

**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 #3 - Dewpoint South

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

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**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 a draft environmental impact statement will not be prepared. Further, no supplements or amendments are required to the previously adopted "SEQRA Findings Statement" as described below.

**Name of Proposed Action:** RDM # 3 Dewpoint South (the "Project")

**SEQRA Status:** Type I

**I. DESCRIPTION OF PROPOSED ACTION**

Dewpoint Development LLC (the "Applicant" or "RDM"), has submitted an application to the Planning Board for approval to develop approximately 20.17 acres along the southerly side of Dolsontown Road. The lot in question, (tax ID 4-1-50.32) (the "Project Site") was the subject of an Approval of Lot Line Change/Lot Consolidation issued by the Planning Board on June 12, 2024. With respect to the Project Site, this had the effect of dissolving lots 6-1-90.22 and 6-1-90.24 and adding 6-1-90.24, a portion of 6-1-90.22 and a portion of 6-1-107 to existing lot 4-1-50.32 with the resulting lot to consist of approximately 20.17 acres. This consolidation followed the adoption of a SEQRA negative declaration on the same date.

The Project consists of a single 234,900 square foot distribution warehouse, inclusive of 14,700 sf of office space, off-street parking for 173 vehicles, 57 loading docks, 44 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 shared car/truck/emergency driveway to Dolsontown Road along the western portion of the Project Site and one shared car/emergency access point to a driveway on the eastern portion of the Project Site, shared with the Simon Project (RDM #6) to the east.

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-

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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:

- April 28, 2021;
- July 26, 2023 Supplemental Submission;
- August 3, 2023 Supplemental Submission;
- April 10, 2024 Supplemental Submission;
- June 12, 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 mostly undeveloped with a mixture of woodlands and wetlands, and two small buildings along Caskey Lane on the east side of the Project Site.<sup>1</sup>

## **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. The Planning Board has classified the Project as a Type 1 action pursuant to 6 NYCRR § 617.4(b)(i).

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<sup>1</sup> See June 12, 2023 Supplemental Submission, Environmental Assessment Form.

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On July 28<sup>th</sup>, 2021, the Planning Board adopted a SEQRA Positive Declaration related to the Project and certain other projects known as RDM #4 (a/k/a “Dewpoint North”); 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 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.

## Dewpoint South Warehouse

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 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 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.*

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

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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.

Since the adoption of the Findings Statement, the Project has been modified. A summary chart reflecting those 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 Component Comparison Chart**

<b>Component</b>	<b>Dolsontown GEIS Project</b>	<b>Revised Project</b>	<b>Change</b>
Lot Size	11.66 acres	20.17 acres	Increase of 8.51 acres
Bldg. Setback	50.9 Feet	61.0 Feet	Increase of 10.1 feet
Land Disturbance	8.4 acres	16.5 acres	Increase of 8.1 acres
Lot Adjustment	For ROW Only (Single Tax Lot)	Combine 2 lots (4-1-50.32 & 6-1-90.24), absorb Caskey Ln ROW, and adjust line between 6-1-107 & 6-1-90.22 to form 1 new lot	Lot Line Adjustment & Caskey Ln abandonment / absorption of land area
ROW Dedication	3,185 sq. ft	3,185 sq. ft.	No change
Building Size	125,000 sq. ft.	234,900 sq. ft.	Increase of 109,900 sq. ft.
Impervious Surface	5.9 acres	9.8 acres (new) 0.7 acres (existing to be redeveloped)	Increase of 3.9 acres of new impervious area
Revegetated Surface	2.5 acres	6.0 acres	Increase of 3.5 acres
Wetlands Disturbance	0.03 acres	0.09 acres	Increase of 0.06 acres
Driveway Access	1 shared car/truck/emergency access to Dolsontown Rd	1 Shared car/truck/emergency driveway to Dolsontown Road &	2 access driveways & Improvement to intersection safety via Caskey Ln Removal

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		1 shared car/emergency driveway (shared with Simon)		
Parking Spaces	65	173	Increase of 108 spaces	
Truck Loading Docks	37	57	Increase of 20 docks	
Trailer Storage	None	44 spaces	Increase of 44 spaces	
Trip Generation	AM Peak Hour: 51 PM Peak Hour: 50	AM Peak Hour: 97 PM Peak Hour: 94	Increase of 46 vehicles in the AM Peak & 44 vehicles in the PM Peak	
			(No impact to Rt 17M/Dolsontown Rd. intersection LOS. Only minimal delays created)	
Water/Sewer Demand	1,875 GPD	3,893 GPD	Increase of 2,018 GPD	

**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**



## Dewpoint South Warehouse

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 determination<sup>2</sup>. 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.**

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 proposed action may involve the excavation and removal of more than 1,000 tons of natural material;*
4. *The Project may result in increased erosion, whether from physical disturbance or vegetation removal; and*
5. *The Project will result in 10 acres or more of disturbance.*

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)<sup>3</sup> 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

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<sup>2</sup> See June 12, 2024 Supplemental Submission, Full Environmental Assessment Form.

<sup>3</sup> See April 10, 2024 Supplemental Submission, as may be required to be revised based on technical comments from the Planning Board’s engineer.

## Dewpoint South Warehouse

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 2022<sup>4</sup> 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.
- While the Project may involve the excavation and removal of more than 1,000 tons of natural material, all of that material will be utilized in connection with the adjacent Simon Business Park site.
- 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 will be affected by construction of the Project. No geological feature publicly identified by the National

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<sup>4</sup> See April 10, 2024 Supplemental Submission, as may be required to be revised based on technical comments from the Planning Board's engineer.

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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.
- At the time the GEIS was developed, approximately 1,350 square feet of federally regulated wetlands were proposed to be disturbed. The Findings Statement reflects that a preconstruction notification (“PCN”) was submitted to the United States Army Corps of Engineers for authorization under NWP 39 for Commercial and Institutional Developments. Because no written notice was received from the district or division engineer, no further authorization from USACE would have been required for the disturbance as initially proposed. However, because the proposed disturbance to the federally regulated wetland has increased by 2,397 square feet, to a total of 3,747 square feet, an updated PCN will be submitted to USACE for confirmation of jurisdiction and permission of filling.
- 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

## Dewpoint South Warehouse

Statement. In so finding, the Planning Board notes that a revised SWPPP, incorporating the Project modifications, has been provided by RDM<sup>5</sup>.

- The proposed impervious surface associated with the Project will increase by 3.9 acres. However, the revised Project also includes an increase of 3.5 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 3,893 gallons per day of water and to involve the discharge of 3,893 gallons per day of wastewater. This represents a 2,018 gallon per day increase over what was anticipated at the time of the GEIS review of the Project. Notwithstanding this increase, the Project still will not create a significant demand for water.

With respect to Water/Sewer Infrastructure related to the Project, the conclusions contained within the Findings Statement remain valid.

The Findings Statement references a Stipulation of Settlement as between the City of Middletown and the Town of Wawayanda, dated November 30, 2021, which provides for the permanent allocation to the Town of 200,000 gallons per day of water and 200,000 gallons of sewer service. The Findings Statement further indicates that the Town currently purchases / consumes approximately 75,000 gallons per day resulting in sufficient excess capacity of approximately 125,000 gallons per day. With the revisions associated with this Project and other Dolsontown corridor projects, the approximate total combined water and sewer demand for all of the proposed projects is anticipated to increase by an additional 4,403 gallons per day, which still results in there being sufficient excess capacity in both the potable water and the sanitary sewer system.

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.**

The Project will not have any significant adverse impacts on flooding. As discussed in detail in the Findings Statement and above 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

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<sup>5</sup> See April 10, 2024 Supplemental Submission, as may be required to be revised based on technical comments from the Planning Board's engineer.

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the NYSDEC General SPDES permit for stormwater discharges and SWPPP.<sup>6</sup> The conclusions contained within the Findings Statement remain valid.

Furthermore, the Project Site is not located within any floodplains and therefore the proposed development will not result in any adverse impacts to floodplains or flooding<sup>7</sup>.

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. While the revised Project includes an additional 108 parking spaces, 20 loading docks and 44 trailer storage spaces, it remains the case that 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 Officers and other state and county police.

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

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<sup>6</sup> See April 10, 2024 Supplemental Submission, SWPPP, as may be required to be revised based on technical comments from the Planning Board’s engineer.

<sup>7</sup> See April 10, 2024 Supplement Submission, Environmental Assessment Form.

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 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 ....”*

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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.

Further, the impacts of the Project are mitigated by the location of the Project Site next to 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.**

As indicated above, following the project revisions, the proposed building size is considerably larger (by 109,900 square feet) than as initially proposed and studied in the GEIS.

Subsequent to the introduction of the revised Project, at the request of the Planning Board and its professionals, plans were further revised to enhance the aesthetic appearance of the building and to reduce and/or minimize certain visual concerns expressed by the Planning Board. To that end, the Applicant: (i) relocated the building an additional 10 feet further back from Dolsontown Road, with the resulting closest setback now being  $\pm 61$  feet (where 50 is required), thereby also slightly reducing building footprint from 243,600 square feet to 234,900 square feet; (ii) included a planting wall with landscape screening at the northwest corner of the building; (iii) relocated a proposed office area to the northwest corner of the building allowing for a more visually pleasing facade treatment on this corner, more similar to the appearance of an office building or R&D facility rather than a warehouse; (iv) lowered the proposed building height by 2 feet to minimize visual impact along the road and (v) enhanced the proposed architecture of the building to include a variety of features to break-up the facade of the building including paint color variations, differing parapet wall heights, downspouts, second story windows; and office windows concentrated in the building corners.

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.

## Dewpoint South Warehouse

Moreover, the Project studied in GEIS review contemplated certain pre-existing nonconforming residential uses adjacent to the Project Site which would remain but be screened from the Project. Those parcels have since been incorporated into the Project, eliminating the nearby residential receptors.

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.**

The Project will not impair the character or quality of any important historical and/or archaeological resources.

There have been multiple archaeological surveys completed for the various projects along Dolsontown Road, none of which have identified any significant cultural resources. These investigations have included:

- November 2021, Hudson Cultural Services (“HCS”) Phase 1A Literature Search and Sensitivity Assessment & Phase 1B Archaeological Field Reconnaissance Surveys for the Dewpoint South: Warehouse Construction Project and the Dewpoint North: Warehouse Construction Projects, which included 17.7 acres on both sides of Dolsontown Road.
- March 2007, Tracker Archeology Phase I Archaeological Investigation for the Simon Business Park Project, consisting of 24 acres, on the southern side of Dolsontown Road.
- September 2021, HCS Supplemental Phase 1 Archaeological Survey of areas that were not previously investigated in connection with the Simon Business Park.

The Project as revised includes an additional parcel located at 24 Caskey Lane (the “Additional Parcel”). The Additional Parcel includes a total of .61 acres of land containing a residential structure and associated subsurface infrastructure. HCS has reviewed the Additional Parcel and advised that due to its small size, the current disturbance and extensive investigations conducted to date for other area parcels, the potential for cultural resources to be present is low.

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.*

Given the revisions to the Project, an update was prepared to the prior traffic analysis conducted in connection with the GEIS<sup>8</sup>. The update evaluated the increase in building size, as well as the elimination of Caskey Lane and replacement of the same with a second shared access connection for the Project and the adjacent Simon Business Park.

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<sup>8</sup> See June 12, 2024 Supplemental Submission.

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As with the previous analysis, the update utilized Land Use Code 130 – Industrial Park, which represents traffic generation at nearly double the generation associated with a standard warehouse use and is therefore a conservative approach. The analysis showed a 46 net trip increase for the Peak AM Hour and 44 trips during the Peak PM Hour.

The Findings Statement contains a detailed summary of traffic issues, inclusive of Mitigation Findings A.1 through A.5. The additional analysis reflected that, with the implementation of the Mitigation Findings, the revised Project is projected to add 5.4 seconds of delay to the overall westbound approach and 2.0 seconds of overall intersection delay, during the Peak PM Hour. The analysis further concluded that this level of increase is not anticipated to significantly impact the overall operation of the roadway network and that no additional mitigation is warranted to address the minor increases in traffic associated with the proposed expansion.

**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 Planning Board identified the following potential “moderate to large” impacts to Energy from the Project:

1. *The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when occupied.*

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 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 in 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.”*

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 indicates that the Planning Board requested a noise evaluation for the Project because of the presence of certain receptors in the vicinity. The evaluation found that in all instances, noise increases associated with the Project are anticipated to be less than 5dbA at all receptors. One of the three receptors that was studied will be eliminated, as the pre-existing nonconforming residential parcels along Caskey Lane have since been incorporated into the Project and the adjacent Simon project. The noise evaluation also considered two other residential receptors, receptor R2, located on the north side of Dolsontown Road near 1081 Dolsontown Road and receptor R3, along Sunrise Park Road adjacent to the property line of 55 Sunrise Park Road. These receptors were found to experience no significant impact in noise levels resulting from the Project. The changes in the site plan since the GEIS Review are not anticipated to alter the findings of that evaluation or affect the conclusions contained in the Findings Statement relative to noise.

*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*

## Dewpoint South Warehouse

*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. Further, the current design has reduced the height of the building mounted fixtures adjacent to the vehicle parking area from 30-feet to 20-feet, providing additional protection from 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.

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 forgoing, 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:

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*“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.

The Town’s Comprehensive Plan identifies the following as goals for commercial and mixed use areas within the Town, including the MC-1 Zoning District<sup>9</sup>. 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 Town<sup>10</sup>.

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.**

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<sup>9</sup> See Comprehensive Plan, Chapter 5, adopted June 20, 2023.

<sup>10</sup> See Comprehensive Plan, Chapter 6, adopted June 20, 2023.

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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, the pre-existing nonconforming residential parcels along Caskey Lane have since been incorporated into the Project.

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

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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:**

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Town of Wawayanda Planning Board

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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