaration related to the Project and certain other projects known as RDM #3 (a/k/a "Dewpoint South"); RDM #5 (a/k/a "Dolsontown East"); RDM #6 (a/k/a "Simon Business Park") and the Marangi solid waste facility. These projects are generally located from the intersection of Dolsontown Road and Route 17M to McVeigh Road (the "Dolsontown Corridor"). The projects are collectively referred to as the "Dolsontown Corridor Projects". In issuing the Positive Declaration, the Planning Board found

¹ See April 28, 2021 Submission, Narrative Summary.

Dewpoint North Warehouse

that the Dolsontown Corridor Projects may have significant cumulative common impacts on shared infrastructure and that a Draft Generic Environmental Impact Statement (“DGEIS”) must be prepared pursuant to 6 NYCRR §617.10 to investigate and evaluate the potential cumulative environmental impacts of the projects.

Specifically, the Planning Board found in the Positive Declaration that considered together, the projects may have significant cumulative common 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 archeological resources. The Planning Board further indicated that based on information submitted to date, including a Full Environmental Assessment Form for each project, no other potential impacts of any individual project were anticipated to have a potential significant adverse impact on the environment. Notwithstanding this, the Planning Board required that each project’s potential impacts be compared to the criteria for determining significance identified in 6 N.Y.C.R.R. § 617.7(c)(1), in accordance with 6 N.Y.C.R.R. § 617.7(c)(2) and (3).

On December 8, 2021, the Planning Board adopted a Scoping Document setting forth the scope of information to be addressed in the DGEIS. Consistent with the Positive Declaration, the Planning Board in part found that the DGEIS must evaluate the potential significant cumulative common impacts of the development of the Dolsontown Corridor Projects, including the potential impacts on 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 archeological resources.

A proposed DGEIS was submitted on February 9, 2022. The Planning Board and its consultants reviewed and commented on the proposed DGEIS, resulting in the submission of a revised proposed DGEIS on April 13, 2022.

On April 27, 2022, the revised DGEIS was accepted by the Planning Board as complete, subject to several revisions which were made prior to the filing and distribution of the DGEIS on May 17, 2022. On May 19, 2022, the Planning Board issued a Notice of Completion of the DGEIS, which was published in the New York State Department of Environmental Conservation’s (“NYSDEC”) Environmental Notice Bulletin (“ENB”), circulated to Involved and Interested agencies, made available for public inspection at the Wawayanda Town Hall, and posted on the Town of Wawayanda website.

The DGEIS addressed the above referenced cumulative common impacts, and also included an Environmental Assessment Form narrative for each of the Dolsontown Corridor Projects, so that the Planning Board, as Lead Agency for each project, had sufficient information to take a “hard look” at all potential impacts and make an appropriate Determination of Significance pursuant to SEQRA.

The May 19, 2022 notice established the commencement of a public comment period. The DGEIS was made publicly available at the Wawayanda Town Hall and on the Town’s website the same day. In addition, a notice of its availability was published in the Environmental Notice Bulletin on May 25, 2022. Two public hearings were held during the public comment period. The first was on June 8, 2022, the second was on July 13, 2022. A court reporter was on hand to accept oral

Dewpoint North Warehouse

comments at the public hearings. Written comments were accepted throughout the public comment period. The comment period was originally scheduled to close on June 20, 2022 (32 days after its commencement); however, the Planning Board extended the public comment period to 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.

Following review of the substantive comments received, a proposed Final Generic Environmental Impact Statement (“FGEIS”) was submitted to the Planning Board on November 4, 2022. The Planning Board and its consultants reviewed and commented on the proposed FGEIS, resulting in the submission of a revised proposed FGEIS on February 8, 2023. Subsequently, the Planning Board, as Lead Agency, adopted the FGEIS as complete on March 8, 2023. A Notice of Completion of the FGEIS was sent to the ENB, circulated to Involved and Interested agencies, made available for public inspection at the Wawayanda Town Hall, and posted on the Town of Wawayanda website. Pursuant to SEQRA, agencies and the public were then afforded at least 10 calendar days in which to consider the FGEIS before the Planning Board issued its written SEQRA Findings Statements. SEQRA Findings Statements for each of the Dolsontown Corridor Projects were subsequently adopted 49 days later, on April 26, 2023. The DGEIS and FGEIS are collectively referred to as the “GEIS” below.

In issuing its Findings Statement, the Planning Board observed that “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”. In the Findings Statement for the Project, the Planning Board specifically concluded:

- 1. After reviewing the proposed Dewpoint North 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 North and the FGEIS, including all comments thereon, and forms the basis for subsequent Lead Agency decisions.*

In the Findings Statement, the Planning Board went on to conclude that no other potential impacts are anticipated to have a potential significant adverse impact on the environment. The Planning Board observed that it concluded in the Positive Declaration that no other potential impacts of any individual project were anticipated to have a potential significant adverse impact on the environment, and reaffirmed this determination, as set forth in greater detail in the Findings Statement.

Dewpoint North Warehouse

Since the adoption of the Findings Statement, the Project has been modified. The proposed building size has not been modified. Rather, changes to site layout and the stormwater management system were made to improve the functionality of the site and respond to the visual concerns raise by the Planning Board. Collectively, these change include: (i) relocation of certain parking spaces along the building frontage to reduce retaining wall lengths; (ii) optimization of surface stormwater ponds and drainage system routing to eliminate the former underground stormwater storage system; (iii) increasing the side yard setback from 16 feet to 31 feet (where a 15 foot minimum is required) to allow for the inclusion of an additional landscaped berm area to provide a buffer for the neighboring pre-existing non-conforming residential use and (iv) adjustment of the employee parking area along the frontage to increase setback from the parking area to Dolsontown Road.

A summary chart reflecting the above referenced modifications is below. Accordingly, this Negative Declaration will consider if any of the modifications to the Project may result in a potentially significant adverse impact on the environment.

Project SEQRA Comparison Chart

Component	Dolsontown GEIS Project (March 2023)	Revised Project (June 2024)	Change
Lot Size	6.17 acres	6.09 acres	Decreased by 0.08 acres (for ROW dedication)
Total Land Disturbance	3.50 acres	3.75 acres	Increase of 0.25 acres
ROW Dedication	3,253 sq. ft.	3,253 sq. ft.	None
Building Size	32,000 sq. ft.	32,000 sq. ft.	None
Impervious Surface	2.0 acres	1.9 acres	Decease of 0.1 acres
Revegetated Surface	1.50 acres	1.85 acres	Increase of 0.35 acres
Driveway Access	1 vehicular & truck to Dolsontown Rd	1 vehicular & truck to Dolsontown Rd	None
Parking Spaces	35	28	Decrease of 7
Truck Loading Docks	6	6	None
Trailer Storage	0	0	None

IV. INVOLVED AND INTERESTED AGENCIES

During the GEIS evaluation, in its role as Lead Agency, the Planning Board has coordinated its SEQRA review of the Project with the following agencies that may be involved or interested in the environmental review and approval of the Project:

New York State Department of Transportation
New York State Department of Environmental Conservation
Orange County Health Department
New York State Office of Parks, Recreation and Historic Preservation
Town of Wawayanda Highway Department
Town of Wawayanda Town Board
City of Middletown
Town of Wallkill
New Hampton Fire Company
Orange County Department of Planning
Orange County Department of Public Works
Town of Wawayanda Building Department
U.S. Army Corps of Engineers

V. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

The Planning Board, as SEQRA lead agency, must consider the criteria for determining the significance of potential environmental impacts from the Project as set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). To accomplish this, the Planning Board has reviewed the Application and Part 1 of the FEAF and completed Parts 2 and 3 of the FEAF to provide the basis for its SEQRA determination². In completing EAF Part 3, the Planning Board has taken a “hard look” at each potential “moderate to large” impact that it has identified in EAF Part 2 in order to explain its rationale for why the potential impact may or may not have a significant adverse impact on the environment. This assessment by the Planning Board has included consideration of whether the Project, as proposed, includes mitigation measures that would minimize impacts to the greatest extent practicable.

For the reasons set forth below, the potentially “moderate to large impacts” identified by the Planning Board in EAF Part 2 will not have any significant adverse environmental impacts on the environment based on the Project’s proposed design and the mitigation measures. Based on the following findings, it is the Planning Board’s determination that the Project will not create any significant adverse environmental impact and that a Negative Declaration is warranted under SEQRA for the Project.

LAND

Finding: The Project will not result in any significant adverse environmental impacts on Land.

² See April 28, 2021 Submission, Full Environmental Assessment Form.

Dewpoint North Warehouse

The Planning Board identified the following potential “moderate to large” impacts to Land from the Project:

1. *The proposed action may involve construction on land where depth to water table is less than 3 feet.*
2. *The proposed action may involve construction on slopes of 15% or greater.*
3. *The Project may result in increased erosion, whether from physical disturbance or vegetation removal; and*

For the following reasons, these potential “moderate to large” impacts from the Project will not result in any significant adverse impact to Land:

- The Project will implement a Storm Water Pollution Prevention Plan (SWPPP)³ which complies with Town of Wawayanda and NYSDEC requirements and includes Best Management Practices stormwater controls and mitigation measures to eliminate adverse stormwater impacts from the Project. Any erosion of land as a result of construction activities will be controlled and minimized through the implementation and maintenance of the sediment and erosion control measures required for the Project. The SWPPP will be reviewed and approved by the Town of Wawayanda’s engineer and will be subject to Town of Wawayanda and NYSDEC oversight/enforcement. Stormwater impacts will be minimal because of these mitigation measures. A storm water facilities maintenance agreement will be filed to assure long term maintenance of the water quantity and quality functions of the SWPPP.
- A Geotechnical Report was prepared by RDM’s consultant in March 2022⁴ to explore the subsurface conditions below the proposed Project and develop related geotechnical design recommendations and construction considerations. Project construction will be undertaken in accordance with the recommendations for earthwork provided in the Geotechnical Report, mitigating any potential impacts to land during construction. No blasting is anticipated for construction of the Project.
- As referenced in the Findings Statement and incorporated below in Surface Water, the impacts of creating new impervious surfaces will be negligible given the stormwater control measures RDM will construct and operate in accordance with the State’s stormwater control regulations.
- The Project is expected to be constructed within 12 months of obtaining all necessary approvals. Any impacts on land related to construction will be of limited duration – i.e., only during site and exterior construction – and will be mitigated by implementation of the SWPPP during construction activities, including erosion and sediment controls.
- The Project will be constructed in a single phase.

³ See June 12, 2024 Supplemental Submission, as may be required to be revised based on technical comments from the Planning Board’s engineer.

⁴ See June 12, 2024 Supplemental Submission, as may be required to be revised based on technical comments from the Planning Board’s engineer.

- The conclusions contained within the Findings Statement remain valid.

Based on the foregoing, the Project will not create any significant adverse impacts on Land.

GEOLOGICAL FEATURES

Finding: The Project will not result in any significant adverse environmental impacts on Geological Features.

There are no unique landforms on the Project Site that will be impacted by the Project. The Project Site has been disturbed in the past for agricultural use. No surface or shallow bedrock is anticipated to be affected by construction of the Project. No geological feature publicly identified by the National Park Service as Natural Resource Landmark is present on or next to the Site. Accordingly, the Project is not anticipated to have any significant adverse impact on geological features.

The conclusions contained within the Findings Statement remain valid.

SURFACE WATER

Finding: The Project will not result in any significant adverse environmental impacts on Surface Water.

The Planning Board identified the following potential “moderate to large” impacts to Surface Water from the Project:

1. *The Project may create a new water body.*
2. *The Project may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.*
3. *The Project may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments;*
4. *The Project may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies;*
5. *The Project may affect the water quality of any water bodies within or downstream of the site of the proposed action; and*
6. *The proposed action may involve the application of pesticides or herbicides in or around any water body.*

- RDM intends to secure a building permit by January 1, 2025, prior to the effectiveness of changes to the State wetlands law, which may increase the wetlands subject to State jurisdiction. RDM will also continue to follow the development of regulations pursuant to this law.
- As reflected in the Findings Statement, a PCN was submitted for authorization under Nationwide Permit (“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

Dewpoint North Warehouse

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 Findings Statement makes certain specific Mitigation Findings with respect to Stormwater Discharges. Those Mitigation Findings are located at C.1 through C.7 of the Findings Statement. Each of the Mitigation Findings remains accurate and adequate to ensure that the Project will not create any significant adverse impacts on Surface Water, notwithstanding the Project modifications proposed following the issuance of the Findings Statement. In so finding, the Planning Board notes that a revised SWPPP, incorporating the Project modifications, has been provided by RDM⁵.
- The Planning Board notes that the revised Project reflects a decrease of .1 acres of impervious surface and an increase of .35 acres of revegetated surface.

Based on the foregoing, the Project will not create any significant adverse impacts on Surface Water.

GROUNDWATER

Finding: The Project will not result in any significant adverse environmental impacts on Groundwater.

The Project is estimated to require 480 gallons per day of water and to involve the discharge of 480 gallons per day of wastewater. This is consistent with what was studied at the time of the GEIS review of the Project.

With respect to Water/Sewer Infrastructure related to the Project, the conclusions contained within the Findings Statement remain valid. Based on the foregoing, the Project will not create any significant adverse impacts to groundwater.

FLOODING

Finding: The Project will not result in any significant adverse environmental impacts on Flooding.

While there is a floodplain on the parcel, it will not be impacted.

⁵ See June 12, 2024 Supplemental Submission, as may be required to be revised based on technical comments from the Planning Board's engineer.

Dewpoint North Warehouse

As discussed in detail in the Findings Statement and above in the surface water discussion and shown on the Site Plans, all storm water from the Project Site will be collected, managed, and treated by a stormwater management system in accordance with the NYSDEC General SPDES permit for stormwater discharges and SWPPP.⁶ The conclusions contained within the Findings Statement remain valid.

Based on the foregoing, the Project will not create any significant adverse impacts to flooding.

AIR

Finding: The Project will not result in any significant adverse environmental impacts on Air.

With respect to Air, the Findings Statement provides the following:

“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.”

The above Findings Statement narrative remains accurate. Building size has not changed in the revised Project, and there is a decrease of 7 parking spaces in the revised Project.

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

PLANTS AND ANIMALS

Finding: The Project will not result in any significant adverse environmental impacts on Plants and Animals

The Findings Statement indicates that the Indiana bat (an Endangered Species) and the Northern long-eared bat (a Threatened Species) may be located in the vicinity of the Project Site. The Findings Statement goes on to observe that the main impact of concern for these bat species is the removal of potential summer roost trees and that, because all tree clearing will occur between October 1 and March 31 when bats are not roosting on site, no adverse impacts will result. Note that this was in error, and no tree clearing can begin until November 1, rather than October 1. Further, the Findings Statement indicates that the Project will use approved light fixtures 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

⁶ See June 12, 2024 Supplemental Submission, SWPPP, as may be required to be revised based on technical comments from the Planning Board’s engineer.

Dewpoint North Warehouse

as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fencing 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.

Additionally, the Findings Statement indicates that the small whorled pogonia as a Threatened Species potentially located on the Project Site and the monarch butterfly as a Candidate Species potentially located on the Project Site. No potential habitat for the small whorled pogonia was observed on the Project Site due to the lack of older growth forest.

The Planning Board also notes that an integrated pest management plan will be employed on the Project Site to avoid wildlife impacts, and any indirect impacts from the Project on plants or animals due to lighting or noise will be minimized by mitigation measures for such potential impacts as discussed in Impact on Noise, Odor and Light below.

The Findings Statement makes certain specific Mitigation Findings with respect to Threatened or Endangered Species. Those Mitigation Findings are located at D.1 through D.5 of the Findings Statement. Each of the Mitigation Findings remains accurate (except that no tree clearing can begin until November 1, rather than October 1) and adequate to ensure that the Project will not create any significant adverse impacts to Endangered or Threatened Species, notwithstanding the Project modifications proposed following the issuance of the Findings Statement.

Based on the foregoing, the Project will not have any significant adverse impacts on plants and animals.

AGRICULTURAL RESOURCES

Finding: The Project will not result in any significant adverse environmental impacts on Agricultural Resources.

The Findings Statement provides that the Project is consistent with the Town's Comprehensive Plan and the requirements of the MC-1, observing that:

“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 (P)roject is consistent with the letter and intent of the MC-1 Zone as set forth in the Town of Wawayanda Zoning Law”

The above Findings Statement narrative remains accurate. Specifically, as further discussed in Community Plans below, the Project complies with the Town of Wawayanda's Zoning Code and is consistent with the Town's most recently adopted Comprehensive Plan, approved by the Town Board on June 20, 2023.

Dewpoint North Warehouse

Further, the impacts of the Project are mitigated by the location of the Project Site in the vicinity of I-84 in a commercial/ industrial zoning district designated by the Town for precisely the use proposed as part of the Project. The Town's zoning map reflects the community's priority of protecting agricultural land in the Town outside the commercial/industrial zoning district through land use controls. Most of the land in the Town (over 65% based on the 2018 Town of Wawayanda Comprehensive Plan) is zoned to encourage agricultural uses and the use of almost all of this land in the Town is limited by this zoning. By contrast, lands in the MC-1 zoning district only comprise 10.3% of the Town's lands according to the Comprehensive Plan.

Based on the foregoing, the Project will not have any significant adverse environmental impacts to agricultural resources.

AESTHETIC RESOURCES

Finding: The Project will not result in any significant adverse environmental impacts on Aesthetic Resources.

At the request of the Planning Board and its professionals, plans were revised to respond to the visual concerns raised by the Planning Board. These changes included increasing the side yard setback from 16 feet to 31 feet (where a 15-foot minimum is required) to allow for the inclusion of an additional landscaped berm area as a buffer for the neighboring pre-existing non-conforming residential use and adjustment of the employee parking area along the frontage to increase setback from the parking area to Dolsontown Road.

As indicted in the Findings Statement, 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. This remains the case following the implementation of the Project revisions. Also, it remains the case that the proposed fixtures comply with Nighttime Friendly or International Dark-Sky Association objectives, as further described in the Findings Statement.

Additionally, the Project is an allowed use under the Zoning Code that will be located in a growing commercial/industrial zoning district in the Town, where some visibility of proposed uses similar to the Project is to be reasonably expected and permitted by the Zoning Code. The Project's potential visibility will be consistent with the nearby developments.

Given the implementation of the measures discussed above, the conclusions in the Findings Statement remain accurate.

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

HISTORIC AND ARCHEOLOGICAL RESOURCES

Finding: The Project will not result in any significant adverse environmental impacts on Historic and Archeological Resources.

Dewpoint North Warehouse

The Project will not impair the character or quality of any important historical and/or archaeological resources. The Project revisions do not affect the conclusions contained in the Findings Statement relative to potential impacts to Historical and Archaeological Resources.

Based on the foregoing, the Project will not create any significant adverse impacts to historic or archaeological resources.

OPEN SPACE AND RECREATION

Finding: The Project will not result in any significant adverse environmental impacts 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 Project Site is located in a zoning district intended for commercial/industrial development such as the Project. The Project Site is privately owned and is not used for public recreation.

The Project changes made since the GEIS review has been completed do not affect the conclusions contained in the Findings Statement.

Based on the foregoing, the Project will not have any significant adverse impact on open space and recreational resources.

CRITICAL ENVIRONMENTAL AREAS

Finding: The Project will not result in any significant adverse environmental impacts on designated Critical Environmental Areas.

The Project Site is not in a Critical Environmental Area (CEA). The Project changes made since the GEIS review has been completed do not affect the conclusions contained in the Findings Statement.

Therefore, no significant adverse impacts will occur to any CEA.

TRAFFIC/TRANSPORTATION

Finding: The Project will not result in any significant adverse environmental impacts on Traffic/Transportation.

The Planning Board identified the following potential “moderate to large” impacts to Traffic/Transportation from the Project:

1. *Projected traffic increase may exceed capacity of existing road network; and*
2. *The proposed action may alter the present pattern of movement of people or goods.*

Dewpoint North Warehouse

The Findings Statement contains a detailed summary of traffic issues, inclusive of Mitigation Findings A.1 through A.5. No change in building size is proposed and there will be 7 fewer parking spaces provided with the revised Project. Accordingly, the conclusions contained in the Findings Statement remain accurate.

Based on the foregoing, the Project will not have any significant adverse impacts on traffic or transportation.

ENERGY

Finding: The Project will not result in any significant adverse environmental impacts on Energy.

The Findings Statement provides:

“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.”

The Project changes made since the GEIS review has been completed do not include an increase in building size and do not affect the conclusions contained in the Findings Statement.

This energy usage will be similar in amount to the energy used for comparable commercial buildings in the Town of Wawayanda, Orange County, and across the State. Overall, the Project will not result in a significant increase in the use of energy.

Accordingly, no significant adverse impact on energy will occur.

Noise, Odor and Light

Finding: The Project will not result in any significant adverse environmental impacts on Noise, Odor and Light.

Odor

The Findings Statement provides:

“The (P)roject 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 (P)roject does not include any fixed-point source of air emissions that would cause any odor.”

Dewpoint North Warehouse

The Project changes made since the GEIS review has been completed do not affect the conclusions contained in the Findings Statement.

Any noise and odor impacts from construction equipment will be temporary, of short duration and not significant. After construction, during Project operations, no odor impacts are anticipated as the Project is not a manufacturing industrial facility.

Related to odor, 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. Similarly, heavy-duty vehicles using the Project's parking areas will be subject to NYSDEC regulations governing vehicle idling which prohibits vehicle idling for longer than 5 minutes. The idling regulations may be enforced by the NYSDEC Environmental Conservation Officers and other state and county police.

Noise

The Findings Statement concludes that the Project will not have any significant adverse impacts on noise.

As indicated above, at the request of the Planning Board and its professionals, plans were revised to respond to the visual concerns raised by the Planning Board. These changes included increasing the side yard setback from 16 feet to 31 feet (where a 15-foot minimum is required) to allow for the inclusion of an additional landscaped berm area as a buffer for the neighboring pre-existing non-conforming residential use and adjustment of the employee parking area along the frontage to increase setback from the parking area to Dolsontown Road. The relocation of the building will assist in mitigating any off-site noise impacts.

Lighting

The Findings Statement provides:

“Project site lighting will be provided for the parking lot areas surrounding the buildings and along the driveways into the (P)roject site. All lighting will be dark sky compliant. The exterior site lighting proposed for the (P)roject 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.”

The Applicant has advised that rather than lights having edges that extend below the level of the fixture to reduce the potential for source glare and light spillage, the lights will provide cut-offs and distribution restrictions to reduce the potential for source glare and light spillage.

The Project changes made since the GEIS review has been completed, including the refined means of controlling source glare and light spillage, do not affect the conclusions contained in the Findings Statement.

Dewpoint North Warehouse

Based on the foregoing, the Project will not cause any significant adverse impacts involving noise, odor, or light.

HUMAN HEALTH

Finding: The Project will not result in any significant adverse environmental impacts on Human Health.

The Findings Statement Provides:

“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.”

The Project changes made since the GEIS review has been completed do not affect the conclusions contained in the Findings Statement.

Based on the foregoing, the Project will not result in any significant adverse environmental impacts related to human health.

COMMUNITY PLANS

Finding: The Project is consistent with Community Plans.

The Findings Statement provides:

“The (P)roject 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 (P)roject 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.”

The Project changes made since the GEIS review has been completed do not affect the conclusions contained in the Findings Statement.

Additionally, the Project is consistent with the Town’s most recently adopted Comprehensive Plan, approved by the Town Board on June 20, 2023.

Dewpoint North Warehouse

The Town's Comprehensive Plan identifies the following as goals for commercial and mixed use areas within the Town, including the MC-1 Zoning District⁷. The goals include:

- To improve the appearance of commercial corridors and mixed-use areas.
- To guide commercial development to state and county road corridors.
- To promote the expansion of municipal water and sewer systems within existing commercial zones.
- To identify transportation improvements to facilitate transportation related development within commercial zones.
- To promote incremental commercial and residential growth in the hamlet centers

Specifically, with respect to the MC Zones (MC-1 and MC-2), the Comprehensive Plan provides: "The Mixed Commercial zone is a district intended to provide a principal area for intensive non-residential development such as office, retail, service businesses, manufacturing and industrial uses". The Project advances the Town's goals contained in the Comprehensive Plan and is consistent with the Town's desired uses for the Zoning District in which the Project Site is located. The Project is also consistent with the goals of the Comprehensive Plan for promoting economic development in the Town⁸.

Further, as noted above, the Project Site is surrounded by other proposed warehouse developments, and a proposed solid waste facility.

Based on the foregoing, the Project will support and further local community plans and will not have a significant adverse impact on them.

COMMUNITY CHARACTER

Finding: The Project is consistent with Community Character.

The Findings Statement provides:

"The (P)roject is a permitted use in accordance with the Town of Wawayanda Zoning Code and located in the MC-1 zoning district. The (P)roject 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 (P)roject, 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 (P)roject is consistent with the surrounding community character based on the (P)roject's design incorporating measures to limit noise and to protect adjoining properties, among other such mitigation measures discussed above and in the various reports."

The Project changes made since the GEIS review has been completed do not affect the conclusions contained in the Findings Statement.

Additionally, as indicated above, at the request of the Planning Board and its professionals, plans were revised to respond to the visual concerns raised by the Planning Board. These changes

⁷ See Comprehensive Plan, Chapter 5, adopted June 20, 2023.

⁸ See Comprehensive Plan, Chapter 6, adopted June 20, 2023.

Dewpoint North Warehouse

included increasing the side yard setback from 16 feet to 31 feet (where a 15-foot minimum is required) to allow for the inclusion of an additional landscaped berm area as a buffer for the neighboring pre-existing non-conforming residential use and adjustment of the employee parking area along the frontage to increase setback from the parking area to Dolsontown Road.

As described above, the Project is consistent with the existing and planned commercial and industrial character of the area where the Project Site is located along Dolsontown Road. The Project Site is situated with nearby access to I-84 and other state highways, which will minimize the impacts to the Town of Wawayanda, the neighborhood and the environment.

Based on the foregoing, the Project will not have a significant adverse impact on the community character of the Town of Wawayanda.

IMPACTS TO COMMUNITY SERVICES

Finding: The Project will not result in significant adverse Impacts to Community Services.

Given its nature as a warehouse, the Project is anticipated to have limited impact on local services, including the school district.

Through its development, the Project would benefit the Town of Wawayanda, the Enlarged City School District of Middletown, the New Hampton Fire Company and Orange County through real property tax revenues. By comparison, the anticipated increased cost of government services related to a warehouse to the community would be minimal, resulting in a potential surplus to all of the taxing jurisdictions.

It is projected by RDM that the Project would result in the creation of new warehouse, office, and delivery jobs. These direct jobs may also cause additional, indirect jobs to be created in the local area through business-to-business purchases and employees of the warehouse business spending a portion of their wages locally, thus creating indirect and induced job creation, sales tax revenues and earnings.

Overall, the Project will result in a significant financial investment in the Town of Wawayanda, create new job opportunities in the community and provide other fiscal benefits. The Project will contribute to the growth of the local property tax base to support schools and community infrastructure, with little or no impact to local water/sewer infrastructure, roads and other municipal services.

Based on the foregoing, the Project will have a positive fiscal impact on the Town of Wawayanda and broader local community.

For further information:

Contact Person: John Razzano, Chairperson
Town of Wawayanda Planning Board

Address: Town of Wawayanda Town Hall

Dewpoint North Warehouse

80 Ridgebury Hill Road
Slate Hill, New York 10973

Telephone: 845-355-5700, Ext. 8

A copy of this Notice of Negative Declaration will be filed with:

New York State Department of Transportation
New York State Department of Environmental Conservation
Orange County Health Department
New York State Office of Parks, Recreation and Historic Preservation
Town of Wawayanda Highway Department
Town of Wawayanda Town Board
City of Middletown
Town of Wallkill
New Hampton Fire Company
Orange County Department of Planning
Orange County Department of Public Works
Town of Wawayanda Building Department
U.S. Army Corps of Engineers